

**Application Number:** 23/10172 Full Planning Permission

**Site:** LAND SOUTH OF HYTHE ROAD & EAST OF ST CONTEST WAY, MARCHWOOD SO40 4WU  
(PROPOSED LEGAL AGREEMENT)

**Development:** Erection of a two-storey 66-bed care home (Use Class C2) with associated access, parking and landscaping and ancillary facilities

**Applicant:** LNT Care Developments (3) Limited

**Agent:** LNT Construction

**Target Date:** 26/07/2023

**Case Officer:** James Gilfillan

**Officer Recommendation:** Service Manager - Grant

**Reason for Referral to Committee:** Marchwood Parish Council contrary view

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### **May 2024 Update to Planning Committee**

In March 2024 the planning committee supported the officer recommendation, resolving to delegate authority to the Planning Service Manager to complete a S.106 agreement and grant planning permission subject to conditions.

Since that resolution Officers have sought to prepare the S.106 in accordance with the Heads of Terms:

Completion of a Section 106 Agreement, to secure delivery of a strategy for species translocation, timings and future management and maintenance of the receptor site.

In subsequent discussions with the Councils solicitors it has been agreed that such an approach is not required, as the mitigation strategy is not solely based on off site translocation of the rare Narrow Leaved Water Dropwort and mechanisms for monitoring its success can be secured by condition and do not require a commitment from off site land owners or another Local Planning Authority, to contribute to monitoring or managing the mitigation strategy.

The Planning Practice Guidance at paragraph 11 to the "Use of Planning Conditions" chapter encourages Councils to make use of conditions rather than a S.106 agreement, where the matter could be resolved by either mechanism.

An acceptable mitigation strategy to preserve the rare plant had been received, however upon implementation it became clear to officers that the ecological survey, identifying the presence of the species on site, had significantly under represented the number of specimens present on site. The mitigation strategy needs to be updated to ensure an appropriate number of the specimens are retained.

This does not alter the conclusion in respect of the need for a S.106 agreement, however an additional condition is considered reasonable and necessary to ensure the mitigation strategy is sufficiently robust.

The following condition is proposed for addition to the original list of conditions:

Prior to the commencement of development a revised mitigation strategy for preservation of the Narrow Leaved Water Dropwort, identified as being on site, shall first be prepared then submitted to and approved in writing by the Local Planning Authority. It shall include a time table for works, mechanisms for monitoring and verification, to include appropriately qualified specialists, of the mitigation strategy which shall be reported to the Local Planning Authority. The approved strategy shall then be implemented in accordance with its agreed timetable.

**Revised Recommendation:**

Grant subject to Conditions as set out in the report, shown below, including the condition added by the update sheet and now proposed by this update.

**Original report presented to Planning Committee March 2024.**

**1 THE MAIN ISSUES**

The main issues are:

- 1) The principle of development and housing need
- 2) Impact on the character and appearance of the area and trees
- 3) Highway Safety
- 4) Residential Amenity
- 5) Ecology

**2 SITE DESCRIPTION**

The site is on the south side of Hythe Road on the edge of Marchwood defined built-up area. The A326 Marchwood bypass adjoins the southern boundary, and the boundary with the New Forest National Park lies immediately beyond the road.

The site is an open field and is allocated for housing by Policy Mar3 of the Local Plan part 2. There are trees along the east, south and west boundaries, protected by Preservation Orders.

There are field gate accesses in the north-east and west corners, from Hythe Road and St. Contest Way respectively, the latter being obstructed by concrete barriers. There is a public footpath linking Hythe Road with Marchwood by-pass, along the eastern edge of the site.

To the east is the Pilgrim pub, with hotel rooms. To the west are residential properties. The area has a mixed character, being at the point of transition from farmland and countryside to the east, with residential development on both sides of the road to the west.

There are two separate parcels of land designated as Sites of Importance for Nature Conservation to the north and south-west of the application site.

The site rises away from Hythe Road, towards the south by approximately 0.7m at its greatest.

### 3 PROPOSED DEVELOPMENT

Erection of a two-storey 66-bed care home (Use Class C2) with associated access, parking and landscaping and ancillary facilities

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
<b>Application Site</b>			
23/00599. Formation of vehicular access from Hythe Road	09/11/2023	Granted Subject to Conditions	Decided
<b>Adjoining land</b>			
02/76051 Form new estate road. Construct 31 houses and 6 flats with associated garages and car parking (Approval of details following outline permission 65657)	11/11/2004	Granted Subject to Conditions	Decided
NFDC/99/65657/OUT Residential development	29/05/2000	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development  
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
Policy STR3: The strategy for locating new development  
Policy STR4: The settlement hierarchy  
Policy STR5: Meeting our housing needs  
Policy HOU3: Residential accommodation for older people  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV3: Design quality and local distinctiveness  
Policy ENV4: Landscape character and quality  
Policy CCC1: Safe and healthy communities  
Policy CCC2: Safe and sustainable travel  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards

#### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity  
DM10: Residential accommodation for older people  
MAR3: Land south of Hythe Road

#### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

## **National Planning Guidance**

NPPF (December 2023)  
Planning Practice Guidance (Web based resource)

Tree Preservation Order: 49/00/T3

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

**Marchwood Parish Council: Objection PAR 4** – Members agree that the development was in appropriate within the neighbourhood. The development did not provide enough on site parking therefore, the lack of parking on an area already being negatively impacted by on street parking during busy periods would not be appropriate.

Patrons of the neighbouring public house were utilising the road during busy times; visitors to the dentist were also using the highway to park and parents during school drop-off and pick up times. The area was congested and dangerous to existing road users.

It was considered the addition of the development would further inbound the problems for residents of St Contest Way and the surrounding area. Members also agreed that public transport was lacking in the area and was not adequately provided for this would result in staff of the home having to use their own vehicles.

## **7 COUNCILLOR COMMENTS**

**Cllr Richard Young** - Due to the paucity of public transport in the area, the level of parking proposed is inadequate and would result in highway safety risks for school children and adversely impact on local residents.

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **New Forest District Council**

**Conservation:** No harm to designated or non-designated heritage assets.

**Ecologist:** TBC

**Environmental Health (Pollution):** No objection subject to conditions.

**Environment Design Team:** It is not considered that the proposals are appropriate for the location or draw sufficiently on local context. Function appears to be the main driver of the design and this must be balanced against the other requirements of Policy ENV3. In addition, there is insufficient evidence in the LVA regarding potential landscape and visual effects and how these have informed the design and led to the most appropriate and positive design, as required by Policy ENV4.

**Tree Team:** Minor concerns regarding the proximity of the building to protected trees but accepts pruning and tree management could maintain separation. No objection subject to conditions.

## **Hampshire County Council.**

**Countryside Services:** Acknowledges that the application site has been amended to remove the public right of way. Requests the applicant makes a £20,000 contribution to resurfacing the path and removes styles from either end of its route across the applicants land and replaces them with gates.

**Highways:** Acknowledges that the proposed access matches that already approved. No objection to the likely vehicle movements.

**Surface Water:** No objection to the revised site and drainage layout.

### **Others**

**Hampshire Fire & Rescue Service:** Highlights fire safety design requirements, access requirements and points out concerns about on site energy storage batteries.

**Southern Water:** No objection.

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- Excessive development not for locals
  - Parking conflicts and highway safety concerns.
  - Conflict with school drop off and children walking to school
  - Increased traffic movements
  - Increased pressure on GP surgeries
  - Developer not local
  - No need as a care home is for sale locally
  - Noise and disturbance generated by shift working patterns of staff
  - Impact of construction and delivery vehicles on residents amenity
  - Poor design of the building
  - Poor site drainage inappropriate for construction
  - Loss of greenspace and the impact on wildlife
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- Many representations recognise that the amended plans relocating the position of the access would avoid some impacts on residents of St. Contest Way.

For: 0

Against: 19

## **10 PLANNING ASSESSMENT**

### **1. Principle of Development**

The site is located within the built up area of Marchwood as defined by the Local Plan. It is allocated for residential development by policy MAR3 "Land South of Hythe Road of the Local Plan Part 2: Sites and DM policies adopted in 2014. The policy states:

#### **MAR3: Land south of Hythe Road**

Land south of Hythe Road is allocated for residential development, specifically to

provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy. Seventy percent of the dwellings provided will be affordable housing. The site will be developed in accordance with the following site specific criteria:

- provision of vehicular access from St. Contest Way;
- provision of pedestrian/cycle access to the site which link with footpaths and cycleways, including a direct pedestrian link through the development to the Hythe Road footway;
- retention of important trees and hedgerows on the perimeter of the site;
- provision of a landscape buffer between the development and the A326 in order to screen the development, attenuate traffic noise and enhance biodiversity;
- provision of public open space in accordance with Core Strategy Policy CS7, to include natural play space for young children on the site.

Whilst a number is not included in the policy, supporting text suggests the site could accommodate around 15 dwellings.

The principle of residential development is appropriate. The scheme however, does not propose residential development within use class C3, but a residential care home that would fall within C2 of the use classes order.

The "Housing Supply and Delivery" section of the Planning Practice Guidance allows for other forms of residential development to count towards an area's housing land supply. This includes an allowance for residential care homes.

Policy HOU3 of the Local Plan Part 1, supports development of Care homes in locations appropriate to residential use. The character of the area adjoining this site is residential and the land is allocated for residential development, therefore it is a location appropriate for residential development in principle and therefore appropriate for a C2 care home.

The Justin Garner Consulting evidence base of Objectively Assessed housing need to support the Local Plan Part 1 also considered the specialist housing needs for the aging population, supplemented by demographic projections for the plan area, identifying that there would be significant increases in the percentages of the total population falling within in older age categories would need housing designed to cater for their health and mobility needs as residents live longer.

The report predicts 970 care bed spaces would be required in the District over the plan period, the greatest amount would be in the Totton and waterside 'sub-area' at 425. The provision of 66 bed spaces by this application would make a significant contribution towards that target, weighing heavily in favour of the application.

Whilst comments received from local residents object to the need for a care home locally, based on the evidence supporting the local plan there is clear need for the form of specialist residential care accommodation being provided for by the application.

Not only would the scheme make a significant contribution to the supply of specialist housing for the elderly, it would also result in the release of predominately under occupied housing locally. It is common place that residents moving in to care do so from a family home they have occupied for many years, potentially as single occupants of larger family homes, thereby releasing those homes to the open market.

As a care home falling within use class C2, the scheme is excluded from the requirement to provide affordable housing.

Whilst the site is allocated for housing, the principle of a care home provides a specialist form of housing for which there is a significant need. The PPG allows for this form of residential care to contribute towards meeting housing need. The principle of the development is considered acceptable.

The scheme would deliver economic benefits during construction but also provide employment in a range of roles supporting the operation of a care home, including building and grounds maintenance. It would achieve environmental benefits of delivering major scale development in an urban area capable of supporting such a scale of development. It would have social benefits of delivering much needed specialist care housing, in an area where there is a shortfall in the supply of housing and the significant welfare benefits for residents in need of such care and support.

These benefits contribute to the delivery of a sustainable development in accordance with policy STR1 and the NPPF.

## **2. Design, site layout and impact on local character and appearance of area**

The site is at the edge of the built up area of Marchwood, with the defined boundary wrapping around the site. Built form does extend beyond that boundary line to the east with the presence of the Pilgrim Public House and hotel rooms.

The site is allocated for residential development and being within the built up area, there is a presumption that a change in the character and appearance of the site, from the current open field, will occur and can be accommodated.

The scheme proposes a 66 bed care home, designed to ensure effective and efficient care can be provided, comply with care standards and provide attractive, safe and functional accommodation for its residents.

In addition to the 66 bedrooms for residents, communal lounges and dining rooms would be provided, as well as operational kitchen and laundry, staff welfare, offices, reception and stores.

The building is laid out with 4 wings accommodating all of the bedrooms, allowing all bedrooms to have views of the gardens. The operational facilities would be on the ground floor of one wing facing the car park to allow ease of access for deliveries. Communal lounges, dining rooms, reception areas would be located in the centre of the building, in order to bring residents together and would face onto and allow access in to the gardens.

Whilst the 'H' shape floor plan, providing the four wings, does break up the mass of the building when viewed from the sides, the front and rear elevations will cover the majority of the width of the site, the appearance of which would be larger than the prevailing pattern and layout of the area along Hythe Road.

The front and rear elevations has been articulated through the use of gabled projecting bays, a prominent entrance, recessive hipped roofs at either end and materials to break up the facade. These features reduce the perceived institutional scale of the building and the 'H' floor plan reduces the height of the roof that a large building might commonly include, however it will still be a large building in contrast to those around it

However due to its position on the site, set back from the frontage the large and prominent trees framing the site along the side boundaries would still be readily visible in front of it and views of dwellings on St. Contest Way and the thatched building at the Pilgrim Inn will still be prominent in views along the road.

In views from the A326, Marchwood by-pass, at the rear, the building would be glimpsed through the existing dense landscape. The articulated design to the elevation will not be readily appreciated due to the restricted views. However despite its size and form as a single building, those glimpsed views would not perceive the scheme as any larger or more dominant than any residential development that may occur in accordance with the allocation of the site for development.

The 'H' shape results in internal elevations of the wings that are not readily visible and do not include the same detailed design as the front and rear elevations. Given their position this has no bearing beyond the site. However the shape does significantly reduce the scale of the building when viewed from the neighbouring sites, two side elevations of a scale commensurate with the neighbouring sites would be visible close to the edge of the site, entirely acceptable and likely had a scheme of dwelling houses been proposed.

The communal lounge and dining rooms located in the centre of the building will have entirely glazed elevations to create light and airy internal environments to benefit residents, but sufficiently recessed within the building footprint that they would not have material impacts beyond the site.

The position of the building does allow for space around it in which to plant new trees and plants to enhance the landscape setting, especially along the frontage to Hythe Road where the building would be most readily viewed. It retains the majority of the hedgerow along its frontage, preserving the soft edge to the road a strong characteristic of Hythe Road.

Boundary fences proposed for the rear of the site would be absorbed in to the density of the existing and proposed landscape along the rear boundary, with the A326, preserving the character of that road.

Whilst detailed landscape proposals for the communal gardens on the site would be positive for the amenity and well-being of the residents, they would not be readily perceived from outside the site, due to the maturity and scale of existing trees and landscape along boundaries.

The design of the front and rear elevations has evolved in response to concerns of the NFDC Environment Design Team, however the applicant acknowledges that it would not be possible to break up his scheme to respond more closely to the prevailing pattern of layout surrounding the site and in this case the function of the site has to influence the form in order for it to perform for its intended use and therefore he would not be able to overcome the concerns raised..

The site is adjacent to the open countryside however it is within the defined built up area and it is important to make efficient use of land in the urban area in order to protect the more sensitive sites beyond the built up area. Furthermore concerns that insufficient planting is proposed to screen the development pre-supposes that being able to see the building causes harm and the surrounding environment can not adapt to or absorb change. The extent of glimpsed views should not be considered to cause such an impact to be harmful, or that the surrounding environment can not accept.



The NPPF at para. 182 requires great weight is given to conserving and enhancing the landscape and scenic beauty of National Parks. The scheme would not result in the loss of any important views into or out from the National Park, or erode the existing landscaped boundary.

The Public Right of Way that crosses the site, continues in to the National Park across the A326, allowing a degree of public access, the area of the National Park immediately inside its boundary appears to be private paddock grazing land rather than open common land from which wider panoramas of the National Park are enjoyed by visitors. As such any views of the building, most likely its roof visible in longer distance views would not interrupt any scenic beauty of the National Park and the character of built form visible around its edges would be preserved.

The site specific policy 'Mar3' sought to achieve a degree of permeability that would not be required or appropriate for the proposed development. As access is on to Hythe Road there is no direct conflict with the requirement to provide pedestrian and cycle access on to Hythe Road. Nor would Public Open Space be necessary for the specialist care nature of the proposal. Boundary landscape will be retained and enhanced.

The scheme strikes a balance between providing a development functional for its intended use with the design and layout of the site and area, making efficient use of the site and whilst this may not fully comply with ENV3 and the preferred process of design evolution, it does not render the scheme harmful..

#### Impact on and relationship with trees

There are mature trees along the site boundaries and overhanging the site covered by Tree Preservation Orders. All of which are identified as category A or B trees by the supporting Arboricultural survey and therefore material constraints to development of the site. There are some lower quality groups of trees and a hedgerow that would not be considered constraints.

None of the trees would be removed to facilitate the development. The proposed building is located beyond the rootzones of the trees avoiding direct impact on their health and retention.

The building is positioned close to the crowns of several trees which may give rise to a poor relationship between the trees and the building. However due to the design and layout of the building it would not result in any direct impacts on the well being of residents by way of overshadowing or obscuring views from windows and would simply require standard pruning of trees to maintain a reasonable separation, this would not have consequences for the health or retention of the trees.

Some minor landscape works, such as boundary fences and garden footpaths would be installed within rootzones, subject to using appropriate construction techniques these would not harm the trees and are acceptable to the NFDC Arboricultural officer.

Protective fencing is advocated during construction and ground protection required where fencing would compromise the construction process. This is accepted in principle and detailed proposals will be secured by condition.

A section of the hedge along the road frontage would be removed to facilitate the access. This is a low quality hedge so its removal is not unacceptable on arboricultural grounds.

By retaining all of the important trees on and around the site and avoiding any material harm during construction and unsustainable relationships for future health and well being, the scheme complies with policy MAR3 and local policy ENV3 and ENV4.

### **3. Highway safety, access and parking**

The allocation policy for the site, as set out above, requires access to be provided for from St. Contest Way. Many of the representations received from local residents objected to that approach as originally included in the scheme.

Whilst adopted as Public Highway, the application site does not abut St. Contest Way, a section of land along the edge of St. Contest Way, designated as Public Open Space by the development having been retained in separate ownership.

The scheme subject to this application was amended to provide access from Hythe Road at the front of the site. In doing so the concerns of many of the local residents were resolved.

The safety of such an access has already been considered and accepted by the planning application for an access on to the site granted planning permission in 2023.

Sufficient visibility can be achieved along Hythe Road and sufficient access width to enable all vehicles likely to visit the site to manoeuvre in and out of the site in a forward gear and safely.

The bus stops on Hythe Road could be relocated to account for the proposed access, in doing so they would be improved to provide level access to buses.

The access and local highway network would adequately be able to accommodate the vehicle movements generated by the development.

As raised in representations, there will be short term conflicts with highway safety due to parents parking to drop off and pick up children from nearby schools. This is an existing problem that this application would not be able to solve, however there is no technical evidence or concern raised by Hampshire CC Highways Officers to suggest that such short term conflicts would render the scheme unacceptable, or that would give rise to severe cumulative impacts on the road network.

The scheme proposes 34 parking spaces for staff and visitors. For the size of the development that is a 7 space shortfall compared with the adopted parking SPD. The applicant has significant experience in operating care homes and contends that the proposed number of parking spaces is entirely adequate for the needs of the development.

The parking standards presume that all staff will drive to work, which is somewhat counter to the concept of locating developments of this nature in existing built up areas where alternative forms of travel can be achieved and encouraged, such as walking and cycling. It should also be noted that there are bus stops directly outside the site that would allow for staff to travel by bus.

The application is also supported by a travel plan setting out measures by which staff and visitors would be encouraged to take advantage of alternatives to single occupancy private car travel.

The adopted parking SPD does recognise that it is important to apply some flexibility to ensure land is use efficiently, the realistic needs arising from the proposed development and the accessibility of the location by other travel modes.

The applicant has increased the original number of parking spaces proposed. As considered in the design and layout assessment above, the extent of hard surfacing across the front of the site strikes a balance between providing parking but with sufficient landscape setting for the site and area. It would be inappropriate to dominate the frontage with parking that would be required on infrequent occasions.

Concerns raised in representations received regarding over spill parking at the point of the change in shifts have failed to recognise the incremental nature of the shift change over and most particularly the much small number of staff present overnight.

Staff employed in catering, cleaning, medical, laundry and management roles would not remain on site overnight, furthermore they would all depart throughout the afternoon rather than en-masse. As such it is highly unlikely that overnight staff would arrive to find the car park already full. The applicant identifies that peak staff numbers on site occur between 10am and 2pm, in the unlikely event that the car park is full and off site parking required during this period, due to existing parking restrictions and residents predominately being at work highway safety and residential amenity in the area would not be compromised.

It is entirely plausible that there might be occasions, when there is a peak in visitors, such as Bank Holidays, Easter, Christmas or Mothers Day, however there are no visiting hours imposed by the care home, thereby avoiding artificial peaks in demand and visitors are unlikely to stay for prolonged periods of time that would materially compromise the amenity of local residents.

Furthermore those suggested peaks would be unlikely to co-incide with school parking peaks and there is no evidence to suggest the parking pressures arising from the school has a significantly harmful impact on highway safety.

It is considered that the scheme strikes an appropriate balance between providing for the reasonable parking needs of the development with the desire to achieve a landscape setting along the frontage. It is considered that the applicant has a clear understanding of the parking needs of their development and the shortfall, when assessed against the parking standards, is on paper only and would not result in demands for off site parking that are likely to be common or would prejudice highway safety and the amenity of residents

Sufficient manoeuvring space is provided, including for delivery vehicles likely to visit the site to ensure vehicles can enter and exit in a forward gear.

A bin store is proposed in an accessible location adjacent to the car park, where refuse wagons can wait without compromising access to the site or along Hythe Road.

Sufficient cycle storage is provided for in a prominent position at the front of the site to encourage and support visitors and staff to cycle to work. A shower and changing room would also be available for staff.

There is a Public Right of Way crossing the existing field, along the east boundary linking Hythe Road with the A326 Marchwood by-pass, where it continues beyond that road. The application site excludes the position of the path as shown on the definitive PROW maps. The PROW officer from Hampshire CC does not object to the proposal though requests details of the proposed boundary treatment along its

length. They also request a contribution of £20,000 to resurface the path and that the stiles at either end are replaced with gates.

There is no clear link between the proposed development and increased use of the PROW to justify the request for the financial contribution to improve the surface, however the applicant has indicated a willingness to replace the stiles with gates as part of the changes to the boundary treatment of their site. A suitably worded condition will be imposed to secure these works.

The scheme is considered to meet its parking and transportation needs in a manner that would not prejudice highway safety or residential amenity. It is located in the built up area close to existing residential areas providing staff and visitors with options to use by sustainable modes of travel. Highway and pedestrian safety will be maintained in accordance with STR1, ENV3 and CCC2.

#### **4. Residential amenity**

There are residential properties facing the site across St. Contest Way from the west and Hythe Road from the north. Those across Hythe Road are sufficiently far away that there would be no direct impact on the amenity of the occupiers from the proposals. The properties across St. Contest Way are approximately 27m from the proposed building, as such there would be no loss of light or outlook materially detrimental to the amenity of the occupiers. Furthermore there are mature trees along the west boundary and the design of the building would preclude any overbearing or loss of privacy.

Concerns raised by representations regarding the impact of vehicle movements on the amenity of residents along St. Contest Way have been resolved by the revisions to the position of the vehicular access on to the site.

There is nothing about the nature of a residential care home that would be inappropriate in a residential area, despite the number of residents they would still use the site in a manner commensurate with gardens in a residential area. The scheme does include a kitchen and laundry of a scale to serve the needs of the care home, however these are located in the eastern most part of the building, sufficiently far from the residential neighbours.

Similarly the residents of the development would not be exposed to noise and disturbance from the Pilgrim Inn Public House to the east of the site. The Public House and garden of that site being screened from the application site by the mature trees along the boundary and a large outbuilding, providing bedrooms associated with the pub, in the intervening space.

Noise from vehicles on the A326 to the south of the site has the potential to cause disturbance to residents. However as identified in the supporting noise assessments the design of windows and ventilation can ensure suitable internal amenity is achieved. Fences designed to limit noise ingress to the garden would satisfactorily minimise disturbance in the rear gardens. The wings of the building would offer adequate screening for the courtyards from road noise.

Therefore adequate internal and external amenity would be delivered for the residents of the scheme.

Whilst operation of the Care Home would not give rise to noise and disturbance out of character or harmful to the amenity of local residents, due to the size of the building and length of time to construct there could be short term disturbance and

nuisance caused during construction. A construction management plan will be required by condition.

As such, subject to suitable conditions, the proposal accords with Local Plan Policy ENV3 criterion (ii).

## **5. Ecology**

The site is not designated as a national or local site for nature conservation interest. There are Sites of Interest for Nature Conservation (SINC) nearby. Whilst the New Forest National Park boundary is immediately to the south of the A326, land therein is not subject to any of the international protection for nature conservation, that much of the National Park is designated for.

The scheme is supported by a detailed ecological survey of the site and impact appraisal. That survey concludes the scheme would not be likely to have any direct impact on any of the SINC's designated close to the site, such as Marchwood School field and Hythe Meadow north.

It does identify that the site is used, inhabited or has the right environment to support bats, reptiles and invertebrates and potentially a rare plant species, the narrow leaved water dropwort.

Surveys identified Slow worms are present on site, no notable rare invertebrates were identified on site, those recorded are common and widespread. Bats were identified as commuting through the site. Identification of the presence of the Narrow Leaved Water Dropwort on site is surprising as this species is a nationally scarce and threatened species that has not been recorded in Hampshire previously, being found predominately on sites along the River Severn.

It is readily possible to mitigate the effect of the development on Slow Worms through tried and tested capture and relocation methods and Bats by way of sensitive lighting design and supplementary planting on site. These are secured by conditions.

Due to the spread of the Narrow Leaved Water Dropwort across the centre of the site it would not be possible to undertake this or any other development of the allocated site whilst retaining the majority of it. The ecological appraisal has suggested that it would be possible to preserve part of the site currently inhabited. Seed collection and provision to Kew Gardens has already occurred. The majority of the specimens would be translocated to an appropriate donor site, in Hampshire, where hydrological and soil nutrient and pH conditions are compatible. A draft translocation strategy is proposed. Details, timings and protection for the receptor site can be secured by condition and S.106 agreement.

It should be noted that due to its rarity and the time of year it has proved difficult to guarantee the species identified on site is Narrow Leaved Water Dropwort. At this stage the applicant has undertaken a precautionary approach in proposing the above mitigation strategy as a worst case scenario.

Being mindful of the proximity of the site to the National Park and locally designated SINC's it would be prudent to secure a construction environmental management plan (CEMP) to ensure construction does not have a materially detrimental impact on sensitive habitats and species close to the site. An appropriately worded condition will be added.

Whilst ecological mitigation can be secured on site, because the size of the site and extent of the ecological baseline, it is unlikely that 10% Bio-diversity Net Gain can be achieved on site. A condition can be used to secure details of that scheme, how it delivers 10% net-gain and the monitoring and review mechanisms.

#### Habitat Mitigation

The site falls within the catchment of the New Forest and Solent protected habitats. However the scheme proposes a form of residential care accommodation that would not give rise to increased visits to those sites by residents. As such it can be screened out from giving rise to likely significant effects. This is recognised by the Mitigation Strategy for European Sites SPD.

#### Nitrate neutrality and impact on Solent SAC and SPAs

Whilst recreation impacts on New Forest and Solent habitats may not occur, the scheme proposes new overnight accommodation and will still give rise to increased nutrients being discharged that need to be mitigated for.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4<sup>th</sup> September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Subject to conditions and S.106 agreement the scheme would comply with adopted policies STR1 and ENV1.

#### Other matters.

##### Drainage

The site is not at risk of tidal or fluvial flood risk. There is a small area in the north west corner of the application site predicted to suffer surface water flooding, however this area is not subject to any of the proposals. Despite this, the ground conditions could not support soakaway drainage of storm water captured by the roofs and hard surfaces of the proposed development.

The applicant has looked at off site surface water drains and proposes to provide attenuation on site before discharging to a piped drain in Hythe Road. Hampshire CC accept that sufficient calculations have been undertaken and a suitable solution identified.

There is a highway ditch along the A326 along the edge of the application site, that would provide a more sustainable solution to surface water drainage, being higher up the drainage hierarchy than the identified piped discharge. The applicant is in

discussions with Hampshire CC highways regarding this as an alternative source of surface water discharge. A condition could reasonably be imposed seeking agreement to the final drainage solution to facilitate this more sustainable solution if the applicant can agree details with Hampshire CC.

#### Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement:

- Delivery of a plant translocation strategy, site and future monitoring and management of that site.

## **11 CONCLUSION / PLANNING BALANCE**

When this application was submitted the Council was unable to demonstrate it had a 5 year supply of land for housing, the provision of Care bed spaces would contribute to reducing this shortfall. Furthermore the scheme would make a very significant contribution towards the provision of specialist elderly residential accommodation where demand is predicted to be very high over the plan period.

The site is allocated for housing development as such its character and appearance would undoubtedly change. The size of the scheme would have a significant impact on the appearance of the site, but would retain and enhance important landscape features and is a consequence of delivering much needed specialist housing for care.

The scheme would preserve highway safety. The shortfall of parking when considered against the adopted parking standards should not weigh against the scheme on the basis of the detailed parking needs assessment and analysis given by the applicant. Concerns alleging harm arising from overspill parking are given little weight as not proven to occur or cause conflict with highway safety to the result in an objection from the Local Highway Authority. In any event the benefits of the scheme would materially outweigh such harm.

The scheme has economic, environmental and social benefits that contribute to delivery of a sustainable development.

## **12 RECOMMENDATION**

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a Section 106 Agreement, to secure delivery of a strategy for species translocation, timings and future management and maintenance of the receptor site.
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan: SO40 4WU-A-01A rec'd 26/04/23  
Proposed Site Plan: SO40 4WU-A-03D rec'd 05/03/24  
Proposed Floor Plan: SO40 4WU-A-04A rec'd 26/04/23  
Proposed Elevations: SO40 4WU-A-05 rec'd 28/06/23  
Proposed Internal Elevations: SO40 4WU-A-05.1 rec'd 26/04/23  
Proposed Long Sections: SO40 4WU-A-08A rec'd 26/04/23

Reason: To ensure satisfactory provision of the development.

3. Provide final drainage design

Prior to the commencement of development hereby approved, details of the final design of the surface water drainage strategy, including specifications for its maintenance, shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall then be installed and available for use prior to occupation of the building, maintained in accordance with the maintenance regime and thereafter retained.

Reason: In order to ensure the most sustainable drainage solution is provided, to ensure it is sufficient for the scheme, does not cause down stream flooding and to protect trees on and adjoining the site and in accordance with policies ENV3 and CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the NPPF.

4. Prior to the commencement of development hereby approved a revised scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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



Reason: To reflect the revised parking proposals and ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**5. Install tree protection fencing.**

The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Wharton Natural Infrastructure Consultants Arboricultural Impact Assessment Ref: 230511 1582 AIA V3 received 30th August 2023 and Tree Protection Plan Ref 230127 1582 TPP V3.

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

**6. Pre-comm Arb check**

Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as specified at para 7.9 of the Wharton Natural Infrastructure Consultants Arboricultural Impact Assessment Ref: 230511 1582 AIA V3 received 30th August 2023.

Reason: In the interests of protecting important trees on and adjoining the site and in accordance with policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

**7. CMP**

Prior to the commencement of development on site a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include, but not limited to, the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways, including preserving safe use of the PROW during construction.
- Details of parking and traffic management measures, site compound, delivery routes and storage areas.
- Measures to control light spill and glare from any floodlighting and security lighting installed.
- Pest control

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

Reason: In the interests of highway, pedestrian safety and residents amenity and in accordance with CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

## 8. **CEMP**

Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include, but not be limited to, measures to provide:

- Protective fencing and buffering of land proposed for Narrow Leaved Water Dropwort retention on site;
- Dust control and minimisation
- Pollution prevention measures;
- Lighting control;
- Noise control and minimisation
- Vegetation removal under supervision / timing of works e.g. birds and dormice; and
- Methods to prevent badgers (and other mammals) getting trapped in excavations.

The agreed plan shall then be implemented and followed for the duration of construction as appropriate to the nature of the works and impact.

Reason: In the interests of protecting sensitive features of nature conservation and in accordance with Policy CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM02 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

## 9. **Slow Worm relocation**

Development hereby approved shall not commence until the reptile mitigation strategy proposed at Appendix 7 to the Ecological Impact Assessment received 29/01/24 has been complied with and a verification report has been received and approved in writing by the Local Planning Authority.

Reason: In order to protect sensitive species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

10. **PROW gates**

Prior to the commencement of development, details of the precise siting and design of gates to be installed at either end of the PROW along the east edge of the site shall be provided and approved in writing by the Local Planning Authority. The approved details shall then be installed prior to the commencement of use and thereafter retained and maintained.

Reason: In the interests of improved access to the public right of way network.

11. **BNG**

Prior to the commencement of development, a strategy for the delivery of Biodiversity Net Gain and a Monitoring and Management Plan shall be submitted and approved in writing by the Local Planning Authority. It shall include:

- Methods for delivering an increase in existing site BNG in accordance with the most up to date Natural England bio-diversity metric;
- Responsibilities for delivering BNG
- Description of the habitats to be managed;
- Ecological trends and constraints on site that might influence management;
- Clear timed and measurable objectives in the short, medium and long-term for BNG - Detail objectives for all habitats (target condition) and define key indicators to measure success;
- Define appropriate management options and actions for achieving aims and objectives;
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Preparation of a work schedule;
- Details for a formal review process when objectives are not fully reached;
- Key milestones for reviewing the monitoring;
- Establish a standard format for collection of monitoring data to make it repeatable and consistent;
- Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.

The BNG monitoring report shall be produced by a suitably qualified and experienced ecologist and shall include the following for the target habitats:

- Credentials of the ecologist undertaking the monitoring
- Assessment of habitats against the objectives defined in the management plan;
- Any presence recorded of target species;
- Date stamped photos accompanied by detailed site notes on extent of growth and condition using indicators in the management plan with any other notes of interest;
- If the target species /habitat is not present, provide detailed site notes in factors that are / could hinder growth or establishment;
- Detailed specific recommendations (where appropriate) on management actions to promote growth /establishment of target species / habitats including timescales for undertaking actions and

marked site plans to show the actions;

- Photographs from the fixed monitoring points detailed in the management plan using high quality images. The agreed methods of delivering BNG shall then be implemented in accordance with agreed timetable and thereafter managed and monitored as agreed.

Reason: In order to ensure appropriate delivery of bio-diversity net gain and in accordance with policies STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014.

**12. The development hereby permitted shall not be occupied until:**

A water efficiency report to demonstrate the measures the scheme will employ to minimise its water use shall be submitted to and approved in writing by the Local Planning Authority. The approved measures must be installed before first residential occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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

**13. Acoustic Fence details and installation**

Prior to the commencement of development above Damp Proof Course of the building hereby approved, details, alignment and specifications of the acoustic fence to be erected along the rear boundary, as indicated by the

Venta Acoustics report received 29/06/23 and shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed prior to first residential occupation of the building and thereafter retained and maintained.

Reason: In the interests of the amenity of residents and in accordance with policies ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

#### 14. **Sensitive lighting design**

Prior to the commencement of development above Damp Proof Course of the building hereby approved details, layout and specification of external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The design shall be in accordance with the Bat Conservation Trust and Institute of Lighting Professionals guidance (BCT & ILP, 2023). The submitted details shall also demonstrate that internal lighting from the communal lounge and dining rooms no's 1-4, as shown on the approved plans, do not compromise the sensitive design of the external lighting.

Only the approved measures and lighting design shall be implemented and thereafter retained and maintained in accordance with the manufacturers instructions.

Reason: In the interests of protecting sensitive species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

#### 15. **Materials**

Prior to their use, details of all external facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used.

Reason: In order to ensure the design detailing is delivered and in accordance with ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

#### 16. **Electric vehicle charging**

Before first occupation of the building hereby approved, electric vehicle charging infrastructure shall be installed to serve the parking spaces as shown on the approved plan. It shall be made available to staff and visitors, maintained in accordance with the manufacturers instructions and thereafter retained.

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

17. **Do Access and parking.**

Prior to the commencement of use of the development hereby approved, the parking, access, manoeuvring space and pavements as shown on the approved plans shall be completed and available for use. They should thereafter be kept clear and available for use.

Reason: In the interests of highway and pedestrian safety and to ensure parking is available in accordance with policies STR1 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

18. **Comply with Acoustic report mitigation**

The conclusions and recommendations of the Venta Acoustics noise impact assessment received 29/06/23 shall be implemented and installed during construction and thereafter retained.

Reason: In the interests of the amenity of residents of the scheme and in accordance with ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

19. **Relocate Bus stops**

Residential occupation of the development hereby approved shall not occur until the bus stops on Hythe Road in front of the site have been relocated as shown in principle on the approved plans.

Reason: In the interests of highway safety and to support sustainable modes of travel and in accordance with policies STR1 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

20. **Do travel plan measures**

Concurrent with the commencement of use of the development hereby approved, the proposals and measures of the Travel Plan received 17/02/23 shall be implemented. It shall be reviewed and updated annually as recommended therein.

Reason: In the interests of promoting a sustainable approach to travel and in accordance with CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

21. **Details of outbuildings**

Prior to the commencement of development, details of the design and appearance of the outbuildings, as shown on the site layout plan hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented.

Reason: In the interests of the appearance of the site and character of the area and in accordance with policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

**22. Bat/bird boxes**

Prior to the commencement of construction above damp proof course of the scheme hereby approved, details of the provision and location of at least 6 bat bricks/boxes and 10 swift bricks/boxes shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented prior to first occupation of the development and thereafter retained.

Reason: In the interests of supporting ecology in the area and in accordance with policy DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

**23. Narrow Leaved Water Dropwort mitigation.**

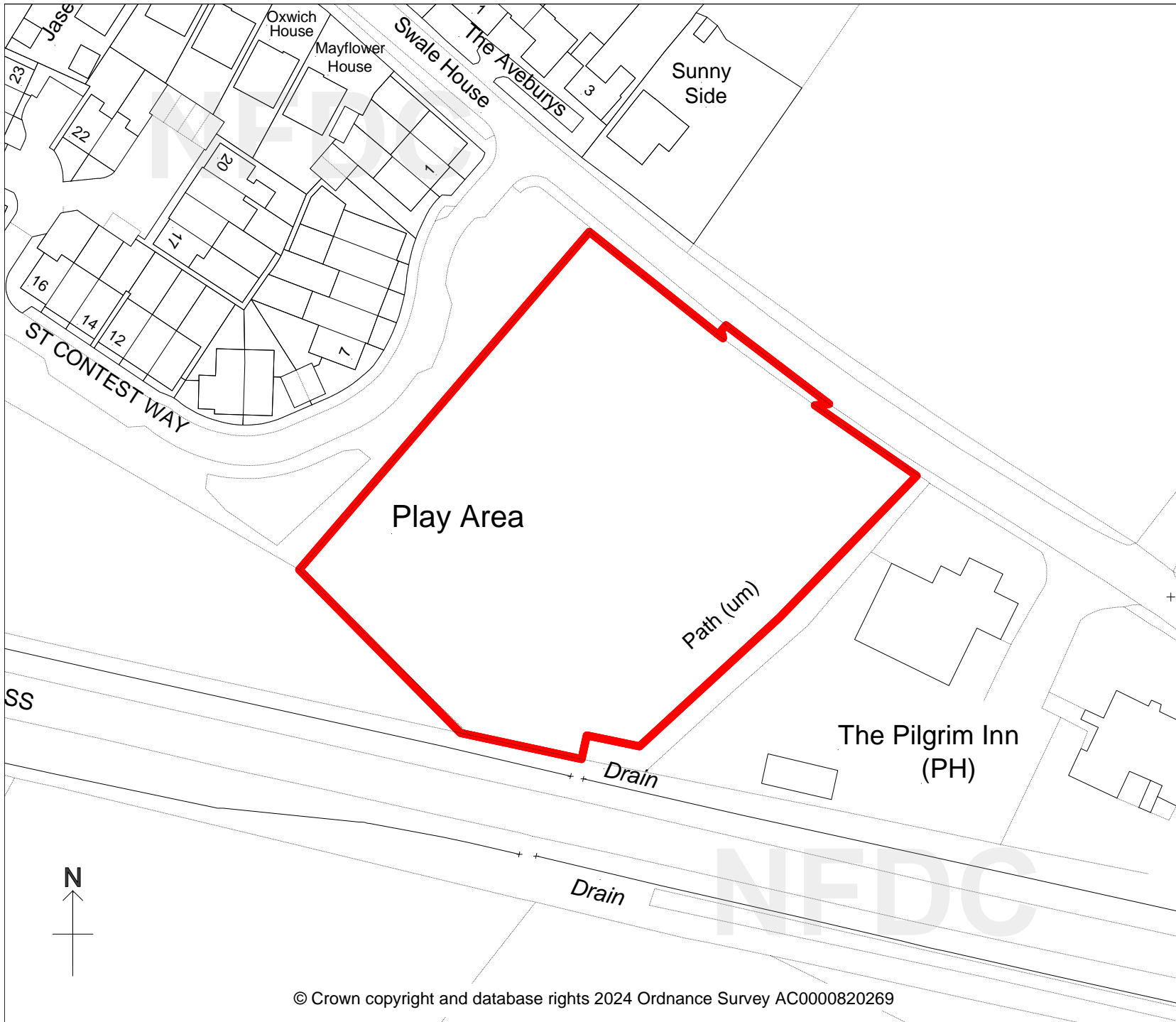
Prior to the commencement of development a revised mitigation strategy for preservation of the Narrow Leaved Water Dropwort, identified as being on site, shall first be prepared then submitted to and approved in writing by the Local Planning Authority. It shall include a time table for works, mechanisms for monitoring and verification, to include appropriately qualified specialists, of the mitigation strategy which shall be reported to the Local Planning Authority. The approved strategy shall then be implemented in accordance with its agreed timetable.

Reason: In the interests of preserving a rare plant species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

**Further Information:**

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# New Forest

DISTRICT COUNCIL

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 SO43 7PA

## PLANNING COMMITTEE

May 2024

Land South of Hythe Road and  
 East of St Contest Way  
 Marchwood  
 23/10172

Scale 1:1000

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