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| Application Number: | 23/10623 Full Planning Permission |
| Site: | LAND AT EVERTON NURSERIES, CHRISTCHURCH ROAD, EVERTON, HORDLE SO41 0BF |
| Development: | Erection of 20 dwellings and associated access, parking, and landscaping |
| Applicant: | E.G Dunford Ltd |
| Agent: | Ken Parke Planning Consultants |
| Target Date: | 25/09/2023 (Extension of time granted to 28/06/2024) |
| Case Officer: | Judith Garrity |
| Officer Recommendation: | Service Manager - Grant |
| Reason for Referral to Committee: | Hordle Parish Council contrary view |

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development including Green Belt considerations
- 2) Layout and impact on character and appearance of the area
- 3) Residential amenity
- 4) Highways and parking
- 5) Ecology, BNG and habitat mitigation

2 SITE DESCRIPTION

The application site is 8 hectares in size and comprises Everton Nurseries, which is located on the western edge of Everton. The site is in a fairly prominent location being situated along the A337 which is the main road from New Milton to Lymington. When entering Everton from the west, Everton Nurseries are the first substantial buildings that are visible.

The Everton Nurseries site directly abuts the built up area boundary but it is located within the Green Belt and countryside. The settlement boundary is located on the western edge of the housing areas of Honeysuckle Gardens and Shepherds Way. Accordingly, it is located within the Green Belt and countryside.

Everton Nurseries is an established garden centre. It comprises a mixture of buildings and uncovered planting beds, internal roads and car parking areas. The main single storey building with attached glasshouses are predominately used for retail in association with the garden centre, although there is also a restaurant/ coffee shop. There are currently two access points to the Everton Nurseries site, the main one being from the A337 and the other secondary access from Farmers Walk.

The eastern part of site - which is the subject to this planning application - is relatively long and narrow and is used in association with the garden centre which extends to its north-western boundary. There are a number of large glasshouses and polytunnels on the application site which are single storey structures which vary in size and design. There are in

addition some structures along the eastern boundary of the site that are in a generally poor condition that are currently used for general storage including machinery which is used in association with the nursery operations at the site.

3 PROPOSED DEVELOPMENT

The current planning application seeks full planning permission to redevelop the eastern part of the Everton Nurseries site. The proposals are to demolish the existing buildings on this part of the site which are currently used in part of the nursery site (including glasshouses and dilapidated timber buildings) and replace them with a total of 20 dwellings.

This would comprise 16 houses (comprising 4 no 3 bed and 6 no 4 bed) and 4 no. 1 bed flats (total of 20 units) with associated parking and landscaping. The proposed dwellings would be 2 storey with pitched roof forms and traditional materials and detailing.

It is proposed that 50% of these units would be affordable housing (10 units including 4 no. 1 bed flats; 5 no 2 bedroom and 1no 3 bed houses). The tenure mix would be 30% Shared Ownership /70% Affordable rent . The Affordable rented units to be split 40% social rent and 30% affordable rent.

Informal public open space and a doorstep children's play area would be provided. The main area of informal public open space would be located in the central area of the site with a number of smaller areas within the proposed overall site layout. This public open space (POS) would be managed by a private management company and not transferred for public adoption or maintenance.

The main access from the A337 (Christchurch Road) will be retained to serve Everton Nurseries. The existing secondary access from Farmers Walk would serve the proposed new development. Farmers Walk is a cul de sac which has a semi-rural character and no pavements.

A total of 48 parking spaces would be provided on the site. There would be 19 unallocated spaces - including 6 unallocated spaces for the flats on Plot 1-4 - and 29 on-plot parking spaces when including garages. The proposals would require the relocation of 16 existing parking spaces that serve Everton Nurseries to provide the access to the new development.

A re-arranged car parking layout for the nursery has been submitted to demonstrate that there would be no loss of parking spaces for Everton Nurseries as a result of these proposals, with 104 spaces to remain for the existing use.

4. PLANNING HISTORY

05/85674 - Extension to garden centre to include entrance hall, display area, warehouse, coffee shop, staff facilities - Granted with conditions - 18th November 2005.

90/44931- Extension to office building - Granted with conditions - 7th February 1989.

84/26894 - Erection of a garden centre shop, display glass house and installation of a septic tank - Granted with conditions - 31st July 1984.

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV2: The South West Hampshire Green Belt
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 IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy IMPL2: Development standards
Policy STR3: The strategy for locating new development
Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

None

Core Strategy (saved policy)

CS7 - Public open space.

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
SPD - Housing Design, Density and Character
SPD - Hordle Village Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

National Planning Policy Framework December 2023

National Planning Policy Guidance

Plan Policy Designations

Green Belt

6 TOWN/PARISH COUNCIL COMMENTS

Hordle Parish Council

Par 4: Recommend REFUSAL.

Although Hordle Parish Council welcomes the level of affordable homes in this application, it has concerns about other aspects of this application, as follows:

1. Green Belt policy
Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development.
2. Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy.
The Parish Council is concerned that some properties in Shepherds Way and Honeysuckle Gardens can be overlooked by the new housing. The ridge heights of the new properties are much higher than the greenhouses they replace.
3. Creating healthy and safe communities through good design and Impact on provision of open space, sport and recreation, community services and infrastructure.
Link to Shepherds Way Public Open Space ? the Parish Council, as freeholders of this public Open Space, has not been consulted about the proposed link, which the

Parish Council would need to agree to by way of a Deed of Easement. The Parish Council understands that this may have connectivity benefits for the wider community but it could be in contravention to the covenant that "the Open Space Area shall only be used as open space for recreational purposes" if it becomes a pedestrian through-route. A link would change the nature of the open space, with a thoroughfare effectively created through this currently enclosed area which is a safe space for children to play.

The Parish Council endorses the comments of NFDC's Open Spaces Officer and would like to see play equipment for use by children of the whole community of Everton provided on the open space within the site boundary.

4. Impact on the character and appearance of the area.

Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development. It is concerned about the density/ layout of the affordable housing which appears cramped.

The Parish Council endorses the suggestions of the Urban Designer to refine the style of the housing to be more compliant with policies GBE03- and GBE04 from the Village Design Statement.

5. Impact on ecology and in particular protected species.

The Parish Council would like to see the installation of swift boxes, bat roosts and hedgehog pathways as well as native planting around the site to comply with policy GE04 from the Village Design Statement, should permission be granted.

6. Impact on highway safety, including matters relevant to car parking.

Hordle Parish Council has several concerns, as follows:

- i. Traffic safety on Farmers Walk ? The Parish Council notes the proposed closure of vehicular access to the nursery here. However, this narrow lane has no pavements and has cars parked along its length throughout the day. This forces residents to walk on the carriageway and poses serious safety concerns, particularly with an additional 48 cars travelling along it to access the new development.
- ii. The Parish Council is concerned that construction traffic could be routed through Farmers Walk, which would pose serious safety concerns in addition to those outlined above.
- iii. Parking ? although the scheme is compliant with NFDC Parking Standards, it is unclear where the visitor spaces are for the affordable homes and the Parish Council is concerned that visitors will park on Farmers Walk, thus exacerbating the previous issue. Some of the parking spaces ? particularly plots 14 & 15 have a poor parking layout and the spaces for plots 9 & 10 are across the road from the properties. Plots 11 & 12 have a double garage but only 1 parking space each.
- iv. The Parish Council would like to see direct vehicular access onto the A337 to mitigate the issues above.
- v. There appears to be few pavements in the proposed scheme, leading to potential safety concerns.
- vi. No streetlighting has been detailed, which could have safety and security implications for residents.
- vii. The location of the separate access for the flats onto Farmers Walk could pose a hazard for road users, being so close in proximity to the main access for the rest of the development.
- viii. The Parish Council draws attention to policy RRTS02 of the Village Design Statement Future development. "This should be influenced by the need for safe

access and egress onto existing roads and the suitability of existing roads to carry any increased volume of traffic. New development proposals should ensure that roads and pedestrian safety concerns are addressed through dialogue between Highways and the Parish Council at the planning stage

7. Impact on public health and safety (land contamination, air quality, hazardous substances).

The Parish Council concurs with the comments of the Environmental Health Officer.

AMENDED PLANS Re-consultation:

Hordle Parish Council

Par 4: Recommend REFUSAL.

Although Hordle Parish Council welcomes the level of affordable homes in this application, it has concerns about other aspects of this application, as follows:

1. **Green Belt policy**
Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development. The proposed development will have a detrimental effect on the openness of the Green Belt and is contrary to planning policy and the Parish Council does not consider there to be any very special circumstances which would justify such inappropriate development. The proposal would therefore be contrary to Policy ENV2 of the Local Plan Part 1 and paragraphs 152 and 154 of the National Planning Policy Framework. The Council is further concerned that if this section of land is deemed to be PDL (Pre-Developed Land) then this could set a precedent for the remainder of the site. If the land has not had a change of use application and is not PDL, then development should not be possible and this application should not be successful.
2. **Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy.**
The Parish Council is concerned that several properties in Shepherds Way and Honeysuckle Gardens will be overlooked by the new housing. The ridge heights of the new properties are much higher than the glasshouses they replace, consequently affecting light levels into the existing houses and gardens. In addition, due to air source heat pumps required, there will be a significant and constant noise disturbance to adjacent properties. Increased traffic flow will raise these levels of disturbance further, specifically in evenings after 6pm and mornings pre 9am.
3. **Creating healthy and safe communities through good design and Impact on provision of open space, sport and recreation, community services and infrastructure.**

Link to Shepherds Way Public Open Space – the Parish Council, as freeholders of this public Open Space, has not been consulted about the proposed link, to which the Parish Council would need to agree, by way of a Deed of Easement. The Parish Council understands that although this may have connectivity benefits for the wider community, it could be in contravention to the covenant on the land that "the Open Space Area shall only be used as open space for recreational purposes" if it becomes a pedestrian through-route. A link would change the nature of the open space, with a thoroughfare effectively created through this currently enclosed area which is currently a safe space for children to play. The Parish Council agrees with Hampshire County Council Highway's view that "if the additional pedestrian links are implemented into the adjacent land, some residents could become annoyed if

their private driveway is suddenly turned into a pedestrian link.” The Parish Council endorses the original comments of NFDC’s Open Spaces Officer and would like to see play equipment for use by children of the whole community of Everton provided on the open space within the site boundary. The amended plan still shows a link to the Public Open space in Shepherds Way and no details of play equipment in the centre of the proposed development. The Parish Council would like to know the purpose of the white area adjacent to plot 20. It is not identified as turning area (no vehicle manoeuvring data available) nor appears to be part of plot 20.

The Council has concerns regarding the accessibility for emergency vehicles and large wheely bin collection lorries as there will likely be on-road parking which will cause issues.

4. Impact on the character and appearance of the area.
Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development. It is concerned about the density/ layout of the affordable housing which appears cramped. It considers the current plans to be overdevelopment of the site and that houses have poor relation to parking provision. The Parish Council agrees with NFDC’s Landscape Officer that “resin bound paths through the POS are not in keeping with the setting and character of the area have not been addressed and are still relevant.”. The Parish Council endorses the suggestions of the Urban Designer to refine the style of the housing to be more compliant with policies GBE03- and GBE04 from the Village Design Statement.
5. Impact on ecology and in particular protected species:
The Parish Council would like to see the installation of swift boxes, bat roosts and hedgehog pathways as well as native planting around the site to comply with policy GE04 from the Village Design Statement, should permission be granted. We also wish planting to be unlikely to cause future proximal issues with built structures.
6. Impact on highway safety, including matters relevant to car parking. Hordle Parish Council has several concerns, as follows:
 - i. Safety on Farmers Walk – The Parish Council notes the proposed closure of vehicular access to the nursery here. However, this narrow lane has no pavements and has cars parked along its length throughout the day from residents in Rodbourne Close, who have insufficient parking allocation in their development due to poor design. They have no option other than to park on Farmers Walk. This forces pedestrians to walk on the carriageway, which poses serious safety concerns, particularly with an additional 48 cars travelling along it to access the new development.
 - ii. The Parish Council is very concerned that construction traffic could be routed through Farmers Walk. This would pose serious safety concerns in addition to those outlined above.
 - iii. Parking – it is unclear where the visitor spaces are for the affordable homes and the Parish Council is concerned that visitors will park on Farmers Walk, thus exacerbating the issues identified above. Some of the parking spaces – particularly plots 14, 15, 19 & 20 have a poor parking layout and the spaces for plots 9 & 10 are across the road from the properties. Plots 11 & 12 have a double garage but only 1 parking space each. Plots 9 and 10 only appear to have 1 space each across the road from the houses and are not demarcated as “belonging” to these plots. Visitor spaces are also not included in this part of the design, which could lead to difficulties resulting from on street parking. The Parish Council considers these design issues to be hugely problematic for future residents. Furthermore, the inclusion of garages as parking spaces is problematic; the Department of Transport’s Manual for Streets states: “8.3.39 Garages are not always used for car parking, and this can create additional

demand for on-street parking. 8.3.40 Research shows that, in some developments, less than half the garages are used for parking cars, and that many are used primarily as storage or have been converted to living accommodation.” Given this, the Parish Council queries whether the proposed design meets NFDC’s Parking Standards.

- iv. The Parish Council would like to see direct vehicular access onto the A337 to mitigate the issues above.
 - v. There appear to be few pavements in the proposed scheme, leading to potential pedestrian/vehicle safety concerns.
 - vi. There is also no provision for cycle connectivity.
 - vii. No streetlighting has been detailed, which could have safety and security implications for residents.
 - viii. The location of the separate access for the flats onto Farmers Walk could pose a hazard for road users, being so close in proximity to the main access for the rest of the development.
 - ix. The Parish Council draws attention to policy RRTS02 of the Village Design Statement – Future Development. “This should be influenced by the need for safe access and egress onto existing roads and the suitability of existing roads to carry any increased volume of traffic. New development proposals should ensure that roads and pedestrian safety concerns are addressed through dialogue between Highways and the Parish Council at the planning stage.”
7. Impact on public health and safety (land contamination, air quality, hazardous substances).

The Parish Council concurs with the comments of the Environmental Health Officer and also has concerns about noise levels.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist: Comment. The bats surveys have been undertaken and roosting bats are not considered to be impacted as part of the proposed works. The mitigation and enhancements need to be secured by a condition. The BNG offset requirement can be secured by a suitable condition with a net gain site registered.

NFDC Landscape: No objection. The LVIA covers the approach to the site although there are no viewpoints from the residential areas to the east of the proposed development. The perceived openness of the Green Belt site is affected by the development due to the positioning of the block of flats to the front of the site on what is currently space planted with ornamental planting. The buildings are set back in line with the form of the existing line of houses along Farmers Walk and the retention of the existing Liquidambar and the addition of other trees mitigates the visual impact of the new buildings on the openness of the site.

NFDC Urban Design: Comment only

NFDC Tree Team: No Objection Subject to conditions.

NFDC Open Space Officer: Comment Only on the need to meet requirement for public open space provision in accordance with Policy CS7 of the Core Strategy.

NFDC Building Control: Comment only. Need to comply with Approved Documents in relation to access for fire service vehicles and minimum opening sizes for means of escape (for the flats) Solar gain should be limited to accord with Approved Document O and electric car charging provided in accordance with Approved Document R1.

NFDC Environmental Health (Pollution) : No objection subject to conditions on submission of noise impact assessment, a construction environmental management plan (CEMP) and a sensitive lighting scheme.

NFDC Environmental Health Contaminated Land: No objection in principle to the proposed development subject to planning conditions relating to contaminated land.

HCC Highways: No objection but comments made. The access arrangements are acceptable and there are no highway safety concerns with the proposals. Additional consideration should be given to the number of points. However, it is noted that the site will not be offered for adoption

HCC Surface Water: Further details have been provided to prove that the drainage network can function at a shallow depth. The LLFA has no objection to the proposals subject to conditions on further details of surface water drainage and its long term maintenance arrangements.

Southern Water: Recommend conditions on details of foul and surface water drainage schemes.

Natural England: Comment on the need to mitigate impacts on designated sites and ensure nitrate neutrality. Biodiversity Net Gain, ecological enhancements and a sensitive lighting are recommended.

NHS Foundation Trust: The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate. At this time there is no requirement for a contribution towards NHS Primary Care infrastructure from this application, although a contingency is recommended.

SSEN: No comments.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

First consultation:

For: 6

Against: 29

Comment: 1

Policy:

- Object to the development of green belt land
- Inappropriate development in the Green belt land which is contrary to policy unless it meets certain exceptions, including affordable housing to meet local needs
- Site was not allocated in local plan or village plan for future housing development
- Site lies outside of the village boundary.
- Precedent of allowing this development if Previously developed land is accepted on Green Belt land.
- Reference to Previously developed land (PDL) and NPPF definition – garden centre should be consider as agricultural land.

- NPPF policy on Green Belt openness exceptions do not apply to this site
- Impact on openness of development of the site with taller buildings and limited new landscape proposed.
- Proposals would have a greater impact on the openness of the Green Belt, public views and views from nearby residential properties.
- More openness in the centre of the site is to provide an advantageous layout for developer.
- No openness in southern part of the site where affordable flats are proposed.
- Reference to Hordle Village Design Statement which requires development in village and not in countryside.
- Employment sites such as this need to be retained
- Nursery has been growing plants for over 100 years
- Land could be used in a more gainful way such as employment as the current greenhouse and land are underutilised and neglected.
- Reference to the planning history of the garden centre shop and conditions restricting good sold
- Application site is divided into two parts with the south part being ornamental planting and to the north is glasshouses and sheds are part of the original horticultural (Agricultural) use having not formed part of the previous planning applications and so remain in that use class.
- Agent acknowledges that the “garden centre” grows and sells plants on a wholesale basis so it is part of the nursery business. As the nursery sells plants within the garden centre that are grown in its own nursery reinforces this view.
- Policy DM20 relating to 30% increases not relevant as the existing buildings are not dwellings. Refer to Previous developed land arguments and previous planning conditions
- No general retail use on the site
- Appearance of low level glasshouses does not justify new 2 storey dwellings as they are lower than proposed houses with less physical presence. Comparison is inappropriate
- Comments on the southern section of the site is misleading as this is open ornamental gardens.

Character and visual impact:

- Overdevelopment – excessive number of units are proposed.
- Inappropriate scale, design and density of development.
- Over intensive development of the narrowest part of the site with a design and layout constrained by the nursery and existing housing making it inefficient.
- Objection to flats which are out of keeping with the area and streetscene
- Cramped, unsympathetic to character appearance and local distinctiveness.
- Generous market housing but affordable housing is located where the site is most restricted.
- Proportion of hard surfacing relative to existing developments
- Density of development is not distributed equitably across the site.
- Misleading urban grain information as it does not consider the height and roofs of the dwellings – drawings have been submitted with representations made about this point
- Impact on existing character due to low level nature of the nursery buildings on southerly aspect.
- Lack of separation and space between buildings, particularly affordable flats (Plots 1-4) and existing dwellings where separation could be improved with garages
- Urbanising impacts and quiet character will be lost.
- Loss of ornamental gardens at front of the site would be detrimental to the area.
- Increase bulk and mass of built development on the site
- Provision of affordable housing in 2 storey development is out of keeping.
- Need to integrate affordable housing into the scheme more effectively

- Bike and bin stores on the boundary will interfere with the continuity of planting and tree screen on boundary and would be better relocated
- Misleading information submitted on HT6 and HT6 V1

Amenity:

- Impact on amenity of local residents.
- Lack of separation between facing windows and existing adjoining dwellings.
- Discrepancy in separation between flats/ new dwellings and existing houses.
- Overlooking from windows – particularly to Shepherds Way and Honeysuckle Close properties and gardens. Specifically Plot 15 has 2 bedrooms facing 14 Honeysuckle Gardens rear windows and gardens.
- Orientation of 4a Shepherds Way projects closest to the boundary.
- Plot 7 and 8 are closer to the boundary with 4a at ground level and less than 20m separation to the boundary
- Need to have a layout that would have a better spatial relationship between new and existing dwellings in order to generate a better designed environment
- Loss of light
- Overbearing impact.
- Densest development alongside existing market housing.
- Noise and disturbance
- Noise impacts as nursery only operates in business hours. Currently limited noise during the day and only during business hours.
- Noise during construction
- Query Air Quality Management Statement
- Air pollution impacts

Highways and Parking

- Farmers Walk is narrow, quiet and unlit no through road with no pavements and grass verges and ditches along the road that is and unsuited to increased traffic.
- Farmers Walk not suitable for additional traffic.
- Increased pedestrian traffic and no footpath on Farmers Walk and lack of a designated footpath may lead to conflicts.
- Lack of visibility.
- Access is not feasible or warranted
- Additional construction and residential traffic
- There is a need to do a safety audit and a more comprehensive traffic survey to be undertaken.
- Safety concerns. HCC need to visit the site to view the situation in relation to highway safety. Survey undertaken as a snapshot and these observations of traffic on that day are not typical. Surprised that no cars parked at time of survey
- TA only concerned with internal on site layout and not Farmers Walk
- Only once accident reported on Farmers Walk in TA but have been scratches, damage and near misses.
- On street parking on Farmers Walk is particularly high in the evenings, early morning and weekends and is mainly on north side of road. Photographic evidence of parking on Farmers Walk has been submitted.
- No account taken of cars parking on Farmers Walk which reduce the road to a single carriageway
- Residential and highway safety on Farmers Walk
- Visitors and deliveries to nursery exceed speed limit.
- Dangerous access for refuse and emergency vehicles.
- Visibility to Plots 1 -4 blocked by planting in adjoining property
- Need to close off Farmers Walk to through traffic if the development goes ahead.
- Site should be accessed directly from main road with a joint access with the nursery – with possible roundabout - to serve the development from A337 which is required where there is good visibility.

- Farmers Walk should be stopped off beyond Trewan to allow turning for service vehicles
- Trip generation for the proposed development is questioned as it seems too low.
- Garages are too small for larger cars
- Parking on Farmers Walk make access difficult
- Lack of parking provision on the site and no visitor parking on site so Farmers Walk will be used
- Traffic generation will increase, particularly a night when the nursery is currently closed
- New access arrangements will restrict residents on Farmers Walk accessing the main road through the nursery.
- Reference to lack of parking at development at Rodbourne Close with footpath access to Farmers Walk.
- No right hand turning lane from Everton Road. Can currently walk to Everton Nurseries from Farmers Walk.
- Nursery car park will need to be rearranged
- Already new development for 3 dwellings being built on Farmers Walk leading to on street parking.
- Limited bus services available
- Congestion
- Limited infrastructure
- Consultant not aware of the split of the site with the garden centre.
- Hazardous impacts of increased traffic
- Traffic from 20 houses high compared to nursery and will add substantially to traffic on Farmers Walk
- Already 15 properties with access from Farmers Walk, development would exacerbate issues
- Need to also consider traffic from new development at Arnewood Close
- Gully along Farmers Walk which hinders pedestrian movement/safety
- A suitable barrier that is visible day and night. Need more details to be provided of this
- Lack of adequate pedestrian access to the propose estate from Everton Road particularly as there is no footway eastwards towards Everton Road.

Open space and environmental issues:

- Under provision of POS on site which does not allow for its meaningful use as open space.
- Lack of POS will compromise future residents, particularly the flats where there is limited amenity space provided.
- Open space areas in front of HT1 and flats are left over space are not of substantial benefit to residents, local community or street scene
- Resultant pressure on other public areas due to under provision
- Link to existing POS on Shepherds Way is not supported in community. A link with Shepherds Way POS which will affect its quiet and open character. This area will cease to be a recreational open spaces and become a footpath to the detriment of those who use it and surround it. Consequent impact by creating a thoroughfare.
- Shocking destruction of green infrastructure.
- Tree loss particularly to boundaries that currently contribute to screening the site and maintaining privacy of neighbours
- Insufficient consideration of planting on the site.
- Need to preserve trees in G13. Removal of trees adj 4B Shepherds Way will affect amenity, an important green edge, character and amenity of existing dwellings.
- Inaccurate tree information with respect to trees on boundary with 4A Shepherds Way and RPA plotted incorrectly. Impact of soakaway to Plot 7 to RPA of oak tree on boundary affecting its roots and integrity
- Landscape plans show little opportunity for replacement trees.

- Loss of trees, rare plants and wildlife.
- Reliance on new hedgerows separating the development from existing properties which is unacceptable particularly due to multiple ownerships
- Impact on the environment;
- Disturbance and loss of wildlife which is protected by legislation, including bats
- Areas is rich in wildlife including bats, badgers, birds, owls, hedgehog and stag beetles;
- Wildlife surveys provided are inadequate
- Loss of hedgerows;
- Disruption/destroy secluded green area which is safe and secluded and used for recreational activities.

Comment on landscaping plan:

- Proximity of plots 7 and 8 to first floor bedroom (dormer of 4A Shepherds Way)
- RPA of TPO oak is not shown correctly.
- Fence rear of plots 3-8 does not continue to the rear of 4A and existing site condition rear of 4A is not recognised.
- Tree proposed plot 7 – location and species not desirable as it has a height of 8-12m and spread 4-8m resulting in overshadowing and shed leaves into the small garden of 4a. This tree would harm the TPOd tree.

Other matters -including non-planning

- Support is from people who do not live in the area
- No public engagement before the planning application was submitted. Pre app documents are not published.
- Inconsistencies in the plan and information -The block plan of existing is incorrect and mapping not complete in the vicinity of the site, the site layout on the satellite image is misleading,
- Disposal of hazardous materials – include asbestos – needs consideration
- Potential future phases of inappropriate development
- Reduction in ability to provide fully functioning nursery business following years of diversification.
- Strain on local infrastructure- schools, health care facilities, drainage, waste management and transportation systems.
- Lack of broadband in the area
- Will benefit the developer /owner (*non planning matter*)
- Parish Council own adjacent POS and there are covenants. Restrictive covenants by residents on Shepherds Way.(*civil matter*)
- Boundary maintenance issues (*civil matter*)
- Trees not on the site shown to be removed (*civil matter*)
- Impact on views (*non planning issue*)
- Anxiety and stress for older people due to influx of people and traffic

Objection from 13 residents on Shepherds Way

- Object to link of development with POS due to creation of footpath and pedestrian thoroughfare.
- Benefits to future residents and Everton Nursery but impacts on Shepherds Way residents
- Breaking covenant
- Impact on character of Shepherds Way POS
- Nuisance to existing residents

- A full legal agreement was made between the developer (Hill Reed Homes Ltd) and NFDC (dated 4 September 2001) which states that the Council will not allow the Open Space to be used for any purpose which will become an annoyance or nuisance.
- POS will not be retained exclusively for recreational purposes
- Security concerns due to link

AMENDED PLANS RE-CONSULTATION:

Additional comments:

For: 0

Against: 18

Comment: 0

Summary of additional issues raised:

- Previous comments and objections still apply.
- Revised plans to not address previous concerns and are minor in nature.
- Green belt policy applies to this site and development is contrary to NPPF. There are no exceptional circumstances in this case.
- Contrary to development strategy for main village of Hordle as proposed development is not small scale or proportionate to its location.
- Existing development on Farmers Walk defines built up edge to Hordle with application site providing a transition from village to countryside.
- Apartment blocks and Plots 5-10 in particular would be a stark wall of built development and incongruous in views.
- Access and traffic concerns remain, Farmer Walk is narrow with no footways.
- Access to the development should be from A337
- Impact on Farmers Walk has still not been addressed.
- Limited existing traffic and no deliveries for the nursery use are from Farmer Walk
- Full traffic survey is required.
- Provision of visibility splays would affect on planting within the control of neighbours (Trewan)
- Inadequate parking provision and no visitor parking on site.
- Additional overspill parking would be on Farmer Walk
- Overdevelopment
- Loss of privacy and sunlight to gardens (in particular 4a/4b, 5, 6, 8 and 10 Shepherds Way).
- Plot 15 - 2 bedroom windows facing rear of 14 Honeysuckle Gardens .
- Plots 15,16,17 and 18 would adjoin and overlook entire garden and side/rear windows of 12 Honeysuckle Gardens
- Facing windows would effect on wellbeing and light to 10 Honeysuckle Gardens
- Westerly aspect of Trewan would be significantly and adversely affected by the development which has a shared boundary with the site due to proximity of the development part plot 5,6,7 and 8.
- Short rear gardens of plot 5-10 in particular would have an adverse impact on Trewan and overlooking /overbearing impact.
- Noise and disturbance and light pollution.
- Limited opportunities for landscaping
- LVIA lacks viewpoints from Trewan.
- Location of affordable housing on narrowest part of the site.
- Other major housing scheme proposed in Hordle with affordable housing
- Lack of adequate infrastructure for more houses.
- Shepherds way POS is in ownership of Hordle PC and no link is possible due to covenant and reference to this link should be omitted.
- Location of bin stores close to gardens of exiting residents

- Possible second homes.
- Need for a fence along the boundary with 4A Shepherds Way.
- Selection of new tree in Plot 7 and impact on TPOd oak with overshadowing of rear garden of 4A Shepherds Way
- Inaccuracy of the information with respect to tree RPA and drainage
- Extent of existing hedges, location of proposed fences and incorrect information about existing fences.
- Latest drainage layout is based in incorrect data - the oak tree is plotted incorrectly as it is on the boundary with 4a, RPA should be 10.8m, trunk diameter is 450mm.
- Many extensions of time for determination of application
- Lack of opportunities for third parties to comment on proposed changes.

10 PLANNING ASSESSMENT

The principle of development

The application site is located outside of the defined built-up area of Everton. It is in the Green Belt and countryside and so is subject to relevant national and local Green Belt and countryside policies.

The Council's spatial strategy, as set out in Policies STRA 1 – 9 of the Local Plan Part 1 seeks to provide for sustainable development by locating new residential development primarily within the towns and larger villages and by retaining and supporting the Green Belt. More generally, the policy also seeks to safeguard the countryside and coast from encroachment by built development.

Policy DM20 of the Local Plan Part 2 states that residential development in the countryside will only be permitted in a limited number of circumstances, such as for replacement dwellings and agricultural workers dwellings, but these exceptions do not apply to these proposals. However, Policy HOU5 of the Local Plan Part 1 does permit small scale developments for affordable housing to meet a local need.

The National Planning Policy Framework (NPPF) advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. In accordance with the NPPF, the construction of new buildings in the Green Belt is inappropriate although there are a small number of exceptions. Substantial weight should be given to any harm to the Green Belt. New development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. "*Very special circumstances*" will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

NPPF para 154 sets out a limited number of exception where new buildings are not considered as inappropriate development within the Green Belt. Para 154 (g) allows limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the LPA area.

In order to be considered acceptable any development must accord with Green Belt policies and with the relevant policies of the Development Plan.

Previously developed land

Previously developed land is defined in the NPPF as "*land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be*

assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure". The exclusions include "land that is or was last occupied by agricultural or forestry buildings".

The planning submission states that the overall site should be considered as previously developed land and that it has a lawful Sui Generis use as a garden centre. The submitted information has been considered carefully in making the planning assessment.

The whole of the existing Everton Nurseries site is considered to be a single planning unit which is currently all used in connection with Everton Nurseries as a garden centre and for purposes associated with the nursery. The nursery has expanded since 1922 beyond a horticultural use to be a mix of horticulture and other commercial activities which include the display and retail of plants to members of the public, areas to grow plants, a shop selling a range of gardening products, a café, incidental storage, offices, a large car park and other hardstanding areas.

The planning unit is the site of Everton Nurseries as a whole which includes the current application site and the wider land holding as shown in the 1984 planning application. Areas for the display of plants for sale have expanded and a garden centre building was erected in the south-west of the site in 1985. A number of storage buildings, covered display areas and glasshouses have been erected on the land for display sales purposes, storage and other uses incidental to a garden centre. In 2005, permission was granted for an extension to garden centre.

Furthermore, there is a clear and obvious physical and functional inter-relationship between the various areas and uses on the site and no separation between them which would be necessary to distinguish the planning application site as a smaller planning unit. The planning history demonstrates that the wider site has been used as a garden centre for many years. Previous planning permissions did not restrict sales exclusively to plants grown on the site so it is reasonable to conclude that the use is a sui generis one, that does not fall within any defined Class of the Use Classes Order

Having assessed the evidence and submissions made as part of this planning application, it is concluded that the current planning application site is part of the overall single planning unit of the garden centre and it is not physically or functionally separated from it. The garden centre use is a lawful Sui Generis use and not an agricultural or horticultural use.

It is therefore accepted that the application site should be considered to be previously developed land (PDL).

Green Belt openness:

Accepting that the site as previously developed land (PDL) the further provisions of NPPF para 154 need to be considered. NPPF para 154 allows scope for redevelopment of PDL subject to consideration of the impact on the openness of the Green Belt. For a development to be acceptable on PDL it should "*not cause substantial harm to the openness of the Green Belt*" and "*contribute to meeting an identified affordable housing need*"

The impact on the openness of the Green Belt arises from a buildings physical presence typically assessed in terms of its floorspace. However, openness has a spatial as well as a visual aspect, so this assessment is not narrowly limited to a volumetric approach but

includes other considerations. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.

The existing site comprises a number of glasshouses, and polytunnels, along with other relatively low key single storey structures and open areas. However these existing buildings have a cumulative presence and a consequent impact on the openness of the Green Belt. Areas outside of the existing buildings are used as part of the overall commercial use including the parking of vehicles, open storage and other activities which also have an impact on the Green Belt.

Although some of the glasshouses are substantial in form with quite large footprints they have low shallow transparent roofs and are separated from each other by internal access tracks and there are associated open areas within the site that affects their visual impact. Furthermore, the existing buildings are grouped towards the northern half of the site with their visual impact and effect on the openness of the site mostly concentrated within this area. There is an open landscaped area in the southern portion of the site adjacent to Farmers Walk which is visible from public vantage points.

Whilst the glasshouses on the site are substantial in form and their demolition would be beneficial, these existing buildings are typically functional structures that were historically used for agricultural purposes that you would expect to see in the countryside and Green Belt. The proposed dwellings would have a different visual impact which would be more domestic in scale and built form with an urban character. The proposed housing layout shows development across the majority of the site area including a long access road running along the western boundary and a small parking court for Plots 1-4 served by a new second access from Farmers Walk.

The agent has submitted evidence and plans to demonstrate that the proposals layout would result in significantly less built form on the site in terms of both footprint and volume when compared to the existing glasshouses, other buildings and hard surface. The total proposed footprint of the dwellings including garages would be 1553m². The existing buildings have a footprint of 2232.3m². The existing buildings are single storey but of a variety of heights. The proposed total floor area of the proposed dwelling over both ground and first floor would be 1881m². This is less than 85% of the floor area of the existing buildings.

These figures are accepted but openness is not just limited to a quantifiable assessment of impact but it also relates to a spatial assessment. The proposed dwellings would be of a domestic two storey scale. The layout also includes single and double garages, boundary treatments and car parking areas. However, there would be generous spacing between Plots 10 and 11, and the POS would be centrally located within the site and this spaciousness would be perceived in views towards the site across the Everton Nursery car park. The proposed development would be of a greater height and scale than the existing buildings and it would be laid out across the whole site although there would be more meaningful spaces between each building and open spaces and landscaping within the site that make a positive contribution to appearance and openness of the site.

Whilst it is accepted there are a number of structures and buildings that would be demolished, the south corner of the site adjacent to Farmers Walk is currently open with greenery and trees and the structures along the eastern boundary are single storey and of a modest scale. A new two storey block (Plot 1-4) together with associated car parking and landscaping areas is proposed in this area which could have an impact on openness but the building would be set back from Farmer Walk by 17m.

Although the site is not in a sensitive location or within a sensitive landscape a Landscape Visual Impact Assessment (LVIA) has been submitted to assist in the assessment of the impact on the openness of the Green Belt. The LVIA concludes that with the proposed landscaping any impact will be neutral on public views and minor on views from residential

properties. This impact is due to change rather than a harmful change with the proposals removing unsightly buildings and clutter and replacing it with the new development.

The LVIA covers the approach to the site although there are no viewpoints from the residential areas to the east of the proposed development. The perceived openness of the Green Belt would be affected by the development even if the quality and volume of built form on the site is reduced. This is due, in particular to the positioning of the block of flats to the front of the site in an area which is currently open and planted with ornamental planting. However this proposed building is set back in line with the existing houses along Farmers Walk and the retention of the existing Liquidambar and the addition of other trees adequately mitigates the visual impact of the new building on Green Belt openness. Furthermore, there would be visual enhancement across the wider site with the removal of the existing buildings.

Therefore, on balance whilst the overall impact on openness would undoubtedly be different due to the height and scale of the proposed dwellings, it would not be significantly greater as the proposed layout with its associated landscaping and new tree planting and the spaces around and between the new dwellings would enhance the appearance of the site within its context at the edge of the built up area.

As such, the impact of the proposed development on Green Belt openness would not cause substantial harm to the openness of the Green Belt when compared to the existing development, particularly as it would also contribute to meeting an identified affordable housing need. Refusal of planning permission on these grounds could not therefore be reasonably justified. The proposals are therefore acceptable in this respect and would be in accordance with NPPF para 154.

Five housing year land supply

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. 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: ‘...

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.

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 appeal site was within the built up area and 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.

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. 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.

The current proposal is for a modest level of housing provision and, as set out in the assessment below, is considered to be acceptable in planning terms in respect of character, amenity and habitat impacts, which weighs in favour of the proposal. There are however, specific policies in the NPPF relating to the Green Belt which indicate that development as proposed would be inappropriate except in specific number of limited exceptions apply. However, development should not be restricted unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

Affordable Housing

In accordance with Policy HOU2, the proposed development should make an Affordable Housing contribution of 50% of the total number of units proposed. The tenure mix required should be 70% affordable homes for rent split between social and affordable rent and 30% intermediate or affordable homes ownerships.

The current proposals is for 10 units (50%) to be offered for affordable housing which would be policy compliant. The proposed tenure mix would be 3 (2 no. 2 bed and 1 no. 3 bed) units (30%) as Shared Ownership and 7 units (70%) as Affordable rent. The Affordable rented units to be split between 4 no 1 bed units (40%) as social rent and 3 no 2 bed units (30%) as affordable rent. This split involved some rounding. The social rental numbers have been rounded up as these affordable units will be the 1 bed flats within the single building (Plots 1-4) and this approach would enable the tenure mix not to be split. The number of affordable rented units being rounded down accordingly. This is acceptable given the relatively small number of affordable housing units being delivered on this site and so is accepted as policy compliant in this instance.

The affordable housing can be secured by way of a legal agreement before any planning permission is issued.

Public Open Space provision:

In accordance with (saved) Policy CS7, the proposed development would need to provide public open space on the site which is based on 3.5 ha per 1000 population. As the development site is in excess of 0.5 hectares, appropriately designed provision of informal public open space and children's play space is required on site. There is a policy requirement for the provision of 1100 sq. m of informal Public Open Space and 110 sq. m of play on the site. (Total 1210 sq m).

Provision is made for 1030 sq m of POS which includes 100 sq. m of play space. The main area of POS would be centrally located and it would contribute to the setting of the development. This POS - which includes a doorstep play area - would be convenient and accessible for residents. This area would have natural surveillance opportunities and is designed and located as an integral part of the overall site layout. Other smaller areas of informal POS would be located to the side (west) of Plots 1-5 and Plot 16.

The total POS provision proposed does not however meet the CS7 policy requirement with a shortfall of 180 sq m. However, due to the nature of the informal "doorstep" play area provided – which would not be a designated area with play equipment - it would be reasonable to accept some overlap of these areas particularly given the small size of the site. However even taking this approach there would remain a modest shortfall of POS which needs to be considered in reaching a balanced view on the acceptability of the overall development proposed.

Formal Public open space would usually be provided off site by way of a financial contribution. However, as there are no formal open space projects in Everton that have been identified in the infrastructure delivery plan it would not be appropriate to seek a contribution for formal open space in this instance.

Future potential linkage from this site to the existing open space off of Shepherds Way (identified as Policy HOR13) and Honeysuckle Gardens (identified as Policy HOR11) has been identified on the submitted plans. This potential link has raised some objections from third parties and the Parish Council. However any future potential link would be the subject of a separate negotiation and is not a requirement of this planning application to achieve.

Design, site layout and impact on local character and appearance of area

The overall scale and massing of the two storey dwellings would be appropriate within their context and would not have any adverse visual impacts when viewed from outside the site. In terms of the appearance, the proposed dwellings have been designed to a high standard, offer richness in their appearance, with traditional forms and massing, and a reasonable variety to provide visual interest.

The proposed layout indicated how the new dwellings would address the new street effectively whilst retaining an open character and landscape setting of the development. This would be reflective of the character of the area and ensure that the development is not dominated by hard surfacing, access and parking. Frontage parking bays to Plots 5 -8 would not be over dominant within the street scene being set back behind the area of open space at the entrance to the site (to the west of Plots 1-4). Furthermore, these spaces would be surfaced in contrasting materials and divided by landscaping beds.

Rear gardens to the dwellings would be a minimum of 10 m deep with some being in excess of this or of a greater width. This would meet the needs of residents for private

outdoor amenity space and would be appropriate to the context and character of the site and the wider area.

The design features proposed reflect the local distinctiveness of the area and utilise materials and local features that are appropriate to this context with variety and interest of building form and design. Plots 11 and 16 have been designed with chimney features and windows on their side elevation would address both the site access and the central area of informal public open space.

The proposed flats within Plots 1-4 would be accommodated within in a two storey block which has a domestic scale with articulated roof form, uses a variety of materials, chimneys, porches and detailing to propose a high quality building. The double fronted design of this building would face both Farmers Walk and the site access in order to create an appropriate entrance to the site.

Although this building would be located within the more open area of the site it would remain set back from Farmers Walk and behind a new area of landscaped informal open space which would be enclosed by hedging. As such the block would not have a dominant impact within the street scene or adversely affect the existing semi-rural appearance or openness of the site.

The layout shows a new central access to serve a small parking courtyard of six spaces serving these flats. This area would be enclosed by new hedging and new/retained trees and use different surfacing so that the green frontage of the site and its visual impact on the character of the area would be acceptable.

The proposed flats in Plots 1-4 would have an area of shared amenity area to the east of the building as well as provision for functional needs of residents with drying facilities and cycle and bin storage provision.

Overall the design and layout of the scheme would fit comfortably into the street scene, be appropriate for the character of the area and protect the visual amenity of existing residents and provide appropriate standard of amenity for prospective residents.

Residential amenity:

Consideration of the impacts of the proposed development on the residential amenity of existing adjoining residents and prospective future residents needs consideration in accordance with amenity related provisions of Policy ENV3.

Flats:

The two storey building for the flats (Plots1-4) would be separated from existing property of Anoush on Farmer Walk by a minimum of 25 m and furthermore a driveway serving Trewan runs along part the eastern boundary of the site with the flats offering further separation to the private amenity space of to Anoush. This relationship is considered to be acceptable

The main orientation of the flats would be to Farmers Walk and to the new access into the site. The area closest to the eastern boundary with existing residential properties would be retained as garden space.

There would be a first floor window in the east (side) elevation which would serve a bedroom and an obscure glazed bathroom window to the northern elevation. Due to the separation distances with Anoush and Trewan and the secondary nature of the bathroom window no harmful loss of privacy would result to these properties or new residents in adjoining Plot 5 where there is only a secondary landing window facing south

The new parking for the flats on the Farmer Walk frontage would be set back 4 m from the eastern boundary and screened by landscape planting and existing mature trees.

Houses:

The proposed layout would result in back to back distance of approx 20m between the rear of Plots 5 – 8 with existing adjoining properties. Plots 5 and 6 have rear facing bedroom and bathroom windows with a separation of 20 m between the first floor and facing windows on Trevan. The ground floor element of Plots 7 and 8 would be located 11 m from their rear boundary with 4a Shepherds Way. Whilst there would be a minimum of 18 m separation from the ground floor rear projection of these new properties and the rear of 4a Shepherds Way the first floor is recessed further from the boundary with more than a 20 m separation between the first floor and the rear facing windows and dormer of this neighbour. In addition, there is existing screening – including a protected tree – on the rear boundary and the window relationship would be an oblique one with the bedroom window looking between the existing dwellings at 4a and Trewan. This makes the resultant relationship acceptable.

The two storey dwelling on Plot 12 would have a minimum of 5 m separation from the side boundary of 4b Shepherds Way and located to the north of this existing property. An attached single storey element including a study and a double garage would be located to the west. The existing mature hedge to the boundary of No 4b would be retained to ensure suitable screening and any amenity impacts are acceptable mitigated, Any impact on light would be acceptable and dominant impact would not result particularly given the existing structures in this area if the nursery compound that would be removed. Plot 12 would have one first floor side bathroom window (east elevation) bathroom which is set back 5 m for the boundary with 4b with a separation of 6m. This window is a secondary one and will be obscure glazed so no loss of privacy would result. There would be a 12.5 m rear garden to the property on Plot 12 with a separation of over 22m between existing properties at 5 & 6 Shepherds Way.

Although the boundary is more open, there would be a minimum of 24 m separation between Plot 13 and 14 and 7-10 Shepherds Way which is acceptable.

Plot 15 is angled on its plot and is closest to the front elevation of 12 Honeysuckle Gardens. There is a mature tree in the north-western corner of this plot offering some screening. With a separation is a minimum of 16 m so there would be no over dominant impact. Although located to the south of this existing property the separation would ensure light would not be affected. Rear windows of Plot 15 would be 20 m from the front of 14 Honeysuckle Gardens and any views towards this property would be oblique ones.

12 Honeysuckle Gardens has 3 side facing ground floor windows and 1 first floor window in its gable end. There would be approximately 15 m separation between Plot 17 and 18 and the side of this existing dwellings. There would be two rear facing bedroom window windows and a bathroom window in each of the new properties on Plots 17 and 18. The closest windows that would face this boundary are in Plot 17 and would look predominantly towards the side flank wall of No 12 which would screen any views toward the rear garden such that harmful overlooking of this adjoining property would not result.

Plot 20 has a side elevation to 10 Honeysuckle Gardens and garden boundary with No 9. A separation of 13 m would be provided and there are no first floor side windows proposed. This new dwelling would be located to the north west of No 9 such that unacceptable impact on light or overdominant impact would not result. Rear facing windows face north and have oblique views only to No 9.

The proposed layout would provide suitable separation between the new properties safeguarding light and limiting any overdominant impact. The new access would separate

the new plots from the retain nursery buildings to the west and make this relationship acceptable. The proposed dwellings have been designed so there would only be limited or secondary side fenestration such that any overlooking between the new dwellings would be oblique and at a level which would be reasonably expected in a residential area. Suitable rear gardens and private amenity areas would be provided and overall this would deliver an acceptable level of residential amenity for future residents.

Having made this planning assessment it is therefore concluded that the proposed layout would respect the residential amenity of existing adjoining properties and future residents on the site. It would limit any over dominant impact and effect on light and privacy due to the separation and orientation of the dwellings and arrangement of fenestration of the proposed dwellings.

Furthermore, as the proposals are for residential use, any associated noise and disturbance is likely to be domestic in nature. Parking areas are set off of the new access and away from the boundaries with existing properties and this relationship it is likely to result in an improvement to amenity due to the associated loss of storage/commercial use close to existing residential boundaries. As such the proposed development would be acceptable and comply with Policy ENV3.

Highway safety, access and parking:

The access arrangements are acceptable and HCC highways have no highway safety concerns. HCC have commented that additional consideration should be given to the tracking speeds used, dimensions for bin drag distances for refuse collection, potential for multiple manoeuvres to access spaces in the northern plots and potential conflict between parked cars on the carriageway and a refuse or fire tender vehicle. The applicant has considered the points raised above but has not provided any additional supplementary information in response. However, it is noted that as the site will not be offered for adoption. The access would be a shared surface where lower overall traffic speeds would be expected with various materials used to differential the surface, as well as making it a more appropriate access treatment on this rural edge. As such this is considered to be acceptable.

Parking is a matter for NFDC to consider in accordance with its adopted car parking standards SPD. This SPD guidance is used to inform as to an adequate provision of car and cycle parking on the site. In order to accord with the adopted NFDC parking standards the development is recommended to provide 35 shared parking spaces or 48 on plot parking spaces and cycle provision should include 53 long stay spaces and 20 short stay spaces.

There would be a total of 48 shared and on-plot parking spaces. The proposal would provide 19 shared parking and 29 on-plot parking spaces when including garages. Parking provision for residents in the scheme includes a mainly of driveway/on-plot based parking and car ports. This includes tandem parking and side-by-side parking on driveways, for individual properties. The submitted layout shows side by side car parking spaces will be 3 metres wide which accords with the SPD. Cycle parking would be provided in garages, sheds or cycle stores.

As such, the proposed car and cycle parking provision complies with the Council's Parking Standards, subject to the parking spaces for Plots 1 – 8 being retained as unallocated. This can be secured by a planning condition.

Third parties have commented on the narrow rural character of Farmers Walk and lack of pavements - with pedestrians walking in the road - as well as concerns about existing parking on Farmers Walk. There are local concerns about the increase in traffic on Farmers Walk from this development and the impact on both pedestrian and highway

safety. These concerns has been considered and whilst the narrow rural nature of Farmers Walk and existing parking is noted, the existing secondary access to the nursery would be closed. The access to the proposed development would be a shred surface where low speeds are anticipated, it would provide visibility splays and parking provision on site would meet current standards. As such, it would not harmfully impact on pedestrian or highway safety on Farmers Walk.

The access to the new development would impact on the existing car parking for Everton Nurseries. However, a re-arranged car parking layout for the nursery has been submitted to demonstrate that 104 spaces would remain for the existing retained nursery use and that there would be no loss of parking spaces for Everton Nurseries as a result of the current proposals. As this land is within the blue line on the submitted plans the provision and retention of these parking spaces can be secured by a planning condition.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles. Whilst this was previously secured by planning condition, changes to the Building Regulations require the provision of electric charging points and therefore such a condition is not considered necessary.

Impact on trees:

The important existing trees would be retained and new trees are proposed as part of the landscaping scheme.

The Oak tree adjacent to the northeast corner boundary and adjacent Oak tree on the south east corner boundary are protected by Tree Preservation Orders. An Oak tree, Norway Maple and a Liquidambar tree have recently been protected by Tree Preservation Order TPO/0006/23. These trees provide public amenity value to the area and are considered a constraint to development.

An Arboricultural Implications Assessment has been submitted which identifies 43 individual trees and groups on or immediately adjacent to the site. 20 individual and 7 groups of trees will be lost by this proposal. However, the trees shown to be removed are small stature ornamental garden trees and so are not considered to be a constraint to the development. The protected trees, on and adjacent to the site are shown to be retained and the submitted tree report demonstrates this as part of the scheme

The applicant has submitted an amended drainage layout plan that shows the proposed soakaway for Plot 8 moved outside the root protection areas of protected trees. This is a positive change to the scheme. In addition, the submitted Landscape Strategy Plan provides sufficient details on tree planting specification and the addition of 54 trees to the site is welcomed.

As such, there is no objections on tree grounds subject to the conditions relating to tree protection, details of a method statement and engineering drawings for hard surfaces with root protection areas and the new trees to be included within the landscape plan .

Drainage & Flooding:

The application site is within Flood Zone 1 and is therefore located within an area at low risk from flooding. A foul and surface water drainage strategy and drainage maintenance and management plan have been submitted.

HCC LLFA have been consulted and originally raised an objection. Three successive tests were required for infiltration testing to be representative of saturated conditions and concerns were initially raised over locally high groundwater levels that may mean infiltration

is not viable. Further details have now been provided to prove that the drainage network can function at shallow depth.

The LLFA has no objection to the proposals subject to conditions relating to detailed design of the surface water drainage scheme on the site based on the principles of the Drainage Strategy and submission and agreement of long term maintenance arrangements of the drainage

Air Quality and noise:

NFDC adopted an Air Quality SPD in June 2022 which provides guidance on when an Air Quality Assessment is required and what the assessment needs to address. Where necessary to enable development to take place, appropriate mitigation measures will be required, and the SPD contains suggested mitigation measures. As this is a major development an Air Quality assessment is required in accordance with recently adopted SPD unless the specific exceptions apply. In this case there would be less than 100 average daily traffic flows for heavy vehicles (outside of a AQMA) an Air Quality Statement (AQS) would suffice which has been submitted with the planning application. This AQS concludes that there would be no air quality issues as a consequence of the development. Dust suppression during construction can be dealt with through the construction environmental management plan. Electric car charging, landscaping cycling and walking infrastructure will be provided and there would be no solid fuel appliances and low carbon technologies would be adopted including the use of solar panels.

The impact of surrounding noise sources on the residents of the proposed dwellings needs further consideration. The agent has confirmed that the nursery is shut outside normal hours and is not a noise generating use, there is no mechanical equipment by the proposals and the deliveries, during opening hours are to the other side of the site away from the residential development. The previous delivery area was adjacent the residential properties and there are other glasshouses adjacent the residential areas further to the north and there are no issues of noise or complaints.

However, a Noise Impact Assessment is required which needs to consider the retained nursery, its associated activities (to include road traffic and commercial noise sources) and the compatibility of these two uses given their close proximity. This assessment needs to demonstrate that noise levels within the dwellings and in external amenity areas do not exceed the normal thresholds and to determine appropriate acoustic mitigation measures to achieve these levels. It is appropriate that this Noise Impact Assessment is secured by a pre-commencement condition.

The details of a Lighting Scheme for any external lighting is also recommended as a planning condition.

In addition, a construction environmental management plan (CEMP) is required to ensure appropriate controls are in place during the construction period in order to minimise and mitigate harmful impacts on residential amenity. This can be secured by a condition.

Contamination:

This site has been used a nursery for many years which includes potential contaminative activities. Both a Phase 1 and 2 investigation would be required to include a Desktop Study and Site Investigation to inform as to whether remediation would be necessary for the proposed use. Contaminated land planning conditions are therefore recommended to ensure the site is safe and suitable for use.

Ecology, on Site Biodiversity and protected species

With regard to ecology matters, given the extent and type of built form covering much of the

site at present, there may be limited scope for wildlife, although there may be opportunities for species to have become established within and around the glasshouses. However, the site also adjoins large areas of open countryside and Green Belt where there could be a diverse mix of ecological interests.

A Biodiversity net gain of at least 10% will be required to be demonstrated in accord with Policy ENV1 and this became legal statute on 12th February 2024. However there are transitional arrangements with respect to BNG that apply to applications already submitted prior to this date and so the current planning application needs to be considered in accordance with local policy

An updated Ecology and Biodiversity Net Gain Report has been submitted. Biodiversity Net Gain (BNG) based upon the Statutory Biodiversity Metric (2024). Based on the Statutory Biodiversity Metric Calculation Tool, the proposed development will result in an overall net loss of -41.98% in habitat units, and a net gain of 448.32% (3.26 in units) in hedgerow units and 14.40% in watercourse units.

A 10% net gain is not therefore achievable on site. As such, it will be necessary to secure a suitable biodiversity offset to deliver the requisite minimum 10% biodiversity net gain for area based habitats. This offset requirement can be agreed and would be secured through a planning condition where units can be purchased from an offset provider or a scheme worked up by the applicants and a net gain site registered. In addition a financial contribution will be required to monitor the BNG that is provided.

Bats surveys have been undertaken but no bats were recorded emerging or re-entering the buildings. Roosting bats are not therefore considered to be impacted as part of the proposed works.

The submitted ecology report (Section 5) identifies ecological enhancement measures will be provided. These include total of 20 bat roosting tubes, 40 swift boxes, 40 bee bricks. These ecological enhancements can be secured for provision prior to occupation and retained in perpetuity by way of a planning condition.

Habitat Mitigation and off-site recreational impact

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 this case, the applicant will enter into a Section 106 legal agreement, which secures the required habitat mitigation contribution prior to a planning consent being issued.

Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, 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. In this case, the applicant will enter into a Section 106 legal agreement, which secures the required air quality monitoring contribution prior to a planning consent being issued.

Nitrate neutrality and impact on Solent SAC and SPAs

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 4th 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 included in the recommendation.

11 OTHER MATTERS

The Parish Council is the freeholder of this Public Open Space and have not been consulted about any future proposed pedestrian through-route through the application site. The Parish Council would need to agree to this by way of a Deed of Easement. Whilst there may have connectivity benefits for the wider community it could contravene the covenant that "the Open Space Area shall only be used as open space for recreational purposes". In addition the Parish Council comment that a link would change the nature of the open space, with a thoroughfare effectively created through this currently enclosed area which is a safe space for children to play.

Amended plans have been provided to indicate that this is a "potential future link" and further discussion will be undertaken with the Parish Council following any planning permission being granted.

Many of the existing buildings on the site are in need of repair and for operational reasons the uses associated with these buildings would be better located elsewhere on the wider site. Consideration of the planning issues associated with any re-provision does not form part of the current planning application but this needs to be achieved without an adverse impact on Green Belt openness. However, the agent has stated the viability of the remaining part of Everton Nursery will be maintained and the nursery will continue to operate without the need for further built development if the land that is subject of this planning application is redeveloped

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement. These contributions include the uplift from April 2024:

- Affordable housing requirement is 50% (10 units) in accordance with Policy HOU2 of the Local Plan Part 1.
- On site informal open space provision as shown on the approved plan
- On site doorstep play area provision as shown on the approved plan
- Air quality monitoring contribution of £2,180
- Habitat Mitigation (Access Management and Monitoring) Contribution of £7,245
- Habitat Mitigation (Bird Aware Solent) Contribution of £15,764
- Habitat Mitigation (Infrastructure) Contribution of £112,855
- Recreational Habitat Mitigation commencement Monitoring Charge of £847
- Affordable Housing on site monitoring is £847
- Biodiversity Net Gain monitoring is £5,225

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate | Total |
|-----------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|--------------|
| Dwelling houses | 2372 | 2202.5 | 169.5 | 169.5 | £80/sqm | £18,514.62 * |

| | |
|----------------|------------|
| Subtotal: | £18,514.62 |
| Relief: | £0.00 |
| Total Payable: | £18,514.62 |

12 CONCLUSION / PLANNING BALANCE

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 five year land supply, consistent with the Noads Way appeal decision means, however, that the titled balance in paragraph 11 (d) of the NPPF is engaged for this application.

The application seeks planning permission for the development of the site 20 houses within the Green Belt and countryside . The proposed development is located in the Green Belt but officers consider that the site meets the definition of previously developed land where development can be accepted it is concluded that the proposals would not cause substantial harm to the openness of the Green Belt and it contributes to meeting an identified affordable housing need therefore complying with NPPF Para 154. As such, the principle of the development is acceptable.

The development of 20 dwellings on the site would represent an appropriate density and layout which would deliver 50% affordable housing in accordance with Policy HOU2. Whilst there would be a modest shortfall of POS provision made on the site, this is a small scale of this development. The POS that would be made is integrated into the layout and centrally located to meet the needs of future residents. Accepting the principle of development, when this is considered in the context of the urgent need to provide both housing and affordable housing in the district, on balance, the modest POS shortfall is acceptable in this instance.

The level of third party objection to this development is acknowledged and the concerns expressed have been carefully considered. The impact of the proposed development on the amenity of existing adjoining residents has been assessed, and it is concluded that there would be no resultant demonstrable harmful impacts that would justify refusal of planning permission. Parking provision made on the site would meet NFDC standards so that additional on street parking on Farmers Walk detrimental to highway or pedestrian safety is unlikely to result.

The proposal would make a small, positive, contribution to the Councils Housing Supply. The above report sets out the benefits of the proposal such as the provision of affordable housing, the associated landscaping and visual enhancements to the site as a result of the removal of the existing glasshouses and other structures . When these benefits are weighed against the harm the balance falls in favour of the scheme and subject to the necessary section 106 agreement being completed and appropriate planning conditions, the proposal is therefore the recommended for approval.

13 RECOMMENDATION

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

i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure Provisions to be secured via a S106 Agreement:

- a. Affordable housing requirement is 10 units in accordance with Policy HOU2 of the Local Plan Part 1. (50%)
- b. On site informal open space provision as shown on the approved plans
- c. On site play area provision as shown on the approved plans
- d Air quality monitoring contribution of £2,180

- e. Habitat Mitigation (Access Management and Monitoring) Contribution of £7,245
- f. Habitat Mitigation (Bird Aware Solent) Contribution of £15,764
- g. Habitat Mitigation (Infrastructure) Contribution of £112,855 .
- h. Recreational Habitat Mitigation commencement Monitoring Charge of £847
- i. Affordable Housing on site monitoring is £847
- j. Biodiversity Net Gain monitoring is £5,225

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:

| | |
|---|-----------------------------|
| 6075-WLA-DR-A-0010 A | Site Location Plan |
| 6075-WLA DR-A-0011 B | Proposed block plan |
| 6075-WLA-XX-ZZ-DR-A-0112 K | Amended Proposed site plan |
| 6075-WLA-XX-ZZ-DR-A-0122A E extract | Proposed site plan northern |
| 6075-WLA-XX-ZZ-DR-A-0112B F extract | Proposed site plan southern |
| 6075-WLA-04-XX- DR-A-0115 HT1-V1 | Proposed plans HT1 V1 |
| 6075-WLA-04-XX- DR-A-0116 HT1 -V1 | Proposed roof plans HT1 V1 |
| 6075-WLA-04-XX- DR-A-0117-HT1-V1 | Proposed elevations HT1 V1 |
| 6075-WLA-04-XX- DR-A-0120 HT2 | Proposed plans HT2 |
| 6075-WLA-04-XX- DR-A-0122 HT2 | Proposed elevations HT2 |
| 6075-WLA-04-XX- DR-A-0130-A HT3 plans HT3 | Proposed floor and roof |
| 6075-WLA-04-XX- DR-A-0132 HT3 | Proposed elevations HT3 |
| 6075-WLA-04-XX- DR-A-0137 HT3 -V1 | Proposed elevations HT3 V1 |
| 6075-WLA-04-XX- DR-A-0133-A HT3 -V1 plans HT3 V1 | Proposed floor and roof |
| 6075-WLA-04-XX- DR-A-0140-B HT4 | Proposed plans HT4 |
| 6075-WLA-04-XX- DR-A-0142-A HT4 | Proposed elevations HT4 |
| 6075-WLA-05-XX- DR-A-0150-A HT5 | Proposed plans HT5 |
| 6075-WLA-05-XX- DR-A-0151-A HT5 | Proposed roof plans HT5 |
| 6075-WLA-05-XX- DR-A-0152-A HT5 | Proposed elevations HT5 |
| 6075-WLA-04-XX- DR-A-0165-A HT6 V1 V1 | Proposed floor plans HT6 |
| 6075-WLA-04-XX- DR-A-0167-HT6 V1 | Proposed elevations HT6 V1 |
| 6075-WLA-07-XX- DR-A-0170-B HT7 | Proposed plans HT7 |
| 6075-WLA-07-XX- DR-A-0180 HT8 | Proposed plans HT8 |

| | |
|---|------------------------------|
| 6075-WLA-07-XX- DR-A-0182 HT8 | Proposed elevations HT8 |
| 6075-WLA-07-XX- DR-A-0183- HT8 | Proposed section HT8 |
| 6075-WLA-DR-A-0192-A | Apartments Proposed |
| elevations | |
| 6075-WLA-DR-A-0190-A | Apartments ground floor |
| plans | |
| 6075-WLA-DR-A-0191-A | Apartments first floor plans |
| 6075-WLA-DR-A-0193-A | Apartments roof plans |
| 6075-WLA-04-XX- DR-A-0200 | Proposed single garage |
| 6075-WLA-04-XX- DR-A-0201 | Proposed double garage |
| 6075-WLA-04-XX- DR-A-0204 | Proposed bin and bike store |
| | |
| 6075-WLA-XX-ZZ-DR-A-0117 C | Public Open Space Plan |
| 2442-TFC-00-00-DR-L-1001 P10 | Landscape Strategy Plan |
| 23151-GAP-XX-XX-DR-C-9000 REV P03 | Drainage Layout |
| 5888/001 A | Access 1 Plan |
| 5888/002 | Access 1 Plan |
| Site wide surface water drainage design | Godsell Arnold Partnership |
| Ltd 26th March 2024 | |
| Arboricultural implications assessment | Broad Oak Tree Consultants |
| Ltd, Ref J62.57 dated 18th April 2023 | |
| Ecology and BNG Assessment Report | ARB Ecology Ltd Dated 5th |
| April 2024 | |
| Air Quality Statement | Ken Parke dated May 2023 |
| Affordable housing delivery statement | Sturt and Company dated 3rd |
| April 2023 | |
| Design and Access Statement Rev A | WLA Dated Sept 2023 |
| Transport Statement | Bellamy Roberts April 2023 |
| Ref DE/588/TS.2 | |
| Stage 1 Road Safety Audit | Gateway Road Safety |
| Engineering/Bellamy Roberts | |

Reason: To ensure satisfactory provision of the development.

3. Before development commences above DPC level, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The development hereby permitted shall not be occupied until the spaces shown on plan 6075-WLA-XX-ZZ-DR-A-0112 K and for the parking and garaging of motor vehicles and cycles and the re-arranged car parking layout for Everton Nurseries shown on block plan DR-A-0111 B have been provided. The spaces shown on plan 6075-WLA-XX-ZZ-DR-A-0112 K for the parking and garaging of motor vehicles and cycles and rearranged car parking layout for Everton Nurseries shown on block plan DR-A-0111-B shall be retained and kept available for parking purposes for the dwellings hereby approved and Everton Nurseries at all times. The parking spaces for Plots 1-8 shall remain unallocated at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shown as the access visibility splays of 2.4m x 43m shown on the approved access plans 5888/001 A and 5888/002.

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

7. Before development commences above DPC level a 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) a tree planting schedule and tree plan specific for tree planting including (tree species, size, spacing, form, planting method and location) in accordance with BS 8545: 2014
- (d) a Landscape Strategy Plan and reptile management plan
- (e) details and specification of the Public Open Space and doorstep play area to be provided on the site
- (f) areas for hard surfacing and the materials to be used;
- (g) other means of enclosure;
- (h) a method and programme for its implementation of the landscaping scheme and public open space provision
- (a) details to provide for the future maintenance of the landscaping, the public open space and reptile receptor area.

After the planting of all new trees on site as approved within the Landscape scheme, the tree planting schedule and Landscape Strategy Plan notice shall be given to the Local Planning Authority Tree Officer to inspect the trees. If it is found that the planting is not in accordance with the approved plans and documents, further works and/or replacement planting will need to be undertaken and agreed with Local Planning Authority Tree Officer.

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

Reason: To ensure that the development takes place in an appropriate 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.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory 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.

9. No development, demolition or site clearance shall take place until a method statement and engineering drawings for the installation of any new hard surfaced areas/pathways encroaching the rooting areas of the retained trees has been submitted and agreed to in writing with the Local Planning Authority: Development shall only take place in accordance with these approved details.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance 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.

10. The trees 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 Broad Oak Tree Consultants Ltd, Arboricultural Implications Assessment for Proposed Residential Development at Everton Nurseries, Ref J62.57 dated 18th April 2023.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance 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.

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

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust 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.
- Details of parking and traffic management measures.
- Details of any construction lighting and 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 CEMP so approved.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity [and highway safety] and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy.

12. Prior to the commencement of the development, a full stage 2 Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This Noise Impact Assessment shall include the four key elements in accordance with ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise for New Residential Development (May 2017) and to ensure that internal and external noise levels for the residential accommodation shall not exceed the designated minimum standards stated. The scheme as approved in writing by the Local Planning Authority shall be implemented, maintained, and retained.

Reason: To ensure that appropriate internal and external noise levels are achieved for the dwellings hereby approved in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the NPPF.

13. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details (Ref Ecology and Biodiversity Net Gain Assessment ARB Ecology Ltd Final V 1 dated 3.4.2024) submitted with planning application 23/10623 unless otherwise first agreed in writing with the Local Planning Authority. The ecological enhancements identified in Section 5 of this report shall be implemented prior to occupation of the dwellings on the site and thereafter retained in perpetuity.

Reason: To safeguard protected species and ensure ecological enhancement are provided 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).

14. Before the development commences, a scheme for the offsetting of biodiversity impacts at the site, providing a minimum 10% biodiversity net gain, shall be submitted to and approved in writing by the Local Planning Authority. This should be supported by the statutory biodiversity metric completed for the site and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements.

The Offsetting scheme shall include:

- i. Identification of offset site or sites;
- ii. Details of the offsetting requirements of the development in accordance with statutory biodiversity metric;
- iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- iv. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:
 - a. Description of all habitat(s) to be created/restored/enhanced within the scheme including expected management condition and total area;
 - b. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location or proposed works;
 - c. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
 - d. Identification of persons responsible for implementing the works;
 - e. A timetable of ecological monitoring to assess the success of all habitats creation/enhancement. Ecological monitoring reports should be submitted to the LPA as a minimum in years 2, 5, 10, 20 and 30.
 - f. The inclusion of a feedback mechanism to NFDC, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The offsetting scheme shall thereafter be implemented in accordance with the requirements of the approved scheme

Reason: To ensure Biodiversity Net Gain and its monitoring and management is secured in association with 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), the Environment Act 2021 and Statutory framework for achieving BNG as set out in the NPPG.

15. Prior to the erection of any external lighting on site, a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following:

- a) Details of all proposed operational external lighting;
- b) A lighting plan showing locations and specifications of all proposed lighting;
- c) Details to demonstrate that light spill into adjacent premises has been minimised and avoided, and where appropriate the lighting shall be fitted with shields such that the bulb shall not be visible from any residential premises. .

The approved scheme shall be implemented as approved and any shielding shall thereafter be retained and maintained.

Reason: To protect the amenities of the area in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

16. The development hereby permitted shall not be occupied until:

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;

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.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the development remains appropriate to its location and to ensure that any future development proposals do not adversely affect the openness of the Green Belt, the visual amenities of the area or 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 and the NPPF

18. Before development commences a detailed surface water drainage scheme for the site, based on the principles within the approved drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include:

- a) A technical summary highlighting any changes to the design from that within the approved 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. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

19. Details for the long term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved. The submitted details shall include:-
- a) Maintenance schedules for each drainage feature type and ownership
 - b) Details of protection measures

Maintenance of the surface water drainage system shall be undertaken in accordance with these details so approved.

Reason: In order to ensure that the long term maintenance arrangements for the drainage are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

20. Before development commences, details of the means of disposal of foul sewerage from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the foul drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

21. 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 no 22 to 25 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 25 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).

22. 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).

23. 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).

24. Where a remediation scheme has been approved in accordance with condition 23, 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 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).

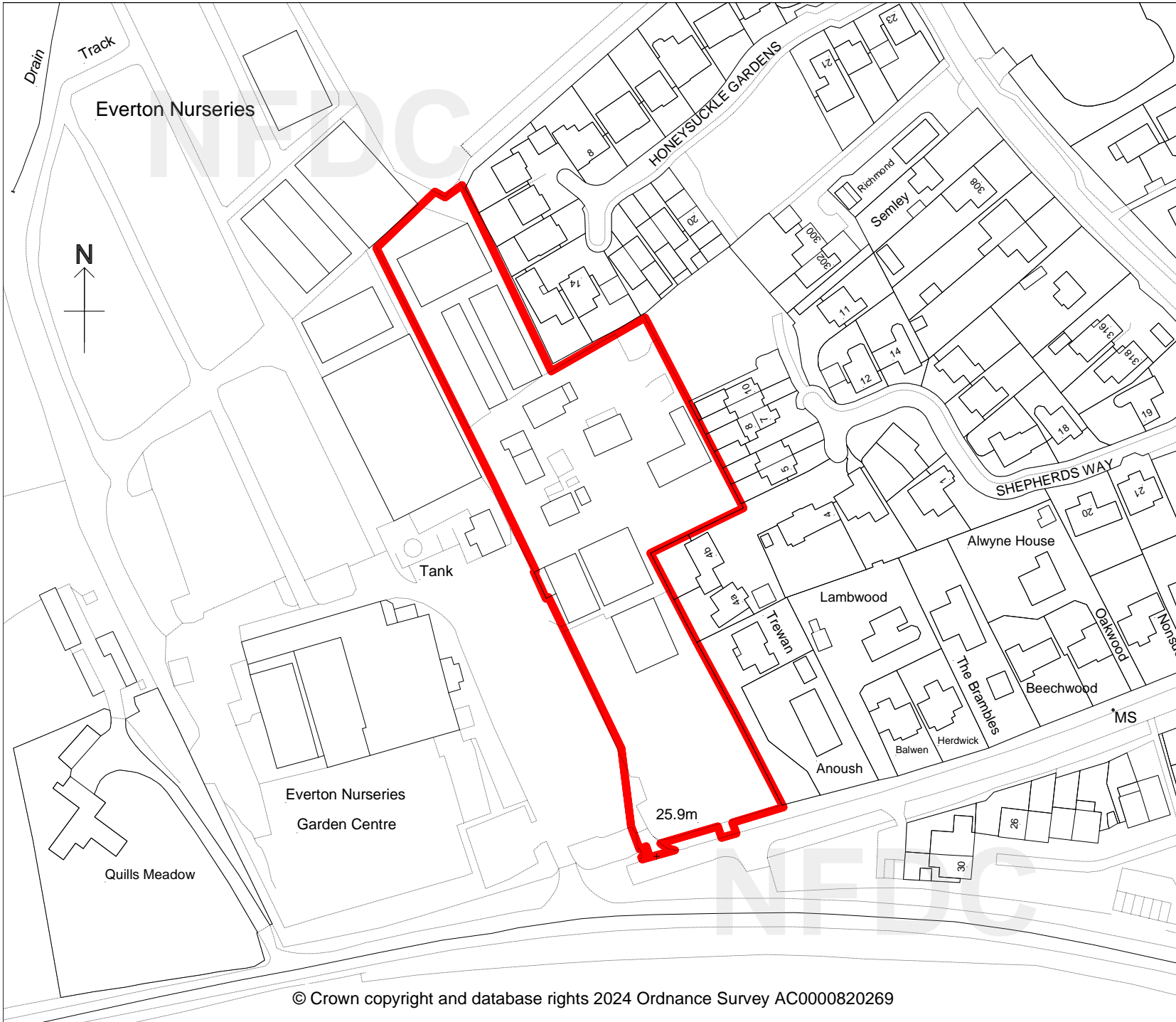
25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23 , 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 24.

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).

Further Information:

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New Forest

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PLANNING COMMITTEE

May 2024

Land at Everton Nurseries
 Christchurch Road
 Everton
 23/10623

Scale 1:1541

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