

**Application Number:** 22/11268 Full Planning Permission

**Site:** SS18 MIDDLE BURGATE HOUSE, SALISBURY ROAD,  
BURGATE, FORDINGBRIDGE SP6 1LX

**Development:** Hybrid Application – (Outline) 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 and Extension of an  
Existing Building to form 4 flats and Erection of a further Block  
of 8 Flatted Units (53 Dwellings Total)

**Applicant:** Mr Currie

**Agent:** Ken Parke Planning Consultants

**Target Date:** 17/02/2023

**Case Officer:** Stephen Belli

**Officer Recommendation:** Service Manager Grant subject to S106 Agreement

**Reason for Referral  
to Committee:** Strategic site development

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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
- 2) Affordable Housing and Housing Mix
- 3) Landscape impact including nationally protected landscapes
- 4) Site layout, number of dwellings overall, design of dwellings, 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.
- 5) Impact on setting of heritage assets
- 6) 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)
- 7) Flood risk, surface, and foul water drainage
- 8) Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, car parking provision
- 9) Environmental health and protection considerations

- 10) Impact on residential amenities of neighbours and wider public
- 11) Minerals safeguarding and sustainable use of minerals on site
- 12) Education and school place planning
- 13) S106 contributions and Heads of Terms
- 14) Planning Balance and Conclusions

## **2 SITE DESCRIPTION**

The site is located within the settlement boundary of Fordingbridge as shown in the adopted Local Plan 2016-2036 and comprises part of Strategic Site 18 which is the most northerly of the three Fordingbridge Strategic Sites. The site is situated alongside the A338 Ringwood to Salisbury Road. A composite plan of all three strategic sites can be seen along with the specific policies for Site 18 (see pages 161-175).

The site comprises a small parcel of generally flat land some 4.3 hectares (10.6 acres) in area currently in a mixed use of agriculture, storage and residential. The majority of the land is now unused former agricultural and horticultural land with many of the remaining buildings on the site now in a state of disrepair and being used for ad hoc storage. The single dwelling on the site Middle Burgate Farm was originally the farmhouse that served this land but is now used as a house in multiple occupation occupied by no more than 6 persons living together as a shared house. The house sits in its own private garden which immediately adjoins the former agricultural and horticultural use and old buildings.

Part of the western section of the site is in a separate ownership bordering with the main Site 18 parcel to be developed and owned by Pennyfarthing Homes. (see planning history below).

The house comprises a traditional red brick early 20<sup>th</sup> Century house which has been modified over time with various extensions. Whilst the house is not a Listed Building it can be considered to be a non-designated Heritage Asset of some local value and historical significance.

The site is bounded to the east by the A338 Ringwood to Salisbury Road; to the north by a small parcel of agricultural land which is also part of the Strategic Site 18; to the west by the main Pennyfarthing holding the subject of planning permission 21/11237; and to the south by further agricultural grazing land, a range of derelict farm buildings, an employment site known as the Fairgate Centre, and a single dwelling Lower Burgate Farmhouse which is a grade II Listed Building and Designated Heritage Asset, currently used as a pair of holiday lets.

The site sits west of the A338 road which in this area forms the boundary of the New Forest National Park. The Fairgate Centre which comprises a single large portal frame industrial building and which is split into a number of different businesses sits in the middle of the site and separates the northern and southern development parcels. Middle Burgate Farm house has its own vehicular access direct from the A338 and lies just to the north of the Fairgate Centre. The only other vehicular access to the site is from the south via a private track with its own access onto the A338 near Lower Burgate Farmhouse. This track is a Public Right of Way footpath (PROW FP83). This PROW separates the site from a further parcel of Site 18 being

currently developed by Metis Homes to the south. There are no other PROWs within the application site.

The other points to note are that the Cranborne Chase and West Wiltshire Downs National Landscape (formerly known as AONB) lies approximately 2.5kms to the west. In addition, a further selection of Listed Buildings centred around Lower Burgate fronting the A338 lies to the south. The Listed Buildings centred around Upper Burgate situated around the junction with Fryern Court Road and the A338 lies some 350 metres to the north. The site lies approximately 1.4kms from Fordingbridge town centre. Finally, the site is approximately 150 metres to the north of the Burgate Sixth Form and Secondary School and around 500 metres from the Fordingbridge Junior and Infants School both to the south. The former can be reached on foot with a soon to be constructed new footpath and cycleway link leading through the new Metis Homes development, and the latter via PROW FP83 and then southwards on PROW FP 84.

Prior to its now defunct agricultural/horticultural use the site was used during the second world war as a wartime food and supplies depot containing a range of large curved Nissen hut type structures. The site also contained the line of the former Fordingbridge to Salisbury Railway with its own sidings serving the food depot. The site therefore has some local historical significance but is not formally designated as a Heritage Asset.

### **3 PROPOSED DEVELOPMENT**

The application is made in hybrid form (part outline and part full) for a total of 53 new dwellings and the use of land for public open space (POS) and alternative natural recreational greenspace (ANRG).

The full part of the application centres on Middle Burgate Farmhouse. This element has full details of site layout, and existing and proposed floorplans and elevations of the existing and new buildings. The old house is to be modified and extended to form 4no. flatted units on two floors, whilst the land just to the north of the house is to accommodate a new two storey flatted block which will be used for a total of 8no. new flats. This part of the site will be served by a primary access for vehicles utilising the existing access in an improved form. The access will enter the site and then turn immediately southwards into a new car parking courtyard to serve the new flats. Added to this there is a parcel of land between the buildings which will be devoted to a mix of private communal garden and POS.

The element of the application seeking outline planning permission comprises a development of 41no. residential units with matters of site layout and access included for consideration now, and matters of scale, appearance and landscaping reserved for future approval. This part of the development is supported by a Design and Access Statement which includes a Design Code setting out the intended character and appearance of the development albeit this is for illustrative purposes only at this stage with a further application to be made to agree those details. The site layout however is in detailed form and shows a single point of access from the A338 which then turns northwards to serve the northern parcel of the site and turns southwards squeezing through a pinch point formed by the land boundary of the Fairgate Centre to serve the southern part of the site. The Fairgate Centre retains its own direct access from the A338.

The outline part of the site contains the main POS and ANRG areas. With regard to the latter this is formed partly within the applicant's own land and partly on land owned by Pennyfarthing Homes (PFHL) to the west. A separate private agreement

has been made between the applicant and PFHL for this land to be used in this way. This parcel of land is included in the application site and if the application is approved the land will be controlled by Section 106 Agreement (with PFHL a party to the agreement).

### **Amended plans**

Following discussion with officers the original scheme has been amended with an increase in the overall number of units from 46 to 53 and a new build flatted block now being introduced into the full permission part of the scheme – with a subsequent reduction in the works to the old house removing an originally planned community use and reducing the number of residential flats from five units to four. The overall extent of the application site remains the same however and the outline element of the scheme apart from some minor changes to road layout has not changed either. The amended plans have been the subject of a full re-consultation exercise.

The proposed housing mix is as follows –

#### Outline element (all open market – 41 units – 77% of total no. of units)

- 3 x 1 bed dwellings
- 19 x 2 bed dwellings
- 11 x 3 bed dwellings
- 8 x 4 bed dwellings

#### Full element (all affordable – 12 units – 23% of total no. of units)

- 2 x 1 bed social rent in new flatted block
- 2 x 2 bed social rent in new flatted block
- 2 x 1 bed affordable rent in new flatted block
- 2 x 2 bed affordable rent in new flatted block
- 4 x 2 bed flats shared ownership in old house

## **4 PLANNING HISTORY**

### Site History

Various historic applications for alterations to Middle Burgate House, and in connection with the use of the land for horticulture and commercial uses but no recent planning permissions since the adoption of the New Forest Local Plan in July 2020.

### Other Fordingbridge Strategic Site applications

#### Site 16

**23/10316** Application for full planning permission to provide 198 dwellings (including affordable housing provision), new pedestrian and cycle routes, landscaping, parking, public open space, Alternative Natural Recreational Greenspace, improvement of existing access, drainage and all other necessary on site infrastructure; and demolition of former outbuildings and agricultural buildings.

SS16 LAND NORTH OF, STATION ROAD, FORDINGBRIDGE SP6  
1JW

08/11/2023 - Committee resolution to grant subject to S106  
09/04/2024 – Planning permission issued

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 – Pennyfarthing Homes.

29/09/2022 – Committee resolution to approve (342 dwellings) - awaiting signature of S106 Agreement.

**20/11469** Erection of 64 dwellings, change of use of land for Alternative Natural Recreational Greenspace, new accesses onto Whitsbury Road, and all necessary on-site infrastructure

LAND AT TINKERS CROSS, WHITSBURY ROAD, TINKERS CROSS, FORDINGBRIDGE SP6 1NQ– Pennyfarthing Homes

Planning permission granted 2 November 2022 – site under construction with completion due in Spring 2025.

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 - Metis Homes

Planning permission granted 14 April 2022 – site under construction with completion due end of 2024.

**21/11237** Hybrid planning application comprising: Outline planning application (all matters reserved except means of access only in relation to new points of vehicular access into the site) for residential development and change of use of land to Alternative Natural Recreational Greenspace, together with a community hub (to comprise a mix of some or all of; local food retail, local non-food retail, community use and business use) and all other necessary on-site infrastructure. Full planning application for the first phase of development comprising 112 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on site infrastructure

LAND AT BURGATE, FORDINGBRIDGE – Pennyfarthing Homes

11 January 2023 - Planning Committee (404 dwellings) resolved to grant subject to S106 Agreement. Permission issued on 21/02/2023 – works to commence April 2024

**23/10518** Construction of link road from Augustus Avenue to the A338, forming part of the SS18 allocated site, including landscaping, permanent and temporary drainage infrastructure and other associated infrastructure (enabling early delivery of the highways infrastructure of hybrid application reference 21/11237)

SS18 LAND NORTH OF AUGUSTUS AVENUE AND WEST OF THE A338 SALISBURY ROAD, NORTH OF BURGATE

Application approved 09/08/2023 – works commenced Autumn 2023 with completion by Spring of 2025.

## **5 PLANNING POLICY AND GUIDANCE**

### **The Local Plan Part 1: Core Strategy 2009**

Policy CS7: Open Spaces, sport and recreation

### **Local Plan Part 2: Sites and Development Management**

Policy DM1 Heritage and Conservation

Policy DM2 Nature conservation, biodiversity and geodiversity

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

Policy STR1 Achieving sustainable development

Policy STR2 Protection of the countryside, Cranborne Chase AONB, and New Forest National Park

Policy STR3 Strategy for locating new development

Policy STR5 Meeting our housing needs

Policy STR9 Development on land within a Minerals Safeguarding Area or Minerals Consultation Area

Policy ENV1 Mitigating the impact of development on International Nature Conservation sites

Policy ENV3 Design quality and local distinctiveness

Policy ENV4 Landscape character and quality

Policy HOU1 Housing type: size tenure and choice

Policy HOU2 Affordable housing

Policy CCC1 Safe and healthy communities

Strategic Site 18: Land at Burgate, Fordingbridge

Policy IMPL1 Developer contributions

Policy IMPL2 Development standards

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

- SPD Mitigation Strategy for European Sites
- SPD Parking standards
- SPD Air Quality
- SPD Housing design, density and character
- SPD Fordingbridge Town Design Statement
- SPD Climate Change (for applications submitted after 3 April 2024)

## **Relevant Legislation**

### Planning and Compulsory Purchase Act 2004

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

### Habitat Regulations 2017

63 – assessment of implications for European sites etc.  
64 – considerations of overriding public interest

### 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

### Levelling Up and Regeneration Act 2023

## **Relevant advice**

### National Planning Policy Framework 2023

### National Design Guide 2021

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

### **16 December 2022**

Recommend PERMISSION under PAR3 as it is a nicely laid out site with interesting buildings

**11 January 2024**

While Fordingbridge Town Council support the provision of affordable housing with the scheme, they recommend REFUSAL under PAR4 for the following reasons:

- The proximity of the access to the main road and the possibility of traffic backing up onto the main road should there be any obstructions to access, such as may be caused by a stopped delivery vehicle, or a delay in opening the gates.
- The affordable housing is not integrated throughout the site but gated off from the rest of the community - a segregated ghetto.
- The form and appearance of the new flat block is not in keeping with the rest of the site. It is thought to look like an office block.
- The loss of the community building.
- The significant reduction in the S106 contributions

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

The following is a summary of comments received. Where a response to the amended plans has been received then this comment is provided. Where no comment has been made to the amended plans then the earlier comment only is provided.

### **Hampshire County Council (HCC) Highway Authority: No objection subject to conditions**

- No objections raised in principle to new improved access. Detailed design to be agreed and secured through S278 Agreement.
- No objections raised with regard to trip generation and highway capacity
- Further details needed on site layout for outline section which can be conditioned.
- Pedestrian and cycle access from this site through Burgate Acres to be secured.
- Construction and Traffic Management plan to be conditioned

also support the Countryside Service request for future maintenance contribution towards Footpath 83

### **HCC Local Lead Flood Authority: No objection subject to conditions**

The LLFA previously requested groundwater monitoring results and drainage calculations. Calculations have been provided showing the required soakaway sizes for different developable areas. This information is sufficient for us to recommend conditions:

### **HCC – Children Services: No objection subject to contribution.**

The development site is served by Fordingbridge Infant and Junior Schools and The Burgate and Sixth Form. The primary age phase schools are forecast to be full so, to accommodate the anticipated yield of pupils from this development, a contribution will be sought. The Burgate School is also full but is only at capacity owing to the recruitment of pupils from out of county. Consequently, no additional secondary



school places will be needed to cater for these pupils and no contribution will be sought from the developer.

The County Council has used previous extension projects to derive a cost for the proposed expansion to the primary places within Fordingbridge, and this is estimated at £248,748. This is based on the provision of two teaching spaces at a pro-rata cost at both Fordingbridge Infant and Junior School.

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

### **HCC Countryside Service: No objection subject to contributions**

The adjoining public right of way Footpath 83 will see increased use and we therefore require a maintenance contribution to be secured of £12,500. The service is also satisfied with future proofing other connections between this site and the site to the south, and to the use of bollards to prevent all but emergency vehicles accessing onto FP83. Also supports a new bridleway/cycleway along the line of the old railway within the site. As well as the contribution above also recommend and informative be applied to prevent hazards or hinderance of the FP83 during construction works.

### **Hampshire and Isle of Wight Fire Service: Comments**

The proposed layout may not be in full accordance with the Building Regulations in terms of the location of units and access from a fire tender. Recommends the layout is considered further to ensure it does comply. Offers further advice on fire safety and fire prevention methods to be included in building designs.

### **HCC Planning Policy: No objection subject to condition**

The Service notes the potential for safeguarding of any minerals that may lie within the site but notes that it would be uneconomic to extract such minerals in advance. The Service recommends a condition be imposed to allow for incidental use of any mineral resources during the construction stage.

### **HCC Public Health Team: Comments**

We welcome this brownfield development together with the various elements of design and layout. Welcomes the large areas of ANRG and POS to be offered as well as the Community Use *[no further comments on amended scheme]*. Also welcome sustainable transport options. Recommend measures to mitigate against noise and pollution during and post construction.

### **Natural England: Comments**

Habitat Regulations Assessment required for recreational and phosphate impacts. CEMP needed to mitigate against harmful impact on protected species during construction. BNG advice tendered as well as suggested lighting strategy and advice on designated landscapes. Further information required either now or by condition as appropriate

### **New Forest National Park Authority: Comments**

The application site forms part of the wider SS18 site allocation in the adopted development plan for New Forest District and therefore the principle of development is established. It is clear from the submitted information that the need to ensure a comprehensive development of the whole site allocation has been recognised and this includes appropriate infrastructure provision across the different landownerships/development parcels.

It is noted that no on-site affordable housing is proposed *[comment made on original plans but no further comment offered to amended plans]*. We would encourage the District Council to carefully scrutinise the submitted evidence on viability to confirm whether the requirements of the site allocation policy could be met at least in part.

The submitted information indicates due consideration has been given to the internationally designated habitats of the New Forest, in accordance with the District Council's established mitigation scheme.

### **Archaeology No objection subject to condition**

Notes the area of Site 18 has already yielded some archaeological results from trial trenching with some prehistoric finds dating from the late Bronze Age to early Iron Age. Whilst recommending that trial trenching is done prior to grant of permission if not this can be accommodated through a suitably worded planning condition allowing further investigation, and future recording. Also recommends further investigation and understanding of the Buffer wartime depot with appropriate recording and preservation by record before its loss.

### **New Forest District Council (NFDC) Building Control: Comments**

Echoes comments of Fire Service *[commenting on original plans but no further comments received]*

### **NFDC Conservation; Comments**

The application represents an overall improvement on the design of the buildings and layout. Furthermore, the scheme as proposed responds positively to the character of Burgate Farmhouse and responds to the heritage aspects of the former railway line.

There are some elements of harm with regard to the changes to and around Middle Burgate and the encroachment to the north of the scheme. That said this sits some way from the listed buildings at Lower Burgate and intervisibility is low due to the position of the Fairgate Centre buildings. These concerns sit at the much lower level of harm and as such can be balanced alongside the public benefits of the scheme.

The response to local distinctiveness across the proposal is encouraging. In particular the design response around the west of Burgate Farmhouse and to the heritage of the former railway line with simple and well-proportioned houses and terraces. This is a positive response to the impacts on setting and illustrates how well-designed schemes can constructively respond to sensitive locations such as this.

### **NFDC Ecologist: No objection subject to conditions**

- No objections to consideration of designated sites or Habitat Regulations Assessment

- Nutrient neutrality – contributions required using the agreed scheme at Bickton Fish Farm
- BNG – not possible to provide on site 10% net gain so off site contributions will be required. Site at Keyhaven now available for contributions.
- BNG Monitoring and management plan required for on site habitat creation
- Advice tendered on landscaping arrangements
- Ecological enhancements for each dwelling to be conditioned
- Reptiles – site will be provided with a new refugia which needs to be maintained
- Bats – loss of roost needs IROPI assessment
- Birds – need to check buildings for roosts prior to demolition and see above for on dwelling enhancements for bird boxes and swift bricks
- Hedgehogs - gaps in fencing to be conditioned

**NFDC Environmental Protection: No objection subject to conditions and contribution.**

Contaminated land

The site may contain contaminated land and as such it is recommended that standard conditions 14a -e are applied to deal with this along with any potential remediation that may be required.

Air quality

Air quality contribution to be sought in line with SPD guidance to allow for future monitoring.

Noise and dust

No objections subject to conditions to deal with environmental management during and post construction as well as a lighting strategy to be agreed as well as a standard condition to require a CEMP to deal with noise and dust pollution. Any proposed energy plant needs to be the subject of further detailed consultation and a condition to require the submission of details.

**NFDC Housing: Comments.**

It is noted that the application is subject to an economic viability assessment, and that due to the costs of development, including remediation of the site it is not viable to deliver the policy requirement of 50% of the site as affordable housing. The provision of 12 units of affordable housing is current proposed, composed of –

- 8x 1 and 2 bedroom apartments split equally between social and affordable rent, within a new purpose built block.
- 4x 2 bedroom apartments for shared ownership, within the converted and extended existing Edwardian farmhouse.

The Local Plan confirms that affordable housing that forms part of strategic sites should be indistinguishable in appearance from the market housing and distributed evenly across the scheme.

However, it's recognised that for reasons of layout, design, number of affordable units proposed and whole scheme viability that on this site the affordable housing will be provided in a cluster within the centre of the development.

As a hybrid (outline) application we would expect details of the affordable housing to be agreed at an early stage in the application process, and for details of the affordable units to be scheduled within the s106 or other legal agreement for the site. This includes unit size, tenure and where appropriate plot details. To ensure the

affordable homes address the requirements of the Local Plan, local connection mechanisms will be sought for all tenures of affordable housing. In addition, to help ensure the affordability of any Affordable Rent units, initial rent for this accommodation will need to be aligned with the Local Housing Allowance for the area. We would expect any shared ownership units to be leased using Homes England's standard shared ownership lease, applicable at the time of sale. All affordable housing should be provided by the Registered Provider, regulated by the Regulator of Social Housing and agreed by the Council.

#### **NFDC Open Spaces: No objection subject to conditions**

Public open space and play areas to be provided on site are policy compliant in terms of their size. Monetary contribution to be sought for formal recreation to be provided off site. In terms of design, it is recommended that the main LEAP is more centrally placed. Design advice is offered on design of play equipment and on access routes through the site and how these can connect off site. Requires further information on drainage basins and noting concerns raised about groundwater information still needed. Offers advice on landscaping.

#### **NFDC Trees: No objection subject to conditions**

The recently submitted amendments to this proposal do not materially alter the impacts on trees and hedges on site that haven't already been agreed. No objection on tree grounds to these amendments. Recommendation for approval with a condition to safeguard trees and features of importance on the site.

#### **NFDC Urban Design: Comments.**

The application represents an exciting new design. Previous comments on the application have been considered and changes have subsequently been made and additional information supplied. At that stage, more information on landscape (including play) and street design was requested but also identified fundamental concerns about the green infrastructure especially the ANRG and SuDS. The ANRG area has advanced but remains somewhat ambiguous still with no circular footpath and no variation in meadow management to suggest amenity or active use at all, on the land beyond the ownership (the concern is that this may not invite use - remaining as a simple paddock with no landscape structure at all until delivered by the landowner as the adjacent developer, in completing their site. The SuDS delivery still suggest some soakaway features underground within the public realm which we would not support – there may be no need for these.

Various other comments made in respect of ANRG, drainage and play design. In conclusion the design addresses policy ENV3 in terms of functionality, appropriateness and attractiveness. It accords with strategic site policy and offers an example of a design code that will enable us to ensure compliance - provided that if a permission is granted it also contains conditions to link to this code, to the D&AS and to cover all aspects of hard and soft landscape design as well as a requirement for timely implementation, and future land management. This represents really strong design

#### **NFDC – Waste Team : No objection**

After looking at the new plan of this site and reading all comments and discussing with the area supervisor for Ringwood there is no reason why we cannot collect waste from this site. Need to ensure there is a drop kerb in front of the bin shed to make access for bins easier and safer because our employees should not be pulling/pushing bins up and down a standard kerb.

## **Wessex Water Authority: Comments**

The LLFA will need to be satisfied with use of soakaways and the drainage strategy is acceptable. The need for a foul pumping station is questioned – the details of any such station should be agreed by condition and further consultation with Wessex Water. Adoption guidelines offered for advice.

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

5 no. letters of objection raising the following issues

- Adverse effect on A338 and surrounding area by increasing traffic, noise and light pollution, increased traffic and tailbacks on Fryern Court Road
- Existing pedestrian walkway will be bisected by new access road making access to town more difficult
- Localised flood risk from land to the north – off site flood risk increased. Potential workability for soakaways not proven leading to flood exacerbation in the area
- Distinctive character of Fryern Court Road and its Listed Buildings will be harmed
- Impact on local wildlife both on site and in local watercourses
- Overshadowing and loss of privacy to local dwellings
- Disturbance through noise, dust and fumes
- Loss of property values
- Increased levels of crime through over population of area
- Impact on local infrastructure and services
- No need to build on greenfield as ample brownfield opportunities elsewhere

1 no. letter of support as follows

- Small scale not a huge development
- Imaginative and designed to incorporate ecology
- Good ratio of 1, 2 and 3 bed dwellings which are needed
- Recreation space is well considered
- Only concern could be a possible increase in traffic could justify a reduction in local speed limits reducing the chance of accidents turning in or out of the new development.

## **10 PLANNING ASSESSMENT**

### **Principle of development**

#### a) Local policy context

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. The policy needs to be read in conjunction with all policies in the plan rather than in isolation.

**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. Focussing 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

The principle of development here is established by the allocation in the Local Plan.

b) Housing land supply and national policy context

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

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

For decision-taking this means: ‘...

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.

In light of the recently published NPPF (December 2023), planning applications registered before 19 December 2023, such as this application, remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a five-year housing land supply. In such circumstances, the Council is not currently able to demonstrate a 5 year housing land supply with only 3.07 years of supply.

This position was exemplified in the recent appeal decision at Orchard Gate, Noads Way, Dibden Purlieu (Appeal Ref: APP/B1740/W/23/3324227), received 16 January 2024. The Inspector concluded that permission should be granted, as paragraph 11(d) of the NPPF was engaged due to the lack of a 5-year housing land supply and an appropriate balancing exercise was undertaken.

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

Taking NPPF paragraph 11(c), if the proposed development accords with the Council’s local plan it should be approved.

If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites and heritage assets.

Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

### **Affordable Housing and Housing Mix**

Local Plan Policies HOU1 and HOU2 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 supporting table within the Local Plan (Figure 6.1 - below) 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 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. It is considered in this case that the market housing mix is acceptable as submitted.

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.

Policy HOU2 therefore requires that this development should aim to provide 50% affordable housing (which would be 27 units in this scheme) with

- 70% of the total affordable dwellings being split equally between social and affordable rent; and
- 30% of the total affordable dwellings provided as shared equity or intermediate tenure.

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.



	1-2 bed	3 bed	4+ bed
Affordable rental homes	60-70%	25-30%	5-10%
Affordable home ownership	55-65%	30-35%	5-10%
Market homes	30-40%	40-45%	20-25%

**Figure 6.1: Indicative need for different sizes and tenures of home**

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 current offer**

As part of the applicants' viability assessment on their latest amended plans, they have provided the following mix of housing sizes across the development totalling 53 dwellings across all tenures:

Outline element (all open market – 41 units – 77% of total no. of units)

- 3 x 1 bed dwellings
- 19 x 2 bed dwellings
- 11 x 3 bed dwellings
- 8 x 4 bed dwellings

Full element (all affordable – 12 units – 23% of total no. of units)

- 2 x 1 bed social rent in new flatted block
- 2 x 2 bed social rent in new flatted block
- 2 x 1 bed affordable rent in new flatted block
- 2 x 2 bed affordable rent in new flatted block
- 4 x 2 bed flats shared ownership in old house

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

The applicants, in their submitted viability assessment, confirm that the proposed development is not policy compliant principally due to the development costs of bringing the site forward. That said the originally submitted scheme referred to above in the 'proposed development' section of this report proposed zero affordable housing allocation citing the cost of converting and extending the existing house, coupled with high development costs and the lack of value relating to the community use element of the scheme.

The new offer in the amended plans and as set out above is considerably improved on that starting position and now provides 12 no. units of affordable housing based on a policy compliant tenure split but still falling short of the 50% total required by Local Plan policy.

The percentage of affordable housing now offered equates to just under 23% which compares favourably with other recent approvals on other Fordingbridge strategic site parcels; the most recent being CALA Homes delivering 21%. All the Fordingbridge strategic sites to date have not been able to deliver a policy compliant scheme because of a range of issues surrounding land values, development costs and other factors. As per the CALA scheme this site also now delivers social rented units which are the most critically required tenure mix.

### **Independent assessor comments**

The applicant's assessment has been reviewed by the Council's viability consultant Dixon Searle (DSP) for a full independent appraisal. On this occasion this has included a Quantity Surveyor (Martin Warren Associates) assessment of infrastructure and build costs put forward by the developer. Dixon Searle has considered these costs together with suggested benchmark land values, sale of finished house receipts and profit levels sought and has produced a report advising the Council.

The initial Dixon Searle report to the Council (dated 18 July 2023) was based on the originally submitted scheme and found that in essence there may be some further scope for discussion but that overall the values of the site including the existing large house depresses the opportunity significantly to offer affordable housing when taken together with the required S106 contributions and CIL costs and the economic strain caused by the proposed community element which has little economic value but significant delivery costs. The report referred to Government advice for the decision maker to assess the impact of the development and its sustainability overall taking into account all factors such as viability.

This initial report led to a period of reflection and discussion between the applicants and officers to consider how best to improve the ratio of site value to affordable housing delivery. The key mechanism here in doing so was to re-design the house layout part of the site such that a new flatted block could be introduced, which when coupled with the removal of the low value community element made some room for affordable housing delivery with the amended plans coming forward with a slightly higher number of units overall but crucially now with 12 no. units of affordable housing including social rent. The amended plans have resulted in an increase of affordable units from zero to twelve.

Dixon Searle were again asked to review the applicant's amended plans and consider the updated viability position. Their report (dated 4 April 2024) confirms that the applicant's viability statement is well reasoned and that overall whilst there has been a significant new offer of affordable housing this still means the development account is overall in deficit. Dixon Searle do however refer to the opportunity for the Council to further negotiate on some of the key costs relating to S106 contributions.

### **Officer assessment of affordable housing offer**

Given the findings of the Council's independent viability assessor, on a balance of considerations, officers are minded that it is prudent to accept the applicants proposed Affordable Housing offer.

This takes into account the development viability of the site and the advice provided by Dixon Searle, the unknown state of the local and national economy and the time it may take to determine an Appeal in the event of a refusal, and the inclusion of a reasonable mix of social and affordable rented dwellings coupled with the shared ownership units in the old house are considered to be a reasonable mix and level of

units. When judged against other Fordingbridge schemes the current proposal compares favourably it is considered.

Officers are also minded that the overall proposed housing mix – for market and affordable housing alike - provides a suitable palette of dwellings in terms of size, tenure and typology.

Therefore, subject to a s106 planning obligation appropriately securing the Affordable Housing in perpetuity and a suitable condition for approved plans, the proposal would be acceptable given the provisions in policy IMPL1 and is considered to accord with Local Plan Policies HOU1 and HOU2.

However, this affordable housing offer is made on the basis of restricted contributions to those matters set out below under Section 106. Further consideration of this is set out towards the end of the officer assessment section of this report.

### **Landscape impact including nationally protected landscapes**

This site is allocated for development in the adopted Local Plan and the principle of development in this location has been accepted and established.

#### **Wider protected landscape impact**

##### a) New Forest National Park (NFNPA)

There are two key factors relating to impact on the New Forest National Park. First the relationship of the site to the National Park and its intervisibility and impact of the development on setting. Secondly the impact of increased recreational use by new residents and on protected habitats. This latter impact is more widely discussed in the ecology section below.

The NPPF (para 182) sets out the key statutory tests applicable to National Parks (and AONBs- now called National Landscapes) echoed by Local Plan Policies STR1 and STR2 viz-

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

Regarding the first issue the National Park boundary is located directly to the east, separated from the development by the A338. That said the proposed development itself is not visibly harmful when viewed from within land in the National Park and in terms of any impact on the setting of the National Park there is limited discernible impact on character for the reasons set out below.

The development includes the retention of a significant degree of open space within the site with the main elements of development centred around the old house or the land situated behind the Fairgate Centre which itself is a large building that

effectively will screen much of the southern portion of the site from views from within the National Park. To complement the development the draft landscaping proposals show a number of new trees to be planted together with the retention of the roadside hedgerow that borders the A338. The northern parcel of the site will be partially screened by the roadside hedgerow but again will also be provided with new tree planting to soften the impact of the development in views from the east.

It is considered that the development can be successfully assimilated into the local landscape with enhancement measures resulting in no significant harmful impact on the protected landscape or its setting. The applicants have submitted a Landscape and Visual Impact Assessment which assesses both landscape impact and impact on landscape character (LVIA). This document adequately demonstrates that whilst there will be some impact on the landscape character and appearance of the National Park including its overall setting this impact is not at such a level to warrant a refusal.

The National Park Authority in their consultation response are satisfied the development has been planned on a comprehensive basis with the rest of Site 18 and that the internationally designated habitats within the National Park have been properly considered in accordance with the Councils' established habitat mitigation scheme. The amended plans do not change this view.

In terms of overall impact on National Park purposes officers are satisfied that there are no substantive reasons to consider any adverse impact on those statutory purposes through landscape or other concerns. The impact in landscape and setting terms has also been considered at Local Plan allocation as well as at this planning application stage. There is no firm evidence that the development of this strategic site in combination with others will have such a detrimental impact on the setting of the New Forest National Park to warrant a refusal. The cumulative impact of this development in combination with the development to the west and south has also been taken into account and given the way that development is separated from the development the subject of this report means that the overall impact is not harmful either.

b) Cranborne Chase and West Wiltshire Downs National Landscape (formerly AONB)

The National Landscape is located some 2.5kms to the west of the site. The same requirements as for National Parks exist for LPAs who need to assess the impact and give great weight to the impact on and the need to protect the setting of the National Landscape. This is also underscored in locally policy set out above.

The small scale nature of this development and the distance from the boundary of the National Landscape help to mitigate any harm. The applicant's LVIA and viewpoints show the impact on the National Landscape is acceptable given the distance and intervening mature woodland that frames Site 18 to the north and west. The cumulative impact of this development in combination with the development to the west and south has also been taken into account. Given the way that the larger development to the west is separated from the development the subject of this report means that the overall impact is not harmful either. The impact of lighting on the International Dark Skies Reserve has also been taken into account and it is considered that the limited street lighting of this site can be adequately mitigated by a lighting strategy which takes into account the higher benchmark needed by location close to a National Park and National Landscape.\_

## Local landscape impact

The applicant's LVIA demonstrates that the impact on local landscape character will be limited. The site locally will be read in context with the existing roadside development and the large Fairgate Centre industrial building which sits immediately to the east, south and north of the allocation. The site layout shows a significant area of the site devoted to public open space and ANRG and this creates a green wedge between this site and the development of the land to the south and west.

When the site was allocated its landscape impact was also considered at Local Plan stage. The site was considered suitable and not overly harmful to landscape character at that point. The application details now submitted have not changed that initial viewpoint. The proposal retains the significant roadside hedgerow and with new tree planting the impact will be very localised and well contained. The removal of the current unsightly and mostly derelict former agricultural buildings and their replacement with attractive new housing units will if anything enhance the tired and run down appearance of the current site. Similarly, the screening of the large Fairgate Centre industrial building by using smaller scale housing blocks to the immediate west of the building and further tree planting will soften the impact of this unattractive utilitarian building when viewed from the new public open space and ANRG land to the west.

The proposal in both local landscape terms and in terms of the impact on protected landscape is therefore considered to comply with both local and national policy.

With regard to the impact on local trees the Council's Tree Officer is satisfied that the impact is acceptable. The loss of one non-native Monkey Puzzle (Chilean Pine) which is subject to protection under a TPO is acceptable given it is a poor specimen and subject to a significant lean. This tree will be replaced by a heavy standard native tree within the nearby POS area.

Overall, it is considered that Local Plan Policy ENV4 which seeks to protect landscape character and quality is complied with.

## **Site layout, design, impact on local character**

### a) Site layout and building design

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.

Added to this local policy the Government has now revised its NPPF in December 2023, and this together with the Governments National Design Guide provides further advice in achieving improved standards of design in layout and house types.

The submission of this application follows a lengthy and iterative process of pre application engagement with officers. It was agreed by all parties that providing a design typology that had some grounding in the local history of this site was an

opportunity that should be grasped given its local and historic importance occupied as it was by a former wartime food depot and including the line of the former Salisbury to Fordingbridge railway, including a sidings to serve the depot. In addition, the site was used for many years for both agricultural and horticultural use.

The outcome of those discussions has resulted in an application which amongst all the strategic site submissions in Fordingbridge thus far best demonstrates a link to the site's past. Whilst appearance is a matter reserved for future approval, the housing design typologies submitted are based on four distinct typologies i.e. railway terraces, agricultural buildings, former Nissen Huts, agricultural farm houses and small outbuildings representing a stable type vernacular.

The applicants have submitted a Design Code which provides a template for those details to be submitted at Reserved matter stage. Compliance with this Design Code can be achieved through condition.

The increase in the number of dwellings brought about by the introduction of a new two storey flatted block situated in close proximity to Middle Burgate House picks up further on the agricultural typology and represents an appropriate building type. The comments of the Town Council are noted but the concept of providing a new block which has an agricultural appearance with timber cladding type materials is an appropriate one. The colour and details of the cladding and other materials can be conditioned. The very dark cladding shown can be lightened to give more of an agricultural barn like character.

The other comment raised by the Town Council relating to the affordable housing being all contained in one area does not cause any issue here. The appearance of both the house conversion and the new flatted block are not inferior in quality terms to the rest of the development. In that regard the affordable housing will be externally indistinguishable from the rest of the development and will be 'tenure blind' in that respect. The affordable housing units formed by the house and the new block will have a pleasant open outlook across public open space and a small play area. The separation of the car parking and access to this part of the site is a function of its location near to the main junction. There is a ready-made access to form both a parking area, bin storage area and private amenity space for the flats which works well, and which will be out of sight from public view. The word 'ghetto' is defined as a slum area inhabited by a deprived minority. (Collins English Dictionary). This small group of well-designed units which can be managed effectively does not fall within such a definition it is considered. The Local Plan policy and National guidance on 'pepper potting' and spreading affordable housing development throughout the site is less practical on this occasion. The small group of affordable dwellings will also be easier to manage as an 'estate' by a registered social housing provider (RSL) – a view supported on this application by the NFDC Housing Manager. This will make the proposal more attractive for a RSL to take on it is considered.

Finally, the alterations to Middle Burgate itself have now been scaled back with the removal of the large flat roofed community element and concentrates on consolidating the existing footprint of the building. The extensions to the building and demolition works do not detract from the simple character of this red brick New Forest farmhouse it is considered. The point about external cladding as mentioned by the Town Council can be picked up in conditions.

The proposed low build density of the site represents a balance between providing for the best use of land but at the same time respecting the countryside edge to the west and south in particular. In overall terms and stripping out the POS, ANRG and play areas from the site area the density of the site on developable areas for residential use is below 20 dwellings per hectare. This is considered appropriate for this sensitive site which borders the National Park to the east and which will retain a rural edge to the west bordering as it will the open space and ANRG provided by the Pennyfarthing development on 21/11237.

It should also be noted that overall Strategic Site 18 already has planning permission for a further 467 units which combined with the current site will provide for a total of 520 units which represents a 30% increase in the Local Plan allocation of a minimum number of 400 units. This represents therefore an efficient use of land in planning policy terms whilst still maintaining important local characteristics.

b) Sustainability and Climate Change SPD

The applicants have noted the adoption of the new Climate Change SPD and whilst this does not strictly apply to applications already in the system prior to the April 2024 Cabinet meeting they have nevertheless offered the following information. The principal objective of the Climate Change SPD is to encourage developers to take reasonable steps to minimise expected carbon emissions when designing and constructing new buildings. The following proposals are made in respect of this development which can be further detailed at reserved matters and discharge of condition stage.

The submitted Design Code which will form a condition of approval, and the Supplemental Sustainability Statement provides for the following -

- Building orientation to maximise opportunities for solar renewable for each property, maximise solar gain
- Compact one and two storey properties designed to minimise heat loss
- Fabric First approach to be adopted relating to thicker walls and higher levels of insulation
- Use of sustainable materials locally sourced where possible, and use of recycled materials
- No use of fossil fuels and focus on electrical technologies and communally for flats such as air source heat pumps
- Minimise use of private vehicles and encourage sustainable transport forms
- Use of SuDS and surface water management
- Fully compliant drainage and flood risk strategy
- CEMP to reduce energy use and emissions during construction
- Lighting strategy to use low energy features
- Water appliances and consumption to be up to date to meet Building Regulations
- Significant use of landscaping to provide cooling and shade
- Biodiversity enhancements throughout the site and buildings
- Overheating of buildings assessment at detailed stage of design to minimise such issues
- Mechanical ventilation heat recovery to be accommodated throughout
- High speed broadband and electrical charging points throughout the development.

Overall, it is considered that the development pays due regard to the new SPD and that there are opportunities to incorporate various sustainable build features into the development.

c) Public open space, play areas and ANRG

For the 53 dwellings proposed under NFDC Policy CS7 the development should provide

- 1.04 ha ANRG, (1 hectare = 10,000 square metres)
- 0.45 ha. informal public open space, and
- 0.0324 ha (324m<sup>2</sup>) play.

In this case the development proposes a total of 2.19 ha of open space which can be split to provide at least 1.2ha of ANRG land, and 0.99 ha of POS and 0.05 play as follows

- 1.22 ha of ANRG land (including the land under the control of Pennyfarthing – NW part of site)
- 0.79 ha. of public open space in the SW part of the site
- 0.20 ha of public open space in eastern and central part of site
- 0.052 ha. of play space split between a LEAP and LAP (520 square metres)

The application includes an area of land (0.9ha) currently under the control of Pennyfarthing Homes as part of their development site under 21/11237 directly to the west. This parcel of land which is due to accommodate public open space and a shallow drainage basin in the latest Pennyfarthing proposal is included in the current Middle Burgate application so as to make the ANRG dog exercise area more useable potentially as an off lead exercise area which can be fenced. Pennyfarthing Homes have their own collaboration agreement with the current applicant to include this parcel of land which can be controlled by the required Section 106 agreement entered into between the Council and the applicant. In this case Pennyfarthing Homes will be a signatory to the S106 so that this land can come forward at an earlier stage than planned as part of their own development. This parcel of land is not needed to fulfil open space requirements as part of their development. It can therefore be used by the Middle Burgate scheme and managed accordingly. This is in line with the collaborative approach put forward in the Local Plan where two landowners with separate strategic site parcels can co-operate to provide a comprehensive development acceptable in policy terms. The concern raised by the Council's Urban Design manager can be picked up as part of the detailed landscaping conditions set out below.

The SW area of POS shown on the plan can be used for a mixture of dog walking and informal open space e.g., as a kickabout space etc.

Overall, there is an over provision of public open space, ANRG and play areas which makes the development compliant with policy, particularly with reference to saved Local Plan Policy CS7

With regard to formal open space provision (playing pitches) see the S106 section below for further information.



## **Impact on setting of heritage assets**

Section 66(1) of the Listed Buildings and Conservation Areas Act applies. It requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In considering applications that impact on Listed Buildings the Planning Authority must take note of the following -

- The significance of the heritage asset
- Its setting - wider rather than narrower meaning of visual relationship
- Substantial harm (complete loss) – only in exceptional circumstances
- Less than substantial harm – to be weighed against the public benefits

Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2023.

- Paragraph 203 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.

Criterion iii(a) of Strategic Site 18 policy in the Local Plan requires any development to conserve and enhance the setting of the listed buildings in Upper and Lower Burgate.

In the current application the main impact regarding Listed Buildings concerns Lower Burgate Farmhouse situated in the southern part of the site and bordering both the A338 and the public right of way FP83 to the south. This grade II Listed Building constitutes a traditional Hampshire thatched farmhouse with a range of outbuildings which are of less importance and non-traditional in nature. Added to this Lower and Upper Burgate combine to form an attractive linear settlement of Listed and non-Listed buildings situated close to the A338. The Listed Buildings at Upper Burgate and Burgate Cross are at some distance from the northern boundary of the application site (some 345m+) whilst the Listed Buildings at Lower Burgate (excluding the adjoining Lower Burgate Farmhouse) are much closer at around 60m to the former Tudor Rose Inn (now Fordingbridge Day Nursery) with some further Listed Buildings to the south. The Listed Buildings affected are the former Surma Valley restaurant (known as the Hour Glass previously), and Duveen. All of the buildings referred to are Listed Grade II.

To set this matter in context Members will note the adopted concept Masterplan for this part of site 18 shows a brown residential development zone immediately adjacent to Lower Burgate Farmhouse and adjacent to FP83 which lies in close proximity to the other Listed Buildings at Lower Burgate.

When assessing the setting of a Listed Building and the impact a development may have it is not sufficient to judge simply the visual relationship between buildings. It is also important to assess how the Listed Buildings are experienced and how the setting may have changed over time, and how it will change if planning permission is granted.

In particular the setting of Lower Burgate Farmhouse will change dramatically from its previous setting seen as part of an agricultural landscape with farm buildings and fields directly to the east. That building relationship and historic setting will change but this was inevitable given the Local Plan allocation in this area. That said the non-traditional nature of the farm buildings adjoining Lower Burgate has harmed its setting in a visual sense.

The new arrangement of a much lower single storey range of stable type barns 'converted' to small residential units will replicate the current intimate courtyard of Lower Burgate itself and will if anything enhance its setting. Other proposed buildings along the southern boundary of the site pick up on the agricultural theme and use a Dutch barn typology to represent what could be former agricultural buildings 'converted' to dwellings.

With regard to the other Listed Buildings at Lower Burgate these are further away and not seen in the same context relating more to the Metis Homes development site to the south. The impact on setting therefore will be much less marked than with Lower Burgate Farmhouse.

Similarly, the buildings at Upper Burgate are at some considerable distance and it is considered the setting of these buildings relates more to the Pennyfarthing development to the north and west which has taken into account through sensitive design along its edge the proximity of those Listed Buildings.

The change in the uses of the Listed Buildings themselves also needs to be taken into account as being part of a changing history of land use and association. The buildings have been substantially altered over many years. Further the buildings are not experienced alongside one another but they do represent a cluster of historic buildings demonstrating the development of this linear hamlet. Apart from Lower Burgate Farmhouse the Listed Buildings at Lower Burgate are not experienced in association with the farm land to the rear apart from some limited fleeting views from the road or from the northern boundary footpath.

The Conservation Officer considers there to be less than substantial harm to the setting of the Listed Buildings which could be sufficiently offset either by other public benefits or the quality of the design and new buildings adjoining the heritage assets. This is a matter of judgement of course.

In this case those benefits amount to a further release of both affordable and open market housing which are both key priorities of the Council and the Government. This releases economic benefits, as well as social benefits. The judgement has already been made above that the design of the dwellings now proposed together with their site layout taking into consideration the way they relate to the Listed Buildings is of sufficient quality and local distinctiveness.

There is some environmental harm caused by the development of the site and the change to the setting of the Listed Buildings but in balancing this against the benefits and taking into account the historic changes to the setting and the way in which the buildings are experienced over time leads to a conclusion that the balance on this occasion is in favour of approval. Such harm to the significance of the Listed Buildings caused by the change to its setting requires clear and convincing justification. This it is considered is provided by weighing the public benefits of allowing the development to proceed.

Overall, it is considered that the proposal meets the statutory legal tests, complies with Policies DM2, and ENV3 of the 2014 and 2020 Local Plans as well as NPPF advice set out above.

### **Ecological impact**

#### a) Protected species, and opportunities for wildlife enhancement

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 advises that slow worms and bats are the main existing protected species that use the site with the possibility also of barn owls using some of the old agricultural buildings.

**Bats** - With regard to bats there will be a requirement that the Council takes into account the presence of bats and the development will result in the loss/disturbance of a day roost and feeding perch. The Council are therefore required to consider the likelihood of a European protected species license being granted by Natural England with the development complying with the need to show overriding public interest, with no satisfactory alternative and that favourable conservation status of the species would be maintained (IROPI test). The Habitat Regulations 2017 are thereby invoked.

The LPA considers that there is overriding public interest in this case whereby much needed housing land allocated in a Local Plan will come forward. The land is allocated and there is no satisfactory alternative that now exists. The 'do nothing' scenario can be ruled out as this is outweighed by the other public benefits of releasing open market and affordable housing as well as the biodiversity net gain and the other wildlife and mitigation enhancements achieved through this development. In addition, no action to the buildings currently acting as roosts will lead to the loss of this habitat facility through the eventual collapse of the buildings.

The Ecologist also considers that the applicant's Ecological Impact Assessment report is acceptable in that it recommends a sensitive lighting strategy be put in place together with alternative roost facilities through individual bat boxes placed throughout the site. Accordingly, it is considered that subject to these matters being conditioned there is every likelihood that a license will be granted by Natural England and that national and local policy are both satisfied.

**Reptiles** – an exceptional population of Slow Worms is present on the site along with a low population of Grass Snake. The application proposes a new reptile hibernaculum be established in the south western extreme corner of the site. This will also require a protective fence and translocation of any reptiles found on site prior to development commencing. The ECIA report suggests that the new habitat is protected by the S106 clauses and that an interpretation board is provided for educational purposes to limit encroachment and protection from dogs for the new protected area.

**Birds** – there is some evidence that Barn Owls have used the site in the past. This appears to be low usage and subject to a walkover survey before development commences the development is acceptable. The ECIA proposes individual swift bricks be incorporated into at least 23 of the dwellings. This can be accommodated in the conditions.

**Hedgehog** – The ECIA proposes incorporation of at least two gaps within close boarded fence lines to allow for movement between gardens and into the wider area. This can be confirmed by condition.

The Council has now developed a monitoring tool, and spreadsheet proforma which can list all the new features to be incorporated into the site and retained thereafter. This can be conditioned.

b) Biodiversity Net Gain (BNG).

There is now a national statutory requirement that all major development sites are subject to the 10% BNG improvement in local habitats enacted by the Environment Act 2021. Whilst this statutory requirement only applies to major applications submitted after January 2024. The current practice of the Council notwithstanding that point has been to require a 10% net gain on all major development sites based on the policy advice set out in the 2020 New Forest Local Plan.

The Council's Ecologist has reviewed the applicants BNG proposals. The updated calculations show a net on-site loss for area-based habitats and a net gain for on-site linear habitats. This will require an off-site improvement offset to be delivered and secured to deal with the shortfall. The BNG report identifies the Belport/Keyhaven scheme which is being developed in partnership with the Hampshire and Isle of Wight Wildlife Trust. This proposal is considered acceptable with some BNG provided on site and the shortfall accommodated by the purchase of credits for the approved local scheme. The BNG metric tool will need to be re-run at reserved matters stage given the hybrid nature of this application to establish the final amount of off-site credits to be secured. In addition, the BNG that is established on site will need to be monitored and managed and this can be achieved through a combination of condition and S106 Agreement.

c) Recreational Habitat Mitigation

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

In addition, any proposal for development of over 50 residential units must show mitigation on site. This is demonstrated in this case by the area of ANRG which is available for dog exercise such that potential trips to protected areas can be deflected by on site provision. The quantum of land available on site together with the way in which that land can be used including for off lead exercise complies with the Council's guidance on provision of ANRG as set out in its Habitat Mitigation SPD.

d) Phosphate impact on River Avon SAC (nutrient neutrality)

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon.

However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw.<sup>1</sup>

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

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<sup>1</sup> 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).

e) Air Quality impact on ecology

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 NOx, 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 has confirmed that the necessary contribution can be secured through a S106 Agreement and consequently this matter can be considered to be resolved.

Overall, the proposal complies with Local Plan policies ENV 3 and CCC1 it is considered.

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

The site lies wholly outside any Flood zone 2 or 3 which are the highest levels of flood risk from river and coastal flooding. The position of the River Avon directly to the east separated from the site by the A338 are designated as high-risk zone 3 flooding including functional river flood plain. The site however is not subject to such flooding concerns and is designated as zone 1.

With regard to surface water flood risk however the LLFA have asked for further information on disposal of surface water and sustainable drainage elements to ensure the site does not itself suffer from surface water flooding and the development can ensure that no off-site impacts will be exacerbated.

The amended drainage strategy makes the following general points

- The site is at a slightly higher level than road level and is not subject to any flood risk from the River Avon
- Existing ground conditions confirm the site is capable of a reasonable level of infiltration (water soaking into the ground naturally) rather than exacerbating run off.
- Recent groundwater monitoring has been carried out given the LLFA's concerns regarding the current high water table levels in the area
- The results of the monitoring shows infiltration is possible, which combined with a soakaways, swales and permeable surfacing can ensure no flood risk from surface water.

Members are referred to the comments of the County Council Local Lead Flood Authority (LLFA).

The applicants have taken into consideration the comments of the LLFA and provided a revised drainage strategy which can be the basis of final details to be agreed by condition.

Foul drainage can be catered for with sewage connecting to an adopted foul sewer in the vicinity of the site which runs along the southern boundary and installed by Metis Homes as part of their development. This will necessitate a single pumping station which can be accommodated with the eastern POS area of the site. Final details of the foul and surface water drainage scheme can be conditioned.

The LLFA in their latest comments also recommend a long term maintenance plan for drainage to be agreed prior to occupancy. This is added to the conditions.

Overall, it is considered that the proposal complies with Local Plan Policies ENV3 and CC1

### **Highway safety and sustainable transport**

#### a) Access proposals

The proposal indicates a new T junction onto the A338 which incorporates the original access to the Middle Burgate House. The existing road-side hedgerows will be maintained and there is sufficient visibility when exiting the site both to the north and to the south. The existing pavement that runs along the eastern site boundary can also be maintained.

The Highway Authority have considered whether there is a need for a right turn lane and consider that it is not needed given the scale of the development and the improved access that can be created. The new junction will double in the short term as a construction access point for the new link road approved as part of Site 18 thereby negating the need to use the recent development estate road at Augustus Park as requested by Members in an earlier report on Site 18. The approved junction will therefore be in place at an early stage and there will be no difficulties in that respect with providing construction access for the Middle Burgate scheme without inconveniencing existing residents or for traffic having to use the town centre. A Section 278 Agreement with the Highway Authority will be required, and this can be accommodated in the S106 Agreement attached to any planning permission.

#### b) Site layout

The site layout is shown in detailed form for both the outline part of the development and the full part centred on Middle Burgate House and the new flatted block. The estate road layout provides a series of roads and cul de sacs serving the outline part of the site and a dedicated access point and new car park and turning facility for the flatted block and Middle Burgate house conversion site. The position of the side junctions onto the estate road are considered acceptable along with sufficient turning areas for refuse and emergency vehicle access. The Highway Authority have requested a construction traffic management plan and this can be conditioned.

The site layout indicates an emergency point of vehicular access onto the public right of way footpath 83 which runs along the southern boundary of the site. This is shown on the plans as for emergency use only and will be bollarded during normal operations with emergency use only should the main access into the site be blocked

for whatever reason. This will need to be conditioned in perpetuity as it would not be acceptable to use the public footpath as a right of vehicular access generally.

c) Trip generation and road capacity

The Highway Authority have considered trip generation from the new development and the capacity of local roads and have no objections on either count. There is sufficient capacity on the existing road network to accommodate the new development without further off site highway improvements.

d) Sustainable transport opportunities

The Highway Authority note the layout does allow for sufficient connection to the adjoining development parcels both to the south through the Metis Homes development and to the west through the Pennyfarthing Homes development. Opportunities are shown for new pedestrian pathways and cycleways from the development site to both of the adjoining sites. Direct access is available from the site to the footpath 83 to the south and from there onwards to the Metis Homes development and the dedicated path and cycleway in that scheme. Whilst the path and cycleway through the Metis Homes site will not be formally adopted as public highway this facility is still shown to be included within the public open space area of the development and the S106 Agreement for that site requires this area and the pathways to be kept available for general public use in perpetuity.

The application also provides dedicated cycle storage for every dwelling as well as electric charging points.

Access to the south gives a direct easy access to both the Secondary and Primary Schools. Access to the west gives a direct access to the new pathways and cycleways included in the road development currently under construction as well as to new bus stops for the diverted Bournemouth to Salisbury service which is to be diverted to travel along the new link road.

A narrow strip of land along the remainder of the southern boundary does lie in the ownership of a third party. Whilst the development shows pedestrian and cycle links over that land those links cannot be delivered at this stage as it would include land not in the applicant's control. That land which has no existing use other than agricultural land and may come forward at a later date through mutual agreement between the parties. In this case there is an alternative link between the two sites for pedestrian and cycle access.

The Highway Authority are therefore satisfied with sustainable transport options.

e) Car parking

Car parking is a matter for the District Council to consider rather than the Highway Authority. In this case the site is split into two parcels. The detailed site layout for the Middle Burgate conversion and new flatted block shows a new parking courtyard accommodating 20 parking spaces and 4 visitor spaces. The Council's Car Parking SPD indicates a need for 18 spaces for this part of the site catering for 1 and 2 bed units, so the development is compliant.



The outline estate development part of the site has a need for a minimum of two parking spaces per smaller dwelling and 2.5- 3 spaces for 3 and 4 bedroom units. The proposed car parking will be by way of a mix of on plot surface parking, garages and open fronted car barns. The Transport Assessment confirms that the SPD standards will be met on the site. Officers consider that the car barns should be retained as open fronted features so that car parking in those buildings will be encouraged. Similarly, any integral or closed garages will be conditioned such that they cannot be converted to additional living accommodation or outbuildings without a further grant of permission again to encourage their use for parking. The outline part of the site also allows for visitor parking on laybys or within courtyards. Each new dwelling will also have dedicated cycle and provided with electric charging points. Members are also referred to the final suggested planning condition which seeks to maintain garages and car ports as potential parking spaces.

There are therefore no objections on parking and layout grounds. It is considered that the proposal meets the requirements set out in the Council's SPD on parking.

### **Environmental health and protection considerations**

#### **i. Air quality**

The applicants have submitted an updated air quality assessment. This considers impact from dust during construction, reference to in combination effects, and the Council's own Air Quality SPD. The earlier suggestion of an on-site energy plant has not been brought forward to the amended scheme given a level of uncertainty over that provision. The Council's Environmental Protection team are satisfied the development is acceptable subject to a construction environmental management plan being conditioned to cover dust management, noise and light spill amongst other matters. This can be included in the conditions.

#### **ii. Noise – pre and post construction, and lighting**

The Council's Environmental Protection team are satisfied that noise during construction and noise impact from the A338 post construction on the health of those new residents can be managed through a CEMP referred to above and an acoustic design statement (ADS). The latter has already been submitted and identifies some road noise and noise from the adjoining industrial units. This can be managed however by condition to ensure the development is carried out in accordance with the mitigation measures set out in the ADS.

With regard to external lighting no details have yet been submitted so a condition is recommended requiring a full lighting assessment to ensure that lighting does not adversely affect existing residential properties. It is important that any external lighting is compliant with the appropriate Environmental Zone. In this case given the proximity of the National Park it is considered that zone 1 is appropriate when designing the lighting layout. This higher standard will have the double benefit of ensuring no impact on human health receptors and the protected landscapes including the Dark Skies Reserve are protected. A condition will be imposed requiring a full lighting strategy for the whole of the site. This condition should also restrict future security lighting on the site which can be obtrusive. The lighting strategy should also take into account wildlife interests (particularly bats) as noted above.

### iii. Contaminated land

The applicants have submitted a Contaminated Land Desk Study Report which concludes there is some potential for soils to have been impacted by the previous use of the site. The potential risk to site future users is assessed as moderate with a potential high risk to controlled waters. A site investigation is required to better understand actual ground conditions and conditions are suggested by the Environmental Protection team to cover these points. There are however no objections in principle to the development as presented.

Overall, it is considered that the proposal complies with Local Plan Policies ENV3 and CCC1

### **Impact on residential amenities of neighbours and wider public**

Members will note above the limited local comments received to this application. The objections raised have all been considered either in this section or in other parts of this report. Some of the comments made have no evidentiary basis whilst some comments relating to loss of property values are not material considerations. Turning to an assessment of the impact on local amenity the following comments are made.

There will be a limited impact on the wider public amenity from this development given its limited frontage to the A338 and the retention of open countryside to the east of the site. This land being seen as part of the current open countryside will inevitably change arising out of the Local Plan allocations for this part of Fordingbridge. There are few local residents who currently walk along the A338 and those that do will probably use the much more convenient and attractive route running alongside the new link road in the future.

Turning to more localised impact on adjoining and nearby residents there will be some impact on those properties which currently front the A338 on the eastern side of the road. There are a group of such dwellings centred on the Avon Manor complex which includes a number of dwellings and holiday lets. Kingfisher Cottage and its own holiday lets is the most northerly of this group and is closest to the improved Middle Burgate access. This property in particular will experience a significant increase in traffic turning into and coming out of the development site but that said the improved junction lies to the north of the primary residential curtilage of this property so is not directly affected. The proposed extensions of Middle Burgate House will not significantly exacerbate any overlooking of Kingfisher Cottage. The A338 frontage development in the northern part of the site is separated from the road corridor mostly by POS so there will no impact. The dwellings to the south of Kingfisher Cottage will see no change in the current situation given their relationship with the Fairgate Centre and its access will remain unchanged.

Wheelwrights Post sits to the north of the development site and is separated from it by a parcel of other land included in the Site 18 allocation so there is no impact from the Middle Burgate development other than the increase in traffic referred to below.

In the south eastern corner of the site the development adjoins the curtilage of Burgate Farmhouse. This building is a Grade II Listed Building and is referred to above. In terms of residential amenity impact the development adjoining will be planned such that it is single storey in form and providing an attractive courtyard of

buildings similar to the Listed Building arrangements. Whilst that property owner has raised objections to the plans and this remains a material consideration, Officers are satisfied there will be no harm to privacy or overlooking from the new development. Access to Burgate Farmhouse is gained via vehicular rights to use the Public Right of Way (PROW) FP83 running along the southern boundary of the site. Vehicular use from the development site onto this PROW will be restricted to emergency use only so there will be no loss of amenity for Burgate Farmhouse in that respect. Flood risk and surface water matters have also been considered above and the detail of any mitigation can be conditioned. The property also has an adjoining party wall with the new development but any works to that wall will need to be separately agreed with the adjoining property given the wall is claimed by that property. The grant of planning permission gives no rights to carry out works to a wall in a separate ownership.

Doleswood sits just to the south of the FP83 route opposite Burgate Farmhouse. This property will be affected by the new single storey courtyard adjoining Burgate Farmhouse and will sit less than 20 metres away from the nearest new single storey building, but for the same reasons as above the new development will not directly affect Doleswood by virtue of overlooking or additional traffic.

Keepers Gate also sits alongside FP83 but has only one new property planned which is situated some 60m from its eastern elevation. There is no direct overlooking or loss of privacy albeit pedestrian use will increase alongside the FP83 route.

Finally, the Metis Homes development creates a new line of development which faces and backs onto the FP83. Again, the relationship with the new development planned for Middle Burgate will be an acceptable one with limited overlooking and a reasonable degree of separation in excess of the normal 21m distance guideline.

Overall, the concerns raised by a limited number of local residents have been fully considered but there are no unacceptable effects identified in the planning assessment, consistent with policy ENV3, which would justify a refusal of planning permission on this occasion.

### **Minerals safeguarding and sustainable use of minerals on site**

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.

### **Education and school place planning**

Hampshire County Council Children's Services have been consulted on the application. They confirm that the development as amended will generate a total of 12 additional primary age children and 9 secondary age children. The development is served by the Fordingbridge Infant and Junior School and the Burgate Sixth Form Academy. The County Council have prepared a Schools Places Plan within which it estimates and sets out a rationale for arriving at costs of expansion based on previous projects. In this case it is calculated based on the plan and the number of

new pupils that a financial contribution of £248,748. is required towards the expansion of the primary school. No contribution is being sought for the Burgate school as the school currently admits children from out of the County catchment area.

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

With regard to the requested financial contribution, the impact of this element of contribution if taken as a S106 cost on affordable housing will mean that the affordable housing offer could be further reduced. As set out above, Officers have negotiated a position with the applicant whereby the scheme can now provide 23% affordable housing from a starting position of nil. The Education Authority is seeking a contribution of nearly £21,000 per place (only 12 school places are generated). Whilst the resourcing of the education system is a material consideration as a consequence of housing growth, a balance therefore needs to be struck between ensuring that provision is made for future education needs and the need to provide for affordable housing on the site. The County Council will be invited to make an application for CIL funding once the school expansion project is in place to cover this amount rather than see it be taken from the development as a S106 cost. In this case there will be sufficient CIL funding available to cover the amount required.

### **S106 contributions and Heads of Terms in the event of an approval**

Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and the Council's latest 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 with contributions.

**Affordable Housing** – provision of 12 affordable dwellings including future monitoring costs comprising 4 social rent, 4 affordable rent and 4 shared ownership flats with the following mix

- 2 x 1 bed social rent in new flatted block
- 2 x 2 bed social rent in new flatted block
- 2 x 1 bed affordable rent in new flatted block
- 2 x 2 bed affordable rent in new flatted block
- 4 x 2 bed flats shared ownership in converted/extended house

**Air quality monitoring contribution of £109 x 52 net no. of dwellings = £5668**

**ANRG, POS and play spaces 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.

**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 with all trees and soft and hard landscaping maintained for minimum period of 30 years.

## **County Council charges for preparation of Agreement**

### **District Council Monitoring Charges - all prior to first occupancy**

- Recreational Habitat Mitigation commencement - £847
- Recreational Habitat Mitigation physical inspections £12,178
- Public open space monitoring £6863
- Biodiversity Net Gain monitoring £5225
- Affordable housing check - £847

**Drainage - 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

**Habitat mitigation non infrastructure contributions** based on latest mix of housing across site of £40,868 (allowing for existing 4+ bed property deduction)

**Footpath 84 maintenance sum** contribution of £12,500 to go towards future maintenance of the newly improved path surface.

**Site access** to be subject to final approval through S278 mechanism in accordance with the submitted drawings and final technical drawings to be approved.

**Footpath and cycle connections to FP83 and through the Metis Site** – to be available for use and maintained in perpetuity.

**Reptile Hibernacula** – ongoing future protection and retention of the reptile hibernacula including the provision of public information board

### **Community Infrastructure Levy**

As part of the development, subject to any relief being granted the following amount of Community Infrastructure Levy will be payable:  
Liability for the 12 units which is the full part of the scheme is set at 944.89sqm which equates to £110,770.

\*Affordable housing can reduce the headline rate of CIL payable and an application for social housing relief must be made prior to any demolition or other commencement.

The outline element of the scheme will have liability confirmed at reserved matters stage. Existing buildings and any allowance for same will be considered at the point the reserved matters application are determined.

### **Response to Town Council objections**

Having considered all matters in detail the following is a response to comments received from the Town Council

- **Access concerns** – the Highway Authority have considered the amended plans in detail and there are no highway grounds to refuse the application.
- **Segregated affordable housing** - the report above responds to this point. There are no objections to the grouping of the affordable housing on this occasion. The appearance of the units are not inferior to the remainder of the site and the grouping of the buildings assists a registered social housing provider in being able to manage the group more effectively.
- **Design of flatted block** - The concerns raised by the Town Council are noted. However, officers consider that the theme of this building having an agricultural feel with board cladding works well with the history of the site and the applicant's desire to create a development based on the unique history and local characteristics of this site. The colour of the cladding will be agreed later. A lighter cladding rather than the black shown will underline the agricultural theme for this building.
- **Community building** - The failure to deliver a community building is regrettable. However, the adjoining site will provide a community building as part of the planning permission so there is no need to duplicate the facility in this application. Secondly, the provision of flats above a community building may have caused an element of discord between the two uses. Third the community building was a further significant drag on providing affordable housing given its low economic value, but high build costs. Such a facility therefore depressed the opportunity for affordable housing which is a high priority for the Council. Finally, such a facility whilst being an attractive proposition was not a policy requirement and there was no body coming forward expressing a wish to take it on and manage it in the long term.
- **S106 matters** - The significant reduction in the S106 contributions first suggested by the applicant in the amended scheme has now been tempered as above. The key priorities have all been addressed satisfactorily and all the key elements of need are satisfied in the way set out above.

Consequently, it is considered that the concerns expressed by the Town Council whilst being noted are not sufficient to sustain a reason(s) for refusal on this occasion.

### **Planning Balance and Conclusions**

Members are aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay. The lack of a demonstrable five year land supply, consistent with the Noads Way appeal decision means, however, means that the tilted balance in paragraph 11d) of the NPPF is engaged for this application.

This site is allocated for development within the adopted New Forest Local Plan (Strategic Site 18) and will make an important contribution to the district's housing supply.

The development will deliver 41 open market dwellings and 12 dwellings for affordable housing with a range of apartments including four homes for social rent for those on lower incomes. The inclusion of a suitable viable mix of affordable housing weighs significantly in favour of an approval of permission. The remainder of the scheme brings forward a suitable mix of 1,2,3 and 4 bedroom market dwellings which is compliant with the policy requirements set out above.

The development will have no significant impact on landscape character, the setting of Listed Buildings, or local residential amenities. The development has no significant impact on the setting of protected landscapes i.e., the New Forest National Park and Cranborne Chase National Landscape and any landscape character impact has been mitigated through the measures set out in the application.

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. Subject to appropriate licensing from Natural England there are no adverse impacts on bats within the application site.

The development has evolved since its submission and whilst the earlier scheme was not considered to be acceptable for a number of reasons principally because of a lack of affordable housing, the amended scheme supported by an updated Design and Access Statement and a Design Code, and the other submitted plans weighs in favour of a permission. In particular, the high quality of the design and site layout coupled with new tree planting

are supported. The bespoke nature of the design and layout pay tribute to the varied history of this site which is welcomed as creating a well-designed development with a real sense of place and being compliant with policy ENV3 of the Local Plan.

The Council has had careful regard to the submitted plans and reports and their details and conclusions have been amended following discussions with officers. The amendments have been the subject of a further round of consultations and consideration of any comments made by statutory and other consultees and interested 3rd. parties. All local objections have been read and taken fully into consideration in reaching this recommendation.

The Council has carefully considered the impact on local residential amenities both in relation to those adjoining the site and to the wider public.

Overall given there are no technical objections to the proposal which coupled with the substantial public benefits including those centred on the release of much needed open market and affordable housing, the opening up of private land of 2.5 hectares (6 acres) to public beneficial use, and the sustainable development as set out in this report the proposal is considered to be generally in line with local and national policy and guidance. Essentially, the proposal is considered to comprise sustainable development in line with Local Plan Policy STR1.

As such, it is considered that the benefits of the proposal outweigh any of the identified harm. As such, the proposal is recommended for approval subject to conditions and the applicant first entering into a Section 106 agreement to deliver the benefits as set out above

## **13 RECOMMENDATION**

**Delegated Authority be given to the Service Manager (Development Management) to**

**GRANT PERMISSION subject to:**

- i) the completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:
  - Affordable housing provision and maintenance
  - Air quality monitoring contribution
  - ANRG, POS and play space provision and maintenance
  - Biodiversity net gain including any off site contributions
  - County Council S106 agreement preparation charge
  - District Council monitoring charges
  - Drainage management and monitoring arrangements
  - Habitat mitigation non infrastructure contribution
  - Footpath 84 maintenance sum contribution
  - S278 site access provision
  - Footpath and cycle connections to FP83
  - Provision and maintenance of reptile hibernacula



- ii) such agreement to be completed by end of December 2024.
- iii) the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

**Proposed Conditions:**

**1. Standard Time limit for full element**

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. Reserved matters time limit**

The application for the approval of reserved matters shall be made within a period of three years from the date of this permission. The development shall be begun no later than two years from the final approval of 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).

**3. Reserved matters details**

No development shall take place on any outline part of the site including site clearance and demolition works until the scale and appearance of the development which shall include detailed elevation and floor plans, and the hard and soft 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 the development, have been submitted to and approved in writing by the Local Planning Authority. 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. Design Code implementation of the development**

The development shall be carried out in accordance with the submitted Design Code dated April 2024 and as supported by the Design and Access Statement dated October 2023, and the Supplemental Sustainability Statement dated April 2024 .

Reason: In the interests of achieving a well-designed development

**5. In accordance with approved plans**

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

P001 rev B Application site boundary  
P002 rev Z Proposed site layout plan whole site  
18036-4 Tree protection plan

Outline element

P009 rev D Proposed southern site layout  
P010 rev D Proposed northern site layout

Full Element

P004 rev H Middle Burgate House site layout  
P005 rev C Middle Burgate House proposed ground floor  
P006 rev C Middle Burgate House proposed first floor  
P007 rev C Middle Burgate House proposed roof plan  
P008 rev C Middle Burgate House proposed elevations

P011 Flats proposed ground floor  
P012 Flats proposed first floor  
P013 Flats proposed roof plan  
P014 Flats proposed elevations  
P017 Bin and Bike Store

Reason: To comply with New Forest Local Plan 2020 Policy ENV3

**6. Phasing of development**

No development shall take place, including any site clearance and demolition works, until a detailed phasing plan, including all on and off-site works, plot construction programme, 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 works, has been submitted to and approved in writing by the Local Planning Authority (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

**7. Materials and final drawings and details – full application**

For the full element of the development prior to the commencement of any works above dpc level of any of the dwellings hereby permitted a final elevation and floor plan for the proposed flatted block and the conversion and extension to Middle Burgate House and the proposed cycle and bin store to include all materials (manufacturer names, type and colour) to be

used i.e. facing bricks, wall renders, weatherboarding, tile hanging including finish and colours, joinery details, roofing materials, eaves boards, ridge tiles, solar and photovoltaic panels or other renewable energy measures including the finish colour of the EV charging box to be used on individual plots, together with the materials and colour of rainwater goods, soil and vent pipes, meter boxes including their intended finish, shall be submitted to and agreed in writing by the LPA. The details as referred to in the Supplemental Sustainability Statement dated April 2024 shall also be included in the details set out by this condition.

In addition, the above details shall include the material and colours of all new windows and doors with typical reveal and cill details, external doors, garage doors, and rooflights (including flashings to be used with flush fitting preferred) to be submitted to and agreed in writing by the LPA together with the details of opening of windows with all windows to be sash or balanced casement rather than top hung except for fanlights.

The development shall be completed in accordance with the approved details.

Reason: In the interests of the appearance and character of the development

#### **8. Final details of road infrastructure works**

No development shall take place until a scheme has been submitted to and agreed in writing with the LPA showing the final details of levels and the design and surface materials for all new road infrastructure works and access roads within the site (including foot & cycle paths, pedestrian and cycle crossing points)

No dwellings shall be occupied until the approved details have been fully implemented in accordance with the agreed phasing plan.

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

#### **9. Construction Traffic Management Plan**

No development shall take place, including site clearance or other demolition works until a Construction Traffic Management Plan, to include details of provision to be made for the following -

- 1) on-site contractor's parking, and mess facilities
- 2) construction traffic access,
- 3) site exiting construction vehicle and road cleaning procedures,
- 4) the turning and parking of delivery vehicles within the confines of the site,
- 5) lorry and delivery vehicle routeing to and from the site
- 6) delivery times for construction materials including soil and hardcore
- 7) a programme of works including phasing

has been submitted to and approved in writing by the LPA. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety

10. **Access visibility**

Prior to first occupation the visibility and forward visibility at the site access onto the A338 as set out in the approved plans shall be provided. All such visibility shall be maintained thereafter with no vegetation over 600mm within such splays.

Reason: In the interests of highway safety.

11. **Prohibition of use of Public Right of Way FP83 for motorised vehicles**

There shall be no use of the public right of way Footpath 83 for motorised vehicles of any type from or to the development site other than during periods of emergency when the main junction and access into the site cannot be used. The access road leading to the southern boundary of the site as shown on the approved site layout plan P009 rev D shall be blocked to all such vehicular traffic by the use of lockable bollards the design and exact position of which shall be agreed in writing with the Local Planning Authority and implemented prior to the use of that part of the road referred to and maintained as such thereafter.

Reason: In the interests of highway safety and the protection and amenity of users of the public right of way.

12. **Car & Cycle Parking - outline element**

Prior to the commencement of development for the outline element of the development full details of all car parking arrangements for each dwelling including garages and car barns, and all cycle storage shall be submitted to and approved in writing with the LPA. The details shall include the means of ensuring that off plot spaces are allocated to particular units. All car parking spaces, garages, car barns, as well as a timber sheds to be provided for each dwelling for cycle storage shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be retained as such thereafter.

Reason: To ensure sufficient car parking and cycle parking is provided on a phased basis prior to occupancy of individual units in accordance with New Forest Local Plan Part One 2020 Policy ENV3 and CC2.

13. **Minerals safeguarding**

No development shall take place, excluding site clearance, enabling and demolition works, until a method statement covering the following matters has first been submitted to and approved in writing by the Local Planning Authority.

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

The development shall be carried out in accordance with the method statement so agreed.

Reason: To ensure that any minerals found on the site can be re-used in accordance with New Forest Local Plan Part One 2020 Policy STR9

#### 14. **Surface Water drainage details**

No development shall take place until a detailed surface water drainage scheme for the site, based on the principles within the drainage strategy, has been first 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 drainage strategy.
- b) Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed .
- c) Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d) 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.
- e) Evidence that urban creep has been included within the calculations.
- f) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- g) 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 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

#### 15. **Foul water drainage scheme details**

No development shall take place until a detailed scheme to deal with foul sewage, including connections to existing foul drainage systems, and the details of the proposed pumping station, have been submitted to and agreed in writing with the LPA. No occupation of any dwelling shall take place until the approved scheme is implemented.

Reason: To ensure that a foul drainage scheme is available prior to occupation.

**16. Long term drainage maintenance arrangements**

Prior to first occupation of any of the dwellings, details for the long term maintenance arrangements for the surface and foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include;

- 1) Maintenance schedules for each drainage feature type and ownership
- 2) Details of protection measures

The arrangements as approved shall be in place prior to first occupation and maintained as such thereafter.

Reason: To ensure that an adequate and satisfactory drainage system and flood risk measures are in place to serve the development so as to comply with Local Plan policy ENV 3 and CCC1

**17. Phosphate mitigation and water efficiency**

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), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

## 18. **Archaeological evaluation and recording**

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

Further archaeological work may be required subject to the findings of the evaluation.

Reason: To ensure that an accurate evaluation, assessment and record is made of any archaeological finds that may lie within the site in accordance with Local Plan Part Two 2014 Policy DM1

**19. Tree Protection during works**

No development shall take place including any demolition or site clearance until the tree protection measures as set out in submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement Ref: 18036-AA3-DC dated 5th April 2022 and corresponding Tree Protection Plan Ref: 18036-4 have been installed on the site. The protection works shall be retained throughout the construction phase of the development.

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

**20. Final hard and soft landscaping details and landscape framework**

No development shall take place until the following outstanding details of hard and soft landscaping of the whole site has first been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following for all parts of the site:

- a) a detailed landscape framework plan covering the whole site and larger scale hard and soft landscaping plans and details to cover sections of the site.
- b) tree planting details including species, size, protection, staking methods, irrigation, mulching and any other details.
- c) details of all soft landscape planting including plant species, size and numbers
- d) a specification for the protection and establishment of all new planting (e.g., temporary fences, rabbit guards, mulching);
- e) details for hard surfacing (where not a part of the highway) and the materials to be used to include details of all bridges and boardwalks
- f) details of fences, walls, piers, bollards and all other means of enclosure including typical elevations showing any decorative brickwork, soldier courses etc.
- g) details of all street and open space furniture (railings, bollards, seats, bins,) and all bin collection points
- h) a method statement and programme for hard and soft landscaping implementation
- i) at least two interpretation boards relating to the ANRG and ecological interest of the site with a separate reptile hibernacula information board relating to that part of the site.
- j) details of all service routes and any necessary tree protection measures or root barrier systems
- k) existing and proposed levels for all pathways, cycleways and boardwalks including details of any stepped sections



All external works for domestic and public spaces (hard and soft landscape) shall be carried out in accordance with the approved plans and details set out above and maintained thereafter as planted/built and subject to changes or additions only if and as shown in the landscape and ecological management plan and maintenance plan referred to below or as may be agreed in writing with the Local Planning Authority.

The development shall be undertaken in accordance with the approved details for all parts of the site

Reason: In the interests of complying with New Forest Local Plan Part One 2020 Policy ENV3

**21. Landscape implementation and maintenance.**

The approved hard and soft landscaping shall be carried out in a phased manner as agreed above. Within public areas of the site outside the curtilage of any dwelling any trees, hedgerows, plants and shrubs which die, become damaged or diseased within 30 years from the full completion of the landscaping scheme shall be replaced with the same species unless otherwise agreed in writing with the LPA in the next available planting season. Within public areas of the site all hard and soft landscape maintenance shall be carried out in accordance with the details pursuant to the LEMP condition below.

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

**22. Public areas, landscape and ecological management and maintenance plan (LEMP)**

Prior to first occupation of any dwelling detailed proposals for the management and future maintenance of all hard and soft landscaping in areas of the site outside any residential curtilage including all public open spaces, highways, footways, cycleways, flood detention and SuDs basins and swales, play areas and equipment, street and open space furniture, and ANRG areas within the site shall be submitted to and approved in writing by the LPA.

All such areas shall be managed in perpetuity for open access to the public and maintained as such thereafter in accordance with the approved management and maintenance plan and as required by the allied legal agreement pursuant to Section 106 of the Town and Country Planning Act attached to this permission.

Reason: In the interests of the protection of landscape and ecological assets on site and their continued protection and enhancement, and to ensure that all public areas are properly managed

**23. Environmental protection - CEMP**

No development shall take place, including any works of demolition, until a Construction Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved

Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To ensure that construction works are not harmful to existing local residents who may be affected during the works and to comply with Local Plan policy CCC1

#### **24. Environmental protection Noise**

The proposed mitigation measures for dwellings set out within the approved Stage 2 Acoustic Design Statement (ADS), Clarke Saunders Acoustics dated 26 October 2022 (ref: AS11784.201026.ADS) shall be implemented in full prior to first habitation unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the health and well-being of any new residents who may be affected by noise

## 25. **Contaminated land overview and procedures**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos.25-29 have been complied with.

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 condition 29 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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 of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

## 26. **Contaminated land - risk assessment and appraisal**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

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 of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

## 27. **Contaminated land - remediation scheme**

Where contamination has been identified, a detailed remediation scheme 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.

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 and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

## 28. **Contaminated land - verification report**

Where a remediation scheme has been approved in accordance with condition 27, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. 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

**29. Contaminated land - reporting procedures**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 26, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 27, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 28.

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 and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**30. Environmental protection - CEMP**

No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials, including permitted times for deliveries;

- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To ensure that construction works are not harmful to existing local residents who may be affected during the works and to comply with Local Plan policy CCC1

### 31. **Environmental protection Noise**

The proposed mitigation measures for dwellings set out within the approved Stage 2 Acoustic Design Statement (ADS), Clarke Saunders Acoustics dated 26 October 2022 (ref: AS11784.201026.ADS) shall be implemented in full prior to first occupation unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the health and well-being of any new residents who may be affected by noise

### 32. **Details of play equipment and associated facilities**

Within three months of the commencement of development a detailed specification of the detailed site layout (including any changes of levels) and design of all new play equipment and street furniture to be provided within the proposed LEAP and LAP within the site including any facilities such as benches and bins, shall be submitted for the written approval by the LPA.

In addition, details of the intended informal all-purpose recreational space in the south-western part of the site including any necessary ground remedial works and a management and maintenance regime for that area shall be submitted for approval by the Local Planning Authority.

The play details and associated facilities as may be agreed shall be provided and made available for use prior to the first dwelling being occupied, or in line with a phasing plan of provision to be agreed as part of this condition.

All play equipment and street furniture, and other facilities in connection with the use of the play areas, and other areas of POS shall be kept available for the public use in perpetuity and maintained in accordance with any

provisions set out in other conditions or as part of any Section 106 Agreement attached to this permission.

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

### 33. **Biodiversity net gain - securing 10% uplift**

Prior to the first occupation of any dwelling the details of a BNG package of on-site supplemented if necessary off-site of BNG shall be submitted to, and approved in writing by, the LPA. This package, whether on or off site or a combination of the two, should secure the identified 10% BNG arising from the development and include:

- i. An updated calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric 3.0 Calculation July 2021 (or a metric based on the latest guidance);
- ii. If offsetting is needed the details of the BNG project including its location;
- iii. a timetable for the provision of the BNG project;
- iv. details of the management of the BNG project
- v. details of the future monitoring of the BNG project in perpetuity. The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such.
- vi. Written confirmation that the required number of offsetting BNG units had been secured

Reason: To ensure Biodiversity Net Gain is secured as part of the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management), NFDC interim Biodiversity Guidance and the Environment Act 2021.

### 34. **Ecological protection during construction**

The development shall be carried out in accordance with the recommendations for ecological protection and mitigation set out in the updated Ecological Impact Assessment dated November 2023.

Reason: To ensure that all protected species on the site are adequately protected and dealt with throughout the construction period and to comply with Local Plan policies ENV3 and DM2.

**35. Reptile protection and provision of new habitat and hibernacula**

Prior to the commencement of any works in those areas of the site shown in the ECIA as being suitable reptile habitat including demolition and site clearance, the receptor site preparation works (i.e. management and planting) and the capture and translocation methodology as set out in the updated ECIA November 2023 shall be undertaken and a written report submitted to the LPA detailing the results of such work. The new hibernacula as set out in the ECIA shall be fully installed on site prior to any other works taking place including site clearance and demolition and securely fenced as set out in the approved details. The hibernacula and habitat created within the identified receptor site shall thereafter be maintained on site in perpetuity and maintained as part of the BNG management and monitoring plan set out above and in accordance with the terms of the conditions attached to this permission and any relevant clauses set out in the Section 106 appended to this permission.

Reason: To ensure that all protected species on the site are adequately protected and dealt with throughout the construction period and to comply with Local Plan policies ENV3 and DM2.

**36. Wildlife enhancements for dwellings and site**

No development shall take place above damp proof course level of any dwelling until a detailed scheme (to include the submission of the LPA's checklist and schedule proforma, together with a plan or series of plans showing the location of the features) for the placement of bird and bat boxes and swallow and bee bricks for each dwelling and apartment block, as well as any other wildlife enhancement schemes such as hedgehog highways has been submitted to and approved in writing with the LPA. The development shall be completed in accordance with the approved details for each house and apartment block at scaffold construction stage. The enhancements shall be in place prior to occupation of the building to which the enhancements relate and maintained as such thereafter. The scheme to be submitted shall follow the recommendations contained in the ECIA report submitted with the application.

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.

**37. Lighting design strategy - ecology and human health**

No phase of development shall take place until a "sensitive lighting design strategy for biodiversity" in line with BCT / ILP Guidance Note 08/23 'Bats and artificial lighting in the UK' for all areas to be lit 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;



- 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 predictions of vertical illuminance ( $E_v$ ) affecting nearby human receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light (GN01:2021)

All external lighting 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 on or around the dwellings hereby approved without the prior permission of the local planning authority

Reason: To comply with Local Plan Part Two 2014 Policy DM2 to ensure that protected species and their habitat are not harmed, and that human health is also safeguarded in accordance with Local Plan Part One 2020 Policy CCC1.

### 38. **Barn Owl check prior to commencement**

No development shall take place including site clearance and demolition of buildings, until a walkover of the site by a competent ecologist has taken place to check that none of the buildings or trees that will be affected by the works destroy or damage a roosting site. Should any Barn Owls be encountered, or evidence of roosting then further advice should be sought from the LPA.

Reason: To ensure that protected species are not harmed by the development in accordance with Local Plan Part Two Policy DM2

### 39. **Waste Collection**

The development hereby approved shall incorporate a dropped kerb on the front eastern elevation of the bin store to serve the flatted development, which shall be installed prior to first occupation of the residential units to which the bin store serves. Bin storage points shall also be provided as shown prior to occupation of that part of the site to which the bin storage point relates.

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

**40. 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.

**41. Removal of pd rights on dwellings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any revocation, amendment or 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 high quality design and layout of the development 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.

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

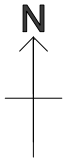
Notwithstanding the provisions of the Town and Country General Permitted Development Order 2015 as amended, (or any revocation, amendment or re-enactment of that Order), the garages and car ports hereby approved (whether integral or as outbuildings/extensions to the dwelling) shall not be converted into 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.

**Further Information:**

Stephen Belli

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NFDC



New Forest  
DISTRICT COUNCIL

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Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**May 2024**

SS18 Middle Burgate House  
Salisbury Road  
Burgate  
22/11268

Scale 1:2500

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

