

**Application No:** 24/00629FULL Major - Non EIA

**Site:** Lyndhurst Park Hotel, 78 High Street, Lyndhurst SO43 7NL

**Proposal:** Erection of a mixed-use development comprising a total of 79 dwellings and three commercial units (class E) to include the demolition of the existing hotel and reconstruction to form apartments together with associated landscaping, access and parking, part retrospective following the approval of application 20/00718 (AMENDED PLANS AND INFORMATION)

**Applicant:** Burry and Knight Ltd

**Case Officer:** Natalie Walter

**Parish:** Lyndhurst Parish Council

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## 1. REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration

## 2. POLICIES

### Development Plan Designations

Conservation Area  
Tree Preservation Order  
Site Allocation

SPA- adjacent  
SAC- adjacent  
Ramsar- adjacent  
SSSI- adjacent

### Principal Development Plan Policies

SP24 Land at the Lyndhurst Park Hotel, Lyndhurst  
DP2 General development principles  
DP18 Design principles  
DP44 Redevelopment of existing employment sites  
SP4 Spatial strategy  
SP5 Nature conservation sites of international importance  
SP6 The natural environment  
SP7 Landscape character  
SP15 Tranquillity  
SP16 The historic and built environment  
SP17 Local distinctiveness  
SP19 New residential development in the National Park  
SP21 The size of new dwellings  
SP43 Existing employment sites

## **Supplementary Planning Documents**

Design Guide SPD

### **NPPF**

Sec 5 - Delivering a sufficient supply of homes

Sec 11 - Making effective use of land

Sec 12 - Achieving well-designed and beautiful places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

### **3. MEMBER COMMENTS**

None received

### **4. PARISH COUNCIL COMMENTS**

Lyndhurst Parish Council: Recommend permission, for the reasons listed but to accept the decision reached by the NFNPA's Officers under their delegated powers.

The amendments seem to have overcome the concerns raised by the Conservation Officer.

Initial response:

Recommend refusal for the reasons listed but would accept the decision reached by the NFNPA's Officers under their delegated powers.

The lack of a Conservation Officer's report confirming the need for the demolition of the current block C means that we are unable to make a fully informed decision.

The extra 4th floor on the proposed drawings (block C) was only approved due to keeping the original building, now that it is proposed to demolish and rebuild this additional floor should be removed.

If approved the S106 agreement should be reviewed as the property prices are of a higher value than first proposed and there will be no restoration costs for block C.

If the above information is supplied to Lyndhurst Parish Council, we can review this decision.

### **5. CONSULTEES**

Archaeologist: Due to the extent of what has already been developed, no comments or recommendations.

Building Design and Conservation Officer: Following the receipt of updated plans and additional evidence, comments (summarised):

The additional information and explanation provided by the structural engineer indicates that deliberate neglect has not occurred and gives sufficient justification for the loss of the Lyndhurst Park Hotel, a non-designated heritage asset.

The loss of this building does still cause a greater degree of less than substantial harm to the conservation area than the 20/00718 permission. However, updated plans for the proposed replacement building have been amended in response to earlier comments and the design is now considered acceptable.

If the public benefits of the scheme are considered to outweigh the additional degree of less than substantial harm to the conservation area, then the National Park Authority will need to take all reasonable steps to ensure the new development will proceed after the loss has occurred.

The developers will also be required to record in advance an understanding of the significance of the building to be lost in a manner proportionate to its importance and the impact of its demolition. This evidence and any archive generated would have to be made publicly accessible.

Ecologist: No objection subject to condition.

Impacts on designated sites were appropriately assessed at the time of the previous application for the site and strategic mitigation for effects has been secured in line with the relevant schemes, so the principle of using such mitigation has been previously accepted. Statutory bodies had no objection at that time.

The application makes no material change to the type of development, housing type, scale and design. There are therefore no changes to the likely impact from the scheme and I am minded strategic mitigation would be sufficient to enable successful Habitats Regulations Assessment, subject to mitigation being secured to the levels currently required to meet the necessary level of mitigation. This would include covenants in respect of domestic pets as previously proposed.

In relation to legally protected species, previous ecological work was undertaken and deemed suitable to discharge legal duties for the developer and regulators at application and condition stage.

In relation to biodiversity net gain, as part of condition discharge for the extant consent, metrics have been provided to demonstrate the scheme (which pre-dated statutory BNG) is capable of delivering just over 6% net gain, based the metrics in operation at that time. Agrees that the works to Block C are likely to only impact sealed surfaces.

The implications of the current application do not seem to significantly change levels of impact and the various ecological submissions confirm the previously agreed enhancement is to be implemented and maintained

as described in the reports, on that basis, and provided it is suitably secured as per to the new consent, I would have no objection.

Landscape Officer: Support subject to securing amended replacement tree planting.

From within the site the proposed replacement building will replicate the original, with elevational drawings indicating that architectural features will be replicated, therefore the visual impact will remain similar or the same. No changes are proposed to the entrance drive, parking or hard and soft landscape proposals adjacent to the replacement building therefore satisfied that, in landscape terms, there should be no change to impact on the landscape within the site from the proposed replacement of the existing building.

From outside the site, in particular regarding views from Bolton's Bench and the surrounding Open Forest, there will be visibility of lights from within the replacement building. Discussions on site with the developer and planning agent agreed that the proposed external terrace on an upper floor with access from within the building will not be lit with external lights, to avoid an area of bright lighting on the Forest facing elevation, which could be intrusive when viewed from the Open Forest and Bolton's Bench, especially in winter, when the screening effect of the deciduous boundary trees is considerably reduced. No external lighting is shown affixed to the elevations of the proposed replacement building, which is satisfactory.

The proposed planting of trees in the gap beyond the proposed car park at the front of the site to help mitigate the view of proposed Block D is supported.

At the joint site visit on 23 July, the large veteran mature TPO'd Oak tree marked T77 on the Barrell's Tree Plan was seen to be dead or dying. In addition, tree T35 was found to be in poor health and considered to be dead or dying.

Following receipt of amended plans, the proposed adjustments to the tree planting proposals are acceptable. These being that existing tree T77, which has unfortunately died back, is to be replaced with a semi-mature sized Oak tree (*Quercus robur*), which is an increased specification. This is supported and as long as the semi-mature specimen is sufficiently maintained and looked after, this will provide long term structure to the tree planting for the site. Also supports the replacement of existing tree T35 with a small leaf lime (*Tilia cordata*). This is a native species, commonly found in the New Forest and will complement the range of tree species both existing on the site and newly planted.

Planning Policy: Comments on initial submission (summarised):

The proposed full demolition of the building requires robust justification in accordance with local (Local Plan policy SP16 and policy SP24(b)) and national (section 16 of the NPPF, 2023) policy. It is also noted that the Local Plan Inspectors Report (July 2019) concluded that policy SP24

“...provides flexibility to allow for alternative forms of development, including the potential demolition of the building, subject to a detailed heritage assessment.” Demolition is therefore not precluded as an option, but the policy presumption is in favour of retention.

The submitted information details a series of reports produced between 2020 and 2023 by Calcinotto recommending a range of actions to protect the historic elements of the existing building. Other than some smaller scale works, it does not appear that these recommendations were actioned by the site owners. This may not amount to the ‘deliberate neglect or damage’ covered by paragraph 202 of the NPPF (2023), but it is clear that the management of the building has resulted in the current proposal to demolish the non-designated heritage asset in full.

If it is ultimately decided that the historic elements of the building are beyond retention, it will be important that a revised consent secures: (i) recording the significance of the heritage assets to be lost and to make this evidence (and any archive generated) publicly accessible; and (ii) the design of the new build block is of high quality – the revised scheme should conserve and enhance the Lyndhurst Conservation Area.

Tree Officer: No objection subject to conditions.

Following our recent site visit, all tree protective fencing appeared to be in place and there was no obvious visible evidence of damage to any trees. It is unfortunate the veteran Oak and a small maturing Lime have died but this has most likely occurred through natural environment impact such as the past few years of hot dry summers. The proposed extra heavy standard replacement trees are considered acceptable. There are no objections to this application on tree grounds subject to the details in the amended arboricultural report and landscape plan being included as a condition.

HCC Access Development Planning: No comments specific to the application.

HCC Highways: No objection subject to conditions.

We note that in respect of highway related matters, the current proposals at the site are the same as those contained within the application (Ref: 20/00718) to which, the highway authority did not raise objection subject to conditions. On this basis, the highway authority's previous recommendation and requested conditions would therefore remain unchanged

HCC Local Lead Flood Authority: Information requested on infiltration testing and winter groundwater monitoring.

Historic England: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist

conservation and archaeological advisers and refer to Historic England's published advice

Natural England: Objection. As submitted, consider the proposal will have an adverse effect on the integrity of the New Forest Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar, Site of Special Scientific Interest (SSSI) We have reached this view for the following reasons:

- The proposed development will result in an increase in dwellings within 400m of the New Forest designated sites and has not provided enough evidence or detail of the mitigation measures proposed to enable us to conclude no adverse impact.

**Note:** This response is addressed below and it should be noted that application 24/00629 does not alter the overall quantum of development compared to the current (implemented) consent (which received no objection from Natural England).

NatureSpace UK: No objection subject to informative.

No further great crested newt information is required due to the distance and barriers between the site and nearby ponds. However, as the development is in a red impact risk zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site, recommends the use of a great crested newt informative.

New Forest District Council Environmental Protection: No further comments to the proposals as amended from 20/00718 and subsequent variations.

Victorian Society: Objection.

Lyndhurst Park Hotel is a non-designated heritage asset within the Lyndhurst, Swan Green, and Bank Conservation Area. Despite many later alterations the buildings retain some fabric from the earliest stage of their pre-19th century development, notably the later design of the building had input from Sir Arthur Conan Doyle, who advised on how to extend the building in-line with Spiritualist ideas. Surviving sketches by Conan Doyle show that his designs were substantially executed. Although Conan Doyle had some input on the design of his own house, Undershaw, Lyndhurst Park Hotel remains the only known example of his architectural and Spiritualist ideas in practice. The Victorian Society has accepted the principle of redevelopment in all previous applications, but we have objected previously where total demolition has been considered. The current consent that proposes the retention of some of the historic fabric is a balance that would preserve some of the significance of the non-designated heritage asset and the positive contribution it makes to the Conservation Area. This application now proposes the total demolition of all buildings on the site, and the construction of a 'like for like' replacement of the historic parts of the buildings on the site. We agree with the comments submitted by the Conservation Officer:

- That the complete demolition of the non-designated heritage asset would cause an increased level harm to the non-designated heritage asset and the Conservation Area. This is due to the loss of a building, known to be influenced in its design by a highly important historical figure, that makes a positive contribution to the Conservation Area
- That the proposed reconstruction is not 'like for like' as it departs from the original design, therefore causing further harm to significance.
- That the proposed complete demolition of the buildings is not justified when previous engineer's reports have highlighted ways in which the structure could have been preserved and stabilised, yet these have not been executed.

Now that all the historic structures on the site would be lost, rather than restored, the public benefits accruing from the proposal would not outweigh the harm to significance. As submitted the application would result in the total loss of the significance of the non designated heritage asset and harm to the Conservation Area. The NPPF states: 209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. 212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Considering the total loss of significance is not justified a balanced judgement should refuse the application, especially when the harm to the Conservation Area is also considered.

## 6. REPRESENTATIONS

One representation of objection on the following grounds:

- Impact from construction works on Rufus Court.
- Lack of consideration of noise impacts on residents of Rufus Court.
- Pressure on local services which are already oversubscribed.
- Likely increase in congestion and pollution from the development.

One representation in support:

- The benefits of this application as put forward outweigh the negatives of leaving this element to rot away. It is unfortunate that building costs more than end product in many areas.
- Lyndhurst has had issues with boarded up and derelict sites in the past. The developers therefore need to be encouraged to deliver as they are doing more to enhance than many other developers would do.
- We need housing and unfortunately the 100sqm rule has led developers to only be able to build units which do not have demand and thus further compounding the issue of delivery.
- With Fawley Waterside being unviable and undeliverable the council need to look carefully to ensure delivery. Since purchasing

this site base build costs will have risen by 25% with services going up circa 30%, additional build regulations as set out in part L updated Feb 23 will have also added 10%+ and elements such as nitrates as an example adding a further cost.

- We hope the application is dealt with in the application period as to encourage the developers to continue as they are on site and progressing. It should also be noted that any new build here would be far more energy efficient than the existing if a cobbled conversion came about.
- The "mimic" of the element is not the correct approach in planning, design and urban design terms. We are sure the developers and architects would not have chosen this design and would have chosen a design as to enhance over mimic. Unfortunately, we are where we are and Lyndhurst as a village will benefit from the completion of this scheme as set out above.
- Had the 100sqm rule not been adopted I am sure would have had a park type scheme of 25 houses around a central green for local family's moving up the ladder.

## **7. RELEVANT HISTORY**

Application to vary condition 6 of planning permission 23/00096  
(Application to vary condition 2 of planning permission 20/00718 (Part demolition of existing hotel and conversion of retained element to C3 residential and erection of a mixed-use development comprising a total of 79 dwellings and three commercial units (Class E), with associated landscaping, access and parking) to allow a minor material amendment) (23/01204VAR) approved on 06 February 2024.

Application to vary condition 2 of planning permission 20/00718 (Part demolition of existing hotel and conversion of retained element to C3 residential and erection of a mixed-use development comprising a total of 79 dwellings and three commercial units (Class E), with associated landscaping, access and parking) to allow a minor material amendment (23/00096VAR) approved on 31 July 2023.

Part demolition of existing hotel and conversion of retained element to C3 residential and erection of a mixed-use development comprising a total of 79 dwellings and three commercial units (Class E), with associated landscaping, access and parking (20/00718) approved on 15 September 2022.

Creation of 75 age restricted residential units integrated with communal, wellness and support facilities; 15no. affordable dwellings; associated car and cycle parking; landscaping; refuse store; sub station; alteration of existing vehicular and pedestrian access; demolition of existing hotel and buildings (17/00732) refused on 12 December 2017. Subsequent appeal withdrawn on 24 December 2018.

Creation of 74 age restricted residential units integrated with communal, wellness and support facilities; 12 no holiday lets; associated car and cycle parking; landscaping; refuse store; substation; alteration of existing



vehicular and pedestrian access; demolition of existing hotel and buildings (16/01000) refused on 15 February 2017.

## **8. ASSESSMENT**

### **SUMMARY**

- 8.1 This is an important site allocation for mixed-use development in the Authority's adopted Local Plan, which was endorsed by independent Planning Inspectors in 2019.
- 8.2 The site is a significant brownfield resource and national policy encourages the re-use of such sites to meet local needs.
- 8.3 The site is the subject of an extant consent (planning permission reference 20/00718 as varied by permissions 23/00096VAR and 23/01204VAR) for part demolition of existing hotel and conversion of retained element to C3 residential and erection of a mixed-use development comprising a total of 79 dwellings and three commercial units (Class E), with associated landscaping, access and parking.
- 8.4 The current application proposes the same quantum of development but proposes the total demolition of the existing hotel and its reconstruction for apartments as compared to the previously proposed part demolition and conversion of the retained element to residential use. It also proposes minor changes to Block A and units 3 to 6 (a tax window has been added to the side of Block A (unit 22) in lieu of a secondary window and in units 3 to 6 (inclusive) the side windows have been changed to a tax window). Due to two trees being seen to be dead or dying (T77 and T35), amended landscaping plans include replacement planting of these trees.
- 8.5 As the former hotel building is a non-designated heritage asset (NDHA); the site is located within the Lyndhurst Conservation Area; and Policy SP24 seeks to retain the historic elements of the building (unless justified by a detailed heritage assessment), careful review has been required of the proposed demolition and reconstruction of this element, within the context of the extant permissions.
- 8.6 The applicant has provided a Structural Report, Heritage Statement and further supporting information (Response from Structural Engineer to the comments from the Building Design and Conservation Officer; and Response from Heritage Consultant to the comments from the Building Design and Conservation Officer) to support the case that the historic elements of the building can no longer be retained.
- 8.7 This has been carefully considered and weighed in the planning balance in accordance with the relevant policy tests.
- 8.8 Overall, it has been concluded that given the unsalvageable condition of the hotel building and its much-altered state, resulting in significant loss and degradation of its architectural quality and its association with Conan Doyle, a scheme that retains the benefits from the previous scheme (i.e.

the recreation and aesthetic improvement of the historic façade and the delivery of additional housing in an area of significant housing need) is considered to outweigh the harm to the non-designated heritage asset. The loss of this building does still cause a greater degree of less than substantial harm to the conservation area than the 20/00718 permission. However, following the receipt of amended plans, the design is considered acceptable and the public benefits of the scheme are considered to outweigh the additional degree of less than substantial harm to the conservation area.

- 8.9 Other material considerations and the previously imposed planning conditions have also been assessed and, on balance, it is recommended that, subject to the receipt of the findings of the independent review of the Economic Viability Assessment and the prior completion of a S106 legal agreement, the Executive Director of Strategy and Planning be authorised to grant planning permission subject to conditions.

### **Application Site**

- 8.10 The application site lies at the junction of the High Street and Beaulieu Road in Lyndhurst. The site contained the former Lyndhurst Park Hotel building and its grounds and a car parking area at the front. Demolition of part of the building has now taken place following the grant of planning permission reference: 20/00718 in September 2022. To the west of the site lies the High Street, to the south are New Forest District Council offices and to the east lies Bolton's Bench with open forest beyond. The site lies outside of the defined village boundary of Lyndhurst and within the Lyndhurst Conservation Area. The site is allocated in the adopted Local Plan for comprehensive, mixed-use redevelopment (Policy SP24).

### **Proposed Development**

- 8.11 The application comprises a full application for a mixed-use development comprising 79 dwellings and three commercial units (Class E) to include demolition of the existing hotel and reconstruction to form apartments together with associated landscaping, access and parking. This quantum of development is unaltered from the full extant (and partially implemented) consent on the site - see paragraph 8.12 below.
- 8.12 The application follows the approval of planning application 20/00718, which was commenced on 01 November 2022 and is partly built, and its variation through planning applications 23/00096VAR and 23/01204VAR.
- 8.13 By way of background, the built form of the extant consent (reference: 20/00718) comprised seven separate blocks as follows:

Block A (under construction) fronting the High Street, comprising three storeys with accommodation in the roof space. It would consist of three retail units, bike and bin storage and 30 one and two-bed units ranging in size between 50sqm and 96sqm. The materials would be red brick, some painted off-white, a mix of plain clay tile and natural slate roofs, with features such as bays, projecting gables and dormers.

Block B also fronting the High Street. This would be two storeys with accommodation in the roof space and would consist of 12 two-bed units of between 70 to 100sqm. This would be angled and would have facing materials of red brick (again some painted off-white) with either plain clay tiles or natural slate roofs.

Block C was proposed for conversion of the historic part of the hotel into seven two and three-bed units of between 72 and 100sqm. It would re-introduce previous architectural features such as the crenellations and introduce a mansard roof.

Block D would extend at right angles into the site and would have accommodation on three floors. There would be a mixed palette of materials including red brick, painted reconstituted stone with roofs of plain clay tiles and slate. Gables and half timbering would be featured. It would consist of 24 two-bed units, ranging in size between 78 and 100sqm.

Blocks E, F and G (under construction), as per application 23/00096VAR, would comprise four detached dwellings and one pair of semi-detached two storey dwellings at the south of the site. They would all be within the 100 sqm limit and would have external materials of red brick under a plain clay tile roof.

- 8.14 The current scheme differs from the previous approvals in that it proposes the total demolition of the existing hotel and its reconstruction for apartments as compared to the previously proposed part demolition and conversion of the retained element to residential use. This block is referred to as Block C on the site plan.
- 8.15 The updated plans for Block C include a single leaf door out onto the roof terrace. The two-storey element would be 0.8 metres lower than the existing to allow level access onto the roof terrace.
- 8.16 Minor changes to the designs for Block A and (unit 22) and units 3 to 6 (previously named Blocks F and G) comprising the removal of a ground floor window on the western elevation in each instance.
- 8.17 In relation to landscaping, the revised plans provide an opportunity to secure replacement planting for T77 of an increased standard with a semi-mature Oak (the removal of which has occurred outside of the application). The replacement of existing tree T35 with a small leaf lime (*Tilia cordata*) is also included on the amended plans.
- 8.18 The application is accompanied by a large number of supporting reports and additional information requested following receipt of consultee responses.

## **Consideration**

- 8.19 The key consideration is whether the demolition and reconstruction of Block C would be appropriate in the context of the extant permissions for the site and in light of the relevant local plan policies (including SP24 and SP16) and the National Planning Policy Framework (NPPF). This consideration is set out below using the headings from the assessment of 20/00718.

## **Principle and Quantum of Development**

- 8.20 The site is allocated for development in the New Forest National Park Local Plan (2019). The site is also on the Authority's "Brownfield Sites Register" and redevelopment is supported by national policy on previously developed land (particularly in areas where supply is constrained, such as National Parks). The principle of development is therefore established in both the statutory development plan for the National Park and through the extant consent (planning permission reference: 20/00718 as varied by 23/00096VAR and 23/01204VAR).

## **Impact on Heritage Assets**

- 8.21 Policy SP24 in the adopted New Forest National Park Local Plan (2019) states that the historic elements of the former Lyndhurst Park Hotel building must be retained, with a detailed heritage assessment required to justify any proposals which harm their retention. This position was supported by Historic England at the plan-making stage. The planning application (20/00718) subsequently considered by the Authority and commented on by a wide range of consultees, local residents and other interested parties proposed the retention of the historic core of the building. This was an important material planning consideration in the determination of the application and the officer recommendation to the NPA's Planning Committee to permit. Permission was subsequently granted in September 2022 for the redevelopment of the site, at which time the owner's position was that historic elements of the former hotel building would be retained and comprise a key, locally distinctive feature of the redevelopment. This was a public benefit of the approved scheme.
- 8.22 The proposed full demolition of the building requires robust justification in accordance with local (Local Plan Policy SP16 and Policy SP24(b)) and national (section 16 of the NPPF, 2023) policy. It is also noted that the Local Plan Inspectors Report (July 2019) concluded that policy SP24 "...provides flexibility to allow for alternative forms of development, including the potential demolition of the building, subject to a detailed heritage assessment." Demolition is therefore not precluded as an option, but the policy presumption is in favour of retention.
- 8.23 As set out in the Building Design and Conservation Officer's comments, the reports submitted with the current application did not provide sufficient clarity on opportunities to support the existing building and prevent further deterioration and/ or loss.

- 8.24 Following the receipt of additional information (Response from Structural Engineer to the comments from the Building Design and Conservation Officer; and Response from Heritage Consultant to the comments from the Building Design and Conservation Officer), as set out in the Building Design and Conservation Officer's further comments, clarification has been received on the discrepancies identified in the provided reports, and this sufficiently demonstrates that reasonable steps were taken, and avenues explored, to retain as much historic fabric as possible. Therefore, the condition of the building is not the result of deliberate neglect, and so can be taken into account in determining this planning application. This is in accordance with paragraph 202 of the NPPF (December 2023).
- 8.25 It is clear from the supplied structural engineer's reports that the building is in a perilous condition, and it is their professional recommendation to demolish the existing hotel building in its entirety and rebuild, for both practical and safety reasons. Consequently, the previously approved scheme (20/00718) which proposed the partial demolition of existing hotel and conversion of retained element, is no longer a viable option and an alternative scheme is required. The amended plans now show the only deviation from the approved design is the height of the two-storey element on the south-east to allow level access onto the roof terrace; in all other respects the design is unaltered.
- 8.26 Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It further states that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Authority's Building Design and Conservation Officer has commented that, bearing in mind the unsalvageable condition of the hotel building and its much-altered state, resulting in significant loss and degradation of its architectural quality and its association with Conan Doyle, a scheme that retains the benefits from the previous scheme (i.e. the recreation and aesthetic improvement of the historic façade) is considered to outweigh the harm to the non-designated heritage asset.
- 8.27 The Building Design and Conservation Officer has commented further that a date stone would be essential to clearly communicate that the building is a modern recreation. Furthermore, as the proposals result in the loss of a non-designated heritage asset, if permission is granted, prior to demolition the developers would be required to record in advance an understanding of the significance of the Lyndhurst Park Hotel, generating a publicly accessible archive, in a proportionate manner, as per paragraph 211 of the NPPF. It would also be necessary for the National Park Authority to take all reasonable steps to ensure the new development will proceed after the loss has occurred in accordance with paragraph 210 of the NPPF.
- 8.28 In relation to the impact of the proposed development on the conservation area, a designated heritage asset, there is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.29 The Building Design and Conservation Officer has concluded that the scheme would cause a greater degree of less than substantial harm to the conservation area than the 20/00718 permission, through the loss of a locally listed landmark building. However, updated plans for the proposed replacement building have been amended in response to earlier comments and the design is now considered acceptable and the impact of the proposals on Bolton's Bench, which is highlighted in the conservation area character appraisal as a key open space, will be returned to the level agreed under the 20/00718 application.
- 8.30 Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The additional information provided by the structural engineer gives sufficient justification for the loss of the non-designated heritage asset and the harm caused is minimised by proposed replacement reinstating the landmark building, recreating the historic façade, and better revealing the influence of Conan Doyle on the hotel and Lyndhurst more widely. The proposed scheme will allow the delivery of the remainder of the site allocation securing the remaining housing (7 units), on a previously developed site in an area of high housing need, on this prominent site in a comprehensive manner. This accords with criterion (a) of Policy SP24, which requires the site to be redeveloped in a comprehensive manner. The alternative is that the site is partially developed, with the deteriorating retained building detracting from the conservation area.
- 8.31 With reference to Policy SP24, whilst the policy presumption is for retention of the historic elements of the existing hotel building, as above, detailed justification has been provided in relation to the current proposal which would harm this element through its loss (Policy SP24(b)). In relation to Policy SP24(c), the public benefits of the proposed scheme have been weighed against the harm to be caused to the conservation area in accordance with the NPPF. The design and scale of the redevelopment was previously accepted and a refusal on this basis could not be sustained given that there is no change in the number of units proposed. Overall, and on balance, it is concluded that the proposed scheme would be acceptable in heritage terms.

### **Design Matters**

- 8.32 Under the previous application, the removal of unsightly modern additions and the recreation of other historic features, such as the turrets, castellations, gothic arched windows and drip moulds were looked upon favourably, as they enhanced the appearance of the building, better revealed the historic architecture and more clearly illustrated the influence of Conan Doyle. The amended plans now show the only deviation from the approved design to be the height of the two-storey element on the south-east to allow level access onto the roof terrace; in

all other respects the design is unaltered. This is proposed to be 0.8m lower than the existing. The Authority's Building Design and Conservation Officer considers the slightly squatter proportions still lower the architectural quality and detailing of this element, losing some of its elegance. Nevertheless, it is acknowledged that the difference is subtle, and the design still incorporates the stepped elevation referencing spiritualism and retains the visual architectural crescendo towards the high street. Therefore, in isolation, this alteration is not considered to cause less than substantial harm to the character and appearance of the conservation area.

- 8.33 The updated plans remove the concertina glazed door and revert to a single leaf door out onto the roof terrace, as per the consented scheme. This revision is welcomed, as the smaller opening will, by design, promote greater functional separation between the internal habitable accommodation and the external amenity space, reducing pressure for extensive external lighting on this sensitive location facing onto the open forest. Therefore, the impact of the proposals on Bolton's Bench, which is highlighted in the conservation area character appraisal as a key open space, will be returned to the level agreed under the 20/00718 application. This addresses the main concern with the amended design of the proposed replacement hotel building.
- 8.34 In addition, the minor changes to Block A and Units 3 to 6 are considered acceptable and would have a neutral impact on the character and appearance of the conservation area.

### **Trees and Landscaping**

- 8.35 It was previously noted that the development would cause loss of trees but also that a significant proportion of the tree cover and many of the specimen trees would be retained. The loss of tree cover was balanced against the appropriateness of the development as a whole and it was considered that an acceptable balance would be met.
- 8.36 During a recent site visit, it was noted that the veteran Oak (T77) and a small maturing Lime (T35) have died. The proposed extra heavy replacement trees (including a semi-mature sized Oak tree) are considered acceptable by both the Authority's Tree Officer and Landscape Officer. There are no objections to this application on tree grounds subject to the details in the amended arboricultural report and landscape plan being included as a condition.
- 8.37 No changes are proposed to the entrance drive, parking or hard and soft landscape proposals adjacent to the replacement building therefore, in landscape terms, there should be no change to impact on the landscape within the site from the proposed replacement of the existing building.
- 8.38 The Authority's Landscape Officer has noted that, from outside the site, in particular regarding views from Bolton's Bench and the surrounding Open Forest, there will be visibility of lights from within the replacement building. Discussions on site with the developer and planning agent agreed that the proposed external terrace on an upper floor with access

from within the building will not be lit with external lights, to avoid an area of bright lighting on the Forest facing elevation, which could be intrusive when viewed from the Open Forest and Bolton's Bench, especially in winter, when the screening effect of the deciduous boundary trees is considerably reduced. No external lighting is shown affixed to the elevations of the proposed replacement building, which is satisfactory.

### **Affordable Housing and Viability**

- 8.39 Viability evidence was submitted in support of application 20/00718 to justify the level of on-site affordable housing (circa 10%). This provision reflected the site-specific development costs in redeveloping the brownfield site and also the Government's Vacant Building Credit. This information was independently verified by the Valuation Office Agency and it was concluded (based on the site's value, the other Local Plan policy criterion and the constraints within the site) that the proposals could not realistically provide additional affordable housing units. The report recognised that a clear site, devoid of important trees and a historic building, could deliver a higher density of development and therefore more affordable units. An updated Economic Viability Assessment has been submitted with application 24/00629, which concludes, "...the overall viability position has not improved to the extent that any additional planning gain can be supported." It is acknowledged that build costs have increased since the current extant consent was submitted in 2020. An independent assessment of this updated viability evidence is taking place and the findings are awaited. An update will be provided at the committee meeting, as well as an assessment of what the conclusions mean for the overall scheme. The applicant's position is that no additional planning gain - such as the provision of additional affordable housing - can be supported.

### **Ecological Considerations**

- 8.40 As previously, it is necessary to consider ecological impacts on the site itself and the impact on adjoining designated sites (SSSI, SPA, SAC and Ramsar designations).

### **Impact on Protected Species**

- 8.41 In relation to the impact on protected species, ecological work was undertaken for the previous applications and was deemed suitable to discharge legal duties for the developer and regulators at application and condition stage. Development would have been likely to harm badgers, bats and nesting birds without suitable mitigation and would otherwise have been unlawful. Measures of mitigation were previously agreed and the current application is accompanied by an update that provides confirmation that works have to date been implemented in accordance with these (*Updated Protected Species Surveys 2024 – Memorandum of Activities*).
- 8.42 In relation to bats, ongoing works have been undertaken under an Earned Recognition licence. The memorandum confirms survey work has been appropriately updated to meet legal requirements and demonstrate



accordance with planning policy. The Authority's Ecologist is minded that the information demonstrates suitable mitigation and compensation is likely to be capable of being secured and licenced – in addition the new application does not materially change the requirements for mitigation (roosts were to be lost as a consequence of the previous scheme and so changes in terms of demolition will not alter this). Accordingly, due to the circumstances of this application, there is sufficient information to enable engagement in legal and policy tests. In relation to the tests of the Habitat Regulations, the first and second tests relate to the work being in the public interest (this is met by its being in compliance with adopted Policy) and there being no satisfactory alternative (the existing building is in very poor condition in need of removal and replacing it is considered to accord with this test). The third test relates to the maintenance of the conservation status of the population of protected species. Subject to works being carried out in accordance with the memorandum, the Ecologist has advised that the conservation status of the species population concerned will be maintained at favourable level and the third test of the Habitats Regulations is therefore met. Securing accordance with the memorandum and submitted ecology as part of any new consent would be reasonable and necessary. In addition, due to potential for nesting birds, previous demolition was subject to ecological clerk of works checks. Further demolition would also need to consider such requirements.

- 8.43 In relation to potential impacts on badgers, works have appropriately secured Natural England licence for mitigation and this has been implemented. The new application does not materially change levels of impact subject to on-site controls of volume of demolition material and this would be likely to be addressed by current controls.
- 8.44 In respect of Great Crested Newts, NatureSpace UK have advised that, from the ecological information submitted, the development it is unlikely to have an impact on great crested newts and/or their habitats. This is primarily due to the distance between the site and the nearby waterbodies as well as the terrestrial barriers which will also limit the potential for great crested newts to terrestrially disperse. However, as the application site lies within a red impact zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site, an informative is recommended should permission be granted.

### **Impact on Designated Sites**

- 8.45 In relation to recreational impacts and urban edge effects on the adjacent designated sites, these were assessed through an appropriate assessment at the time of the previous application for the site and strategic mitigation for effects has been secured in line with the relevant schemes, so the principle of using such mitigation has been previously accepted. Statutory bodies had no objection at that time. The application makes no material change to the type of development, housing type, scale and design. Importantly, application 24/00629 does not alter the overall quantum of development (79 dwellings) from that consented previously. Therefore, although Natural England comments on the latest

application are noted, the Authority's position is that there are therefore no changes to the likely impact from the scheme. There is no objection from the Authority's Ecologist, subject to mitigation being secured to the levels currently required to meet the necessary level of mitigation for recreational impacts on the New Forest and water impacts on the Solent. This mitigation would also include covenants in respect of domestic pets as previously proposed.

8.46 In addition, works would be undertaken through construction practice governed by the Construction Environmental Management Plan, as has taken place for the part of the site which is under construction and is considered by the Ecologist to be appropriate.

8.47 A nutrient budget was previously submitted and a condition attached to secure mitigation of nutrient impacts from the scheme. Notice of purchase of the required credits has been provided to secure discharge of this element of the condition and the provision of the required mitigation. The overall quantum of development and dwelling mix is unaltered by application 24/00629 and therefore there is no need to revisit the nutrient budget calculations.

### **Other**

8.48 An additional consideration since the grant of 20/00718 is that of statutory biodiversity net gain (BNG). The scheme is part retrospective. Retrospective applications fall outside of statutory BNG requirements. The development red line does not impact a priority habitat and the changed details (demolition of Block C) do not impact on habitats other than sealed surfaces. The Authority's Ecologist agrees that the works to Block C are likely to only impact sealed surface. Therefore, the remaining element of the scheme is exempt from statutory BNG.

8.49 Notwithstanding this, Policy SP6 seeks to maximise opportunities to enhance ecological assets and seeks enhancement measures on relevant schemes to achieve a net gain in biodiversity. Enhancements were the subject of a condition attached to planning permission reference: 20/00718. As part of condition discharge for this extant consent, metrics were provided to demonstrate the scheme (which pre-dated statutory BNG) is capable of delivering just over 6% net gain, based on the metrics in operation at that time. The Authority's Ecologist has advised that the applicability of the metrics to the current application would be similar if all landscape treatments and management were to be the same. The Ecologist has also advised that, for the avoidance of doubt, it would be necessary to secure implementation in accordance with the specifications and methods of the ecological reports and management plans that have been submitted by means of a suitable 'in accordance with' condition. The proposed scheme would therefore secure the enhancements agreed previously in accordance with Policy SP6.

## **Transport, Parking and Air Quality**

- 8.50 In respect of highway matters, the current proposals are the same as those contained within planning permission reference: 20/00718, to which the highway authority did not raise objection subject to conditions. On this basis, Hampshire County Council's previous recommendation of no objection remains.
- 8.51 There is no change to the level of car parking proposed which was previously accepted under planning permission reference: 20/00718. Minor changes to the layout of the car parking for units 1 to 6 and to the north of Block D are considered acceptable.
- 8.52 The scheme was previously considered to have a negligible impact on air quality and a condition was imposed in relation to EV charging points. It is noted that New Forest District Council revoked the Lyndhurst Air Quality Management Area in Summer 2023 due to air quality objectives being met.

## **Impact on Adjoining Properties**

- 8.53 There is no change to the previous assessment that the proposed development would not result in any undue impact through loss of sunlight or daylight.
- 8.54 In relation to noise impacts, a Construction Environmental Management Plan (CEMP) was previously conditioned and would be applied to the proposed demolition and reconstruction element of the scheme. A further condition was imposed restricting the combined noise rating level of plant and equipment on the site in the interests of the amenity of surrounding neighbouring properties. This would again be attached to any grant of permission.

## **Other**

- 8.55 In respect of drainage, the site lies within Environment Agency Flood Zone with a low probability of fluvial and surface water flooding. The extant permission included a Surface Water and Foul Drainage Strategy which would apply to the current scheme.
- 8.56 Previous consents were subject to S106 legal agreement and a legal agreement would again be required in order to secure the necessary obligations.

## **Conclusion**

- 8.57 This is an important brownfield site allocation for mixed-use development in the Authority's adopted Local Plan, which was endorsed by independent Planning Inspectors in 2019.
- 8.58 The site is the subject of an extant consent (planning permission reference 20/00718 as varied by permissions 23/00096VAR and 23/01204VAR). The current application proposes the same quantum of

development but proposes the total demolition of the existing hotel and its reconstruction for apartments as compared to the previously proposed part demolition and conversion of the retained element to residential use. It also proposes minor changes to block A and units 3 to 6 and to the landscaping (due to two dying trees). Careful review has been required of the proposed demolition and reconstruction of the non-designated heritage asset within the conservation area. It has been concluded that a scheme that retains the benefits from the previous scheme (i.e. the recreation and aesthetic improvement of the historic façade) outweighs the harm to the non-designated heritage asset. In addition, that the public benefits of the scheme are considered to outweigh the additional degree of less than substantial harm to the conservation area. These benefits include the provision of additional housing in an area of high housing need (and constrained supply) and the delivery of a comprehensive redevelopment scheme in accordance with the statutory development plan.

- 8.59 Overall it is recommended that, subject to the receipt of the findings of the independent assessment of the Economic Viability Assessment and the prior completion of a S106 legal agreement, the Executive Director of Strategy and Planning be authorised to grant planning permission subject to conditions.

## **9. RECOMMENDATION**

Subject to the receipt of the findings of the independent review of the Economic Viability Assessment and the prior completion of a S106 legal agreement, the Executive Director of Strategy and Planning be authorised to grant planning permission subject to conditions.

### **Condition(s)**

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. Development shall only be carried out in accordance with drawing nos:

9256/102 Rev D- Amended Block A Ground & First Floor Plans  
9256/103 Rev C- Block A Second & Third Floor Plans  
9256/104 Rev E- Amended Block A North & West Elevations  
9256/105 Rev B- Block A South & East Elevations  
9256/106 Rev C- Block B Floor Plans  
9256/1100 Rev H- Amended Proposed Site Plan  
9256/111 Rev C-Block D Ground & First Floor Plans  
9256/112 Rev C- Block D Second Floor Plans  
9256/113 Rev D- Block D North & West Elevations  
9256/114 Rev D- Block D South & East Elevations  
19349-7- Amended Tree Protection Plan

5385/002 Rev C- Surface Water & Foul Drainage Strategy  
 9256/107 Rev C- Block B North & West Elevations  
 9256/108 Rev C- Block B South & East Elevations  
 9256/1103 Rev E- Amended Block C Elevations  
 9256/1102 Rev E- Amended Block C Floor Plans  
 9256/206 Rev C- Amended Houses Unit 6 Elevations & Floor Plans  
 9256/202 Rev A- Houses Units 1 & 2 Elevations & Floor Plans  
 9256/203 Rev C- Amended Houses Unit 3 Elevations & Floor Plans  
 9256/204 Rev C- Amended Houses Unit 4 Elevations & Floor Plans  
 9256/205 Rev C- Amended Houses Unit 5 Elevations & Floor Plans  
 9256/123 Rev A- Proposed Car Ports Elevations & Plans  
 9256/1104 Rev C- Amended Indicative Street Scene & Proposed Bicycle Storage  
 2228/1Q- Amended Landscape Plan Sheet 1  
 2228/2Q- Amended Landscape Plan Sheet 2  
 5385/208 Rev A- Additional Delivery Vehicle Access Plan 1  
 5385/209 Rev A- Additional Delivery Vehicle Access Plan 2  
 5385/210 Rev A- Amended Delivery Vehicle Access Plan 3

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the development in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. No development shall take place above slab level until samples or exact details of the facing and roofing materials, including the finished appearance of the topcoat of render and any decorative finishes to be applied, have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. Unless otherwise agreed in writing by the New Forest National Park Authority, the facing and roofing materials for block A shall be as stated in the application for discharge of conditions reference 23/00292DOC (partial discharge letter, dated 17 March 2023).

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

5. No windows shall be installed until the following details have been submitted to, and approved in writing by the New Forest National Park Authority.

a) Details of all fenestration – at 1:20 elevation for all units and for 1:10 for the former hotel with 1:10 sections, including the proposed colour of windows and doors.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and appearance of the buildings and the conservation area in accordance with Policies DP2, DP18, SP16 and SP17 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

6. No demolition shall take place until a Level 2 Historic Building and photographic survey, as set out by Historic England in *Understanding Historic Buildings: A Guide to Good Recording Practice*, is submitted to and approved in writing by the New Forest National Park Authority. This work should be undertaken by a competent person or persons/organisation with specialist knowledge and a proven track record and of dealing with built heritage. Thereafter, copies of the historic building record will be deposited with the local planning authority, the Christopher Tower Reference Library at the New Forest Heritage Centre, and Hampshire's Historic Environment Record within 12 months of the date of completion of program recording, unless a revised timescale is agreed in writing with the Local Planning Authority.

Reason: To secure an understanding of the building and its significance, and create a publicly available record, prior to demolition, in accordance with paragraph 211 of the NPPF.

7. All materials/specifications used for the recreation of the original historic building detailing should be submitted to and approved in writing by the National Park Authority (drawings scale 1:20 elevation and 1:10 section where relevant).

Development shall only take place in accordance with those approved details.

Reason: To protect the character and appearance of the conservation area in accordance with Policies DP2, DP18, SP16 and SP17 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

8. Acoustic mitigation shall be provided to the proposed residential properties as outlined in Table 2-2 in section 2 and Figure 2-1 of the Noise Impact Assessment carried out by WSP Project No. 70066062, dated July 2023.

Reason: In the interest of the amenity of the surrounding

neighbouring properties in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

9. The combined noise rating level of plant and equipment on the site shall not exceed the background level (LA90) as defined as 51 dB Daytime (07:00-23:00 hrs) and 30dB Night-time (23:00-07:00 hrs) at 3.5m from the facade of any residential premises in accordance with BS4142:2014.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

10. Unless otherwise agreed in writing by the New Forest National Park Authority, development shall take place in accordance with the Construction Environmental Management Plan Final Version 1.2, prepared by H20Geo, dated 11 October 2022.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

11. No external lighting (to include balcony lighting) shall be installed anywhere on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Any lighting installed at the hereby approved development shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00- 23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs).

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

12. Prior to occupation of any of the proposed development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved development shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in perpetuity.

Reason: To ensure that the development would not adversely harm the air quality of the High Street in accordance with policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

13. Unless otherwise agreed in writing by the New Forest National Park Authority, landscaping of the site shall be implemented solely in accordance with drawing nos: 2228/1Q and 2228/2Q

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

14. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement (Arboricultural Assessment and Method Statement ref: 19349-AA7-PB dated 21 August 2024).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

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

Reason: In view of the physical characteristics of the plot, the New Forest National Park Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

16. Unless otherwise agreed in writing by the New Forest National Park Authority, development shall take place in accordance with the measures for ecological mitigation and enhancement contained in the following documents:

- Ecological Mitigation and Enhancement Strategy, prepared by EPR, dated 11 October 2022.
- Rhododendron Management Plan, prepared by EPR, dated 11 October 2022.
- Biodiversity Net Gain Assessment, prepared by EPR, dated 11 October 2022.
- Updated Protected Species Surveys 2022 Memorandum of Activities, prepared by EPR.

The measures thereby approved shall be implemented and



retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

17. The 60th dwelling of 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;

The development shall be carried out in accordance with and subject to the above details and in accordance with the nutrient mitigation package (reference: 24/00130DOC), namely:

- Nutrient budget for mitigation, received on 02 February 2024.
- Notice of purchase, dated 18 January 2024.
- Nitrate Mitigation Capacity Statement.
- Section 106 Agreement, dated 18 January 2024.
- Drawing DR1 B: Land Allocation Plan.

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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy DP8 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

18. The development hereby permitted shall not be occupied until the arrangements for car and bicycle parking and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) and Section 9 of the National Planning Policy Framework.

19. Notwithstanding the provisions of the Town & Country Planning General Development Order nothing over 600mm in height shall

be placed or permitted to remain on the land shaded green on the approved plan.

Reason: In the interest of highway safety and to comply with Policy SP55 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019). and Section 9 of the National Planning Policy Framework.

**Informative(s):**

1. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

If at any point during construction works any great crested newts are identified, then the following instructions must be strictly adhered to:

Stop all works immediately and leave the area

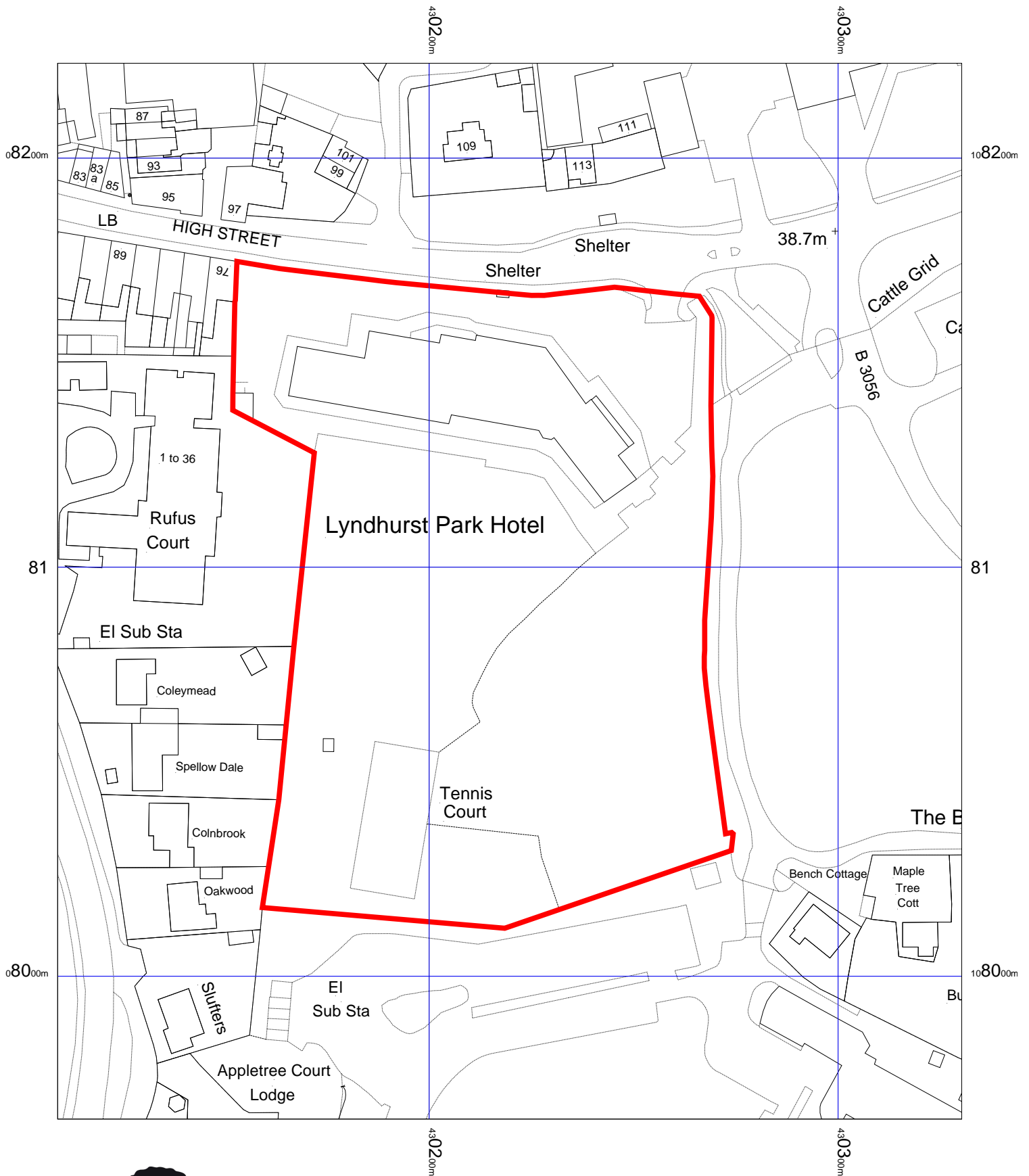
Inform an ecologist immediately who will provide further guidance / instructions

Do not try to handle or rescue a great crested newt

Do not resume construction works until advised it is safe to do so by an ecologist

It should be noted that if an individual great crested newt is found at any point during the works, a European Protected Species Licence (EPSL) or District Licence (DL) may be required to permit works that would potentially cause disturbance and otherwise commit an offence under the relevant legislation.

If the applicant wishes to completely avoid any risks relating to great crested newts, they have the option to enquire for the New Forest National Park Authorities District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at <https://naturespaceuk.com/>.



NEW FOREST  
NATIONAL PARK

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Date: 04/10/2024

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Scale: 1:1250

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