

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 11 MAY 2022, AT 9.00 AM\*

**Place:** COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
Tel: 023 8028 5071

### **PUBLIC PARTICIPATION:**

Members of the public may watch this meeting live on the [Council's website](#).

\*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Claire Upton-Brown**  
Executive Head Planning, Regeneration and Economy

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**This Agenda is also available on audio tape, in Braille, large print and digital format**

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## AGENDA

**NOTE:** The Planning Committee will break for lunch around 1.00 p.m.

### **Apologies**

#### **1. MINUTES**

To confirm the minutes of the meeting held on 13 April 2022 as a correct record.

#### **2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services

prior to the meeting.

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land south of, Derritt Lane, Sopley (Application 21/11097) (Pages 5 - 88)**

Development of 100 dwellings; informal open space; natural recreation greenspace and play areas; footpaths and cycleways; associated landscaping; utilities and drainage infrastructure and enabling works; vehicular access from Derritt Land and West Road

**RECOMMENDED:**

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

- i) The completion by March 2023, of a planning obligation entered into by way of a Section 106 agreement to secure the contributions and other benefits identified in the report; and
- ii) Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to include the conditions set out in the report together with any further additions, and amendments to conditions as appropriate

(b) **Land south of, Milford Road, Pennington (NB: Proposed Legal Agreement) (Application 20/11192) (Pages 89 - 168)**

Residential development (Use Class C3) comprising up to 110 dwellings; open space, including Alternative Natural Recreational Green Spaces; footpaths, cycleways, and internal roads; associated landscaping, utilities and drainage infrastructure including connection to the strategic foul network; and associated infrastructure and groundworks (Outline application with details only of access) (AMENDED PLANS & DOCUMENTS)

**RECOMMENDED:**

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

- i) Being satisfied that there is an off-site mitigation project capable of being delivered that will enable the required 10% gain in biodiversity to be achieved in perpetuity:
- ii) The completion by the end of 2022, of a planning obligation entered into by way of a Section 106 Agreement to secure the contributions and other benefits set out in the report; and
- iii) Delegated authority be given to the Executive Head of Planning, Regeneration and Economy to include conditions set out in the report together with any further additions, and amendments to conditions as appropriate.

(c) **Courtvale Farm, Court Hill, Damerham, Fordingbridge (Application 21/11036) (Pages 169 - 182)**

Proposed erection of a 2m high close boarded fence; part change of use of land to civil engineering depot; landscaping

**RECOMMENDED:**

Grant subject to conditions

(d) **Plot 1, Gordleton Industrial Park, Hannah Way, Pennington, Lymington (Application 19/11321) (Pages 183 - 194)**

Variation of condition 19 of Planning Permission 16/10885 – not able to achieve BREEAM “Excellent” rating due to various constraints

**RECOMMENDED:**

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

- (i) The completion of a planning obligation entered into by way of a Section 106 Agreement to secure the highway improvements; and
- (ii) The imposition of the conditions set out in the report.

(e) **1 Malwood Road, Hythe (Application 22/10237) (Pages 195 - 200)**

Detached garage

**RECOMMENDED:**

Grant subject to conditions

(f) **39 Newbridge Way, Pennington, Lymington (Application 22/10218) (Pages 201 - 208)**

Roof alterations to include raising ridge height, dormer windows and extension in association with new first floor; Single-storey rear extension; removal of existing

**RECOMMENDED:**

Grant subject to conditions

**Please note, that the planning applications listed above may be considered in a different order at the meeting.**

**4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**Please note that all planning applications give due consideration to the following matters:**

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**To: Councillors:**

Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Anne Corbridge  
Kate Crisell  
Allan Glass

**Councillors:**

David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Barry Rickman  
Tony Ring  
Ann Sevier  
Malcolm Wade

finalising Planning Committee 11 May 2022

**Application Number:** 21/11097 Full Planning Permission

**Site:** LAND SOUTH OF, DERRITT LANE, SOPLEY BH23 8AT

**Development:** Development of 100 dwellings; informal open space; natural recreation greenspace and play areas; footpaths and cycleways; associated landscaping; utilities and drainage infrastructure and enabling works; vehicular access from Derritt Lane and West Road

**Applicant:** Lewis Wyatt (Construction) Ltd/Sir John Kemp-Welch/Torsten St John White/Wils

**Agent:** Turley Associates

**Target Date:** 25/10/2021

**Case Officer:** Richard Natt

**Extension Date:** 16/05/2022

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## 1.0 Update Report

### Introduction

1.1 Members will recall that this application was previously considered at the March 2022 Committee. The application relates to a development of 100 dwellings on land to the south of Derritt Lane, Bransgore.

1.2 The original March Committee report, which is set out in full at the end of this Update Report, describes all of the key issues and concerns.

### March 2022 Committee

1.3 There was a lengthy debate of this application at the March 2022 Committee. Members were generally supportive of the proposal but raised concerns about the flood risk assessment, noting that the area currently experienced problems with flooding. It was felt that further technical information should be submitted to further demonstrate that development would not cause flooding in or around the proposed development.

1.4 Members agreed that the application should be deferred to allow further information to be provided in relation to the proposed drainage proposals to demonstrate that the proposed development will not exacerbate existing flooding issues.

### Post March 2022 Committee actions and developments

1.5 In order to assist Members with the flooding matters related to the proposed development, the following matters have been addressed:

- a) A detailed explanation of the different flood zones and how this affects the

- proposed development and the decision-making process for planning applications;
- b) Details of any historic flooding incidents on the site or within the vicinity of the site and how this effects the development site;
  - c) Further clarification of the proposed drainage strategy and how the proposed development can result in betterment on and off the site for both surface water management in the long term and flooding, including the effect of climate change
  - d) A detailed response to representations made during the application process and comments made at committee in relation to surface water and flooding
  - e) A summary of further technical information to demonstrate that the development would not cause flooding in or around the proposed development.

#### What are flood zones and how this affects the development site

1.6 In relation to flooding on the site (and other land across the country), the location of where proposed built development will be determined by the Flood Zones, which are set by the Environment Agency. Flood Zones are created by the Environment Agency to be used within the planning process as a starting point in determining how likely (probability) somewhere is to flood. The Environment Agency Flood Zones are the current best information on the extent of the extremes of flooding from rivers that would occur.

#### 1.7 The Flood Zones

- Flood zone 1 is the lowest area of flood risk and covers all areas of the country not affected by flood zones 2 and 3 including land at the top of a hill. It is where new development is directed towards through national planning policy, as land at the least risk of flooding in the country
- Areas of flood zone 2 relate to land with 1 a in 1000 (0.1%) chance of flooding each year in this case from the Clockhouse stream (i.e. instances where the stream breaches the bank)
- Areas of flood zone 3 relate to land with a 1 in 100 (1%) or greater chance of flooding each year in this case from the Clockhouse stream (i.e. instances where the stream breaches the bank)

1.8 The Flood Zones affecting the southern and western edge of the application site relate to potential risk of flooding from Clockhouse Stream and have been defined by the Environment Agency. The Flood Zones were also validated following the modelling undertaken by JBA Consulting on behalf of the Council during the Local Plan process. The Strategic Flood Risk Assessment that was carried out as part of the local plan process did factor in climate change scenarios, and as such, the Flood Zones are based upon future increases in rainfall events and associated river levels.

1.9 Moreover, during the planning application process, a detailed analysis of the Flood Zones was carried out by the applicants Flooding Consultant in response to comments from the Environment Agency. The additional technical work carried out concluded that the Environment Agency's Flood Zones for this site are correct, and this was fully endorsed by the Environment Agency.

1.10 Local and National policy make it clear that residential development is located within areas at the lowest risk from flooding, which is defined as Flood

Zone 1. Areas that fall within Flood Zone 1 make up most of the country and are defined as area where development including residential should be directed. FZ1 is the lowest risk area and there is no other land categorised as having a lower risk than Flood Zone 1. In this case, all built development (houses, gardens, road, drainage infrastructure) is proposed within Flood Zone 1, as identified by the flood mapping published by the Environment Agency. This fully accords with the local and national policy together with supporting technical guidance which specifically states that the residential element of the development is directed to Flood Zone 1.

1.11 Most of the open space and landscaping are proposed within Flood Zones 2 and 3. As set out by the Flood risk vulnerability classification open space and landscaping fall within Water-compatible development as set out by planning policy guidance and as such the location of open space and landscaping within Flood Zones 2 and 3 is acceptable and fully accords with policy and supporting guidance. A large area of green space proposed to the east of the site, which is referred to on the submitted plans as the village green, lies within an area that is at the lowest risk from flooding. This means that if in the event parts of the open space adjacent to Clockhouse Stream within Flood Zones 2 and 3 are affected by flooding, the large green space to the east of the site will remain available for use.

1.12 It is important to note that although part of the site (the open space area but none of the new homes) falls within land classified as Flood Zones 2 and 3, this does not mean that the land is constantly under water or unusable. It just means that there is a higher probability or risk of flooding within these areas. Again, the areas that are at greater risk from flooding only include the open space and no built development is proposed within the areas at greater risk from flooding.

1.13 Other than during persistent rainfall (which is likely to result in some limited areas of the site affected by surface water ponding), or an extreme event, the land is not under standing water or waterlogged and is both useable and walkable. Furthermore, there have not been any recorded instances of the section of the Clockhouse stream that runs along the southern edge of the application site breaching its bank and leading to any significant flooding in recent years.

1.14 In summary, the proposed development has correctly followed the local and national policy and guidance for locating the residential element of the development within area outside the greatest risk of flooding.

#### Historic flooding

1.15 To assist Members, the comments below set out the historic flooding incidents on or within the vicinity of the site. It is important to note that the historic incidents are based on comments received from representations and consultees during the planning application process or from the site investigation work carried out by the applicant. In addition, following the deferral of the application at the planning committee, officers asked the Environment Agency to provide any further relevant information regarding historic flooding incidents. This included reports of blockages of the main rivers near the site and any record of the cause of blockages such as landowners not maintaining parts of the river upstream, vegetation.

1.16 In response, the Environment Agency confirmed that there have been no such incidents and state that they do not carry out any routine maintenance of the channel in this location and in the last decade they have not been called upon to clear any blockages local to this proposed development.

#### Flooding on the application site

1.17 The areas of flooding on the application site referred to in the representations relate to surface water ponding, whereby the topography and elevated groundwater cause rainfall to sit at surface level on certain lower lying parts of the site (next to Clockhouse Stream). The photographic evidence submitted by representees only show surface water ponding on parts of the site that are outside the area proposed for built development. Comments from the Councils Local Drainage Engineer also confirm that the only historic incidents of flooding or surface water flooding on their records is along the Public Right of Way crossing the bridge of the Clockhouse Stream.

1.18 Post development, the surface water ponding such as this described above, is less likely to occur on site as it will be managed throughout the development area by the proposed drainage network and SuDS attenuation features. By capturing and managing rainfall within a closed drainage system, less residual runoff will be received by the areas of POS/ANRG which will reduce the risk of ponding overall. The applicant has stated that the adjacent fields to the west, outside the application site is more prone to flooding and is most visible to passers-by travelling along Derritt Lane.

#### Flooding around Rose Cottage, Derritt Lane to the east

1.19 There is an existing culvert that runs under Derritt Lane, close to Rose Cottage, which connects to a highway ditch and the watercourse that runs north-south through the application site. The culvert is subject to siltation and the highway ditch is blocked by debris and vegetation. The original route of the ordinary watercourse which connected Derritt Lane to the Clockhouse stream has also been blocked at the southern end by the private garden of No 34 Wiltshire Gardens.

1.20 The proposals include localised improvements and maintenance to the existing highway ditch and on-site watercourse to convey flows that would historically have carried runoff from Derritt Lane. This also includes the diversion of the existing ordinary watercourse at the southern end to reinstate the connection to Clockhouse Stream which has been blocked by the private garden. These works will significantly improve the position resulting in betterment with respect to this existing issue.

#### Flooding along Derritt Lane

1.21 In January 2020, flooding took place approximately 150 metres to the west of the proposed western access onto Derritt Lane outside the planning application boundary. Similar to the west side of the bridge, this flooding occurred due to levels within the road being lower than the surrounding fields and with raised verges preventing runoff to freely drain into the highways ditch network. In essence, the road at this point is located close to the Clockhouse Stream and in a dip or a lower point than the surrounding land.

1.22 In response to the concerns raised over this known incident, the application site does not contribute towards this existing issue. However, by easing flood risk within the eastern extents of Derritt Lane, the local highway ditches may have greater capacity and in turn may contribute towards reducing it in the future. Importantly, the responsibility to resolve an existing problem off site does not lie with the applicant.



1.23 The applicant has stated that the area proposed for built development has not been subject to any significant areas of perched rainfall or other flooding during the January 2020 flooding that resulted in the closure of Derritt Lane to the west. There is no reason to disagree with this given the photographic evidence provided and the fact that the land on the application site sits higher than Derritt Lane.

1.24 In terms of access from the application site onto Derritt Lane, the proposed vehicular access junctions will be located within Flood Zone 1 and will provide safe access and egress for motorised and non-motorised vehicles to Derritt Lane. In addition, the internal layout of the development has been arranged so that if one of the accesses onto Derritt Lane is blocked, the second access is available for vehicles to safely leave the site.

#### What are the effects on existing flooding issues in Sopley

1.25 In response to the concern that the development of the site will exacerbate existing flooding issues in Sopley, the following points have been raised. The Clockhouse Stream drains through Burton and onto Christchurch. The Clockhouse stream does not drain towards or impact on Sopley. In addition, foul flows from Wessex Water Bransgore pumping station heads south and does not traverse in the direction of Sopley and therefore would not add any further pressure to the system in Sopley.

1.26 Accordingly, neither the application site nor the Clockhouse Stream has any connection to the localised flooding incidents in Sopley. The Clockhouse stream which bounds the southern boundary of the application (and takes the existing runoff from the application site), traverses downstream southwest towards Burton and onto Christchurch.

#### Flooding in Wiltshire Road

1.27 Properties in Wiltshire Road and Wiltshire Gardens are located within Flood Zones 2 and 3, and as such, there is a greater probability of flooding from the Clockhouse Stream. The Council is aware on their records of flooding and surface water incidents in Wiltshire Gardens and Wiltshire Road.

1.28 Unlike the existing situation, where there are no measures in place to limit the flow of surface water into the Clockhouse Stream and towards Wiltshire Gardens, the proposed drainage strategy will incorporate a robust surface water drainage scheme which intercepts development run off and discharges flows to the Clockhouse Stream in a controlled manner. The drainage systems are designed to accommodate flows from all storms throughout the development lifetime, with allowances for climate change, urban creep and extra over freeboard capacity. The freeboard provides additional protection to properties at Wiltshire Gardens.

1.29 A suggestion was made, proposing that a bund(strip of raised earth) be formed on the boundary of the site and the Clockhouse Stream. It is considered that the creation of a barrier along the southern boundary would prevent the stream from overtopping into the flood zones areas along the southern edge of the site during the period of flood. The likely consequence of this would be that water would instead back up to the south, worsening the position for residents of Wiltshire Gardens and Wiltshire Road. Whilst these comments are appreciated, unfortunately such a proposal would not therefore be supported by the

Environment Agency or Hampshire County Council as the Lead Local Flood Authority. Instead, the proposed development incorporates a swale to intercept surface water runoff from the development area, with the water stored and released in a controlled manner downstream of Wiltshire Gardens.

#### Effectiveness of proposed surface water drainage strategy - potential for swale's to overtop

1.30 The proposed drainage strategy and associated attenuation features include capacity to accommodate:

- All runoff from the development in up to the 1 in 100 year return period storm event. This is the worst-case storm that is expected to occur throughout the developments lifetime.
- A 40% allowance for the predicted effects of climate change, in accordance with the 'upper end' requirements (worst-case projections) set by government
- An additional 10% allowance for urban creep, allowing for future impermeable areas created by residents (e.g. extensions, conservatories etc)
- Additional freeboard capacity to capture any excess runoff or to allow for potential abnormalities (sewer blockage etc)

1.31 In response to the concerns raised in relation to the effectiveness, capacity, and functionality of the proposed drainage system, it is important to note that the proposed design is robust and goes beyond the minimum or typical requirements for new development. The proposed site layout has been developed so that the southern swale corridor is able to intercept any overland flows from the development area. Flows would be captured and held, with a controlled discharge to the Clockhouse Stream, downstream of Wiltshire Gardens. Effectively the proposed drainage system slows down the rate of surface water run off on the site, which is considered to be a betterment to the current situation.

#### The effect of Climate Change

1.32 In response to the concerns raised in relation to the effect of climate change, the proposed drainage strategy and associated attenuation features include capacity to accommodate:

- All runoff from the development in up to the 1 in 100 year return period storm event. This is the worst-case storm that is expected to occur throughout the developments lifetime.
- a 40% allowance for the predicted effects of climate change, in accordance with the 'upper end' requirements (worst-case projections) set Government through national planning policy and guidance
- An additional 10% allowance for urban creep, allowing for future impermeable areas created by residents (e.g. extensions, conservatories etc)
- Further additional freeboard capacity to capture any excess runoff or to allow for potential abnormalities (sewer blockage etc)

1.33 As a result, development of the site will provide betterment over existing undeveloped conditions whereby the peak rates and volumes of runoff would continue to increase as climate change occurs. This approach will protect the development from flooding throughout its lifetime whilst also offering a reduced flood risk to the downstream catchment.

1.34 Development of the site will also reduce groundwater recharge thus reducing the risk of surface water ponding that has been known to occur in some

areas of the site that are proposed for use as ANRG. Similarly, the proposed landscaping strategy (trees, hedgerows and scrub) will also promote additional absorption and water uptake.

1.35 Consideration should be given to the 'do nothing approach', i.e., if the site development was not to come forward. The rate of surface water run off will continue to rise as climate change occurs. The proposed drainage approach protects development in the long term whilst offering a reduced flood risk to the neighbouring catchment.

Why do the site levels need to be raised?

1.36 Due to the shallow gradient of the main part of the site, the proposed extent of built development in those areas are to be raised to enable a gravity piped discharge to the Clockhouse Stream as well as to provide a level of freeboard above maximum flood levels. This is in accordance with standard good practice and as required by the Environment Agency.

Outflow pipe from the swales needs to go directly into the mainstream, not the side brook as any potential backing up would make the raw sewage overflow into the field

1.37 In response to these concerns raised, the proposed discharge enters the Clockhouse Stream, which is designated by the EA as a main river. Flows are less than existing greenfield and located further downstream than existing (bypassing the properties at Wiltshire Gardens), so overall there will be betterment compared to existing conditions. There will not be any adverse impacts on sewage overflow or flood risk resulting from this arrangement.

Are there any plans for the long term maintenance of ditches

1.38 The long term maintenance of the river, watercourses or ditches are the responsibility of the riparian landowner. As such, should the function of these watercourses be affected by silt or vegetation, the responsibility falls within the landowner. Action can be taken by the Environment Agency in the case of a main river to remedy or by the management of ditches within the public highway along Derritt Lane will remain the responsibility of Hampshire County Council.

1.39 The EA have advised that further downstream in the catchment (at North Bockhampton and further downstream at Burton) they do carry out some annual vegetation control in the channel and silt management.

1.40 The long term management and maintenance of the proposed drainage system including the ditch that runs north south through the application site will be secured by condition Section 106 Agreement as part of the planning permission.

Will the development increase run off onto Derritt Lane

1.41 The only small area of development which drains to Derritt Lane is the proposed western-most access. The additional run off at this point would be just 1 l/s. Elsewhere the development grades south, with re profiling works along the northern edge to improve the fall towards the Clockhouse stream and away from Derritt Lane. Overall, compared to existing conditions, the development will reduce the rate and volume of runoff reaching Derritt Lane, not increase it.

## Conclusion

1.42 Officers have carefully considered the concerns raised by Members at the March Committee. Whilst these concerns are fully understood, ultimately the Committee's decision is one based on a technical matter relating to flooding and drainage. The Committee must therefore give significant weight to the professional advice received from the relevant flooding and drainage consultees. Officers continue to maintain that the proposed flooding and drainage scheme is acceptable and can therefore see no good reason to amend the original recommendation, which is to grant planning permission subject to conditions, as set out in the previous March Committee report. As such, the original recommendation still stands, without amendment, other than the extension to complete the Section 106 Agreement by the end of March 2023.

## Further representations since March Committee

4 additional letters of objection concerned with flooding and that the proposed development would worsen the situation. Whilst the site is allocated for development, the application still needs to demonstrate that it meets all the criteria including flood risk. The comments made reflect those representations made pre committee and highlighted in this report.

## **ORIGINAL REPORT MARCH 2022**

### **SUMMARY OF THE MAIN ISSUES**

This application is to be considered by Committee because the application is a Strategic Housing Site to be delivered as part of the recently adopted Local Plan.

The key issues are:

- 1) Principle of development -whether the principle of development would be acceptable having regard to Local and National Planning Policy
- 2) Housing – specifically, whether the proposed development would deliver an appropriate mix of housing types, size and tenure to deliver a mixed and balanced development, whether the development would make an appropriate provision of Affordable housing
- 3) Character - the landscape impact of the development and whether the layout, appearance, scale and design of the dwellings would result in a quality development and relate sympathetically to the surrounding area
- 4) The quantum and quality of green infrastructure (including ANRG land, Public Open Space and play areas).
- 5) Heritage – whether the development would have an appropriate -impact on non-designated heritage assets adjoining and within the site
- 6) Transport – whether the development would have an acceptable impact on the local highway network, whether the access arrangements would be safe, sustainable and meet the appropriate needs of the highway users, whether the proposed development would have an acceptable impact on existing rights of way on and close to the vicinity of the site.
- 7) Ecology

- a) Specifically, whether the development as a whole would have an acceptable impact on internationally, nationally and locally designated nature conservation sites, and biodiversity generally, having regard to the mitigation and enhancement measures that are proposed; and
  - b) Whether the development would achieve required levels of on-site biodiversity protection and biodiversity net gain (BNG)
- 8) Impact of Development on the National Park - whether the development proposals would have an acceptable impact on the character and special qualities of the New Forest National Park, having regard to the development's design quality and its landscape and visual impact.
- 9) Flooding and Drainage – whether the development would provide a sustainable surface and foul water drainage solution and whether the proposed development would be safe in terms of flood risk
- 10) Air Quality, Noise and Amenity – whether the proposed development would have an acceptable impact on the environment and local human and natural receptors in terms of noise, air quality and contamination effects. Whether the proposed development would have an acceptable relationship with neighbouring residential properties.
- 11) Infrastructure provision, including education requirements.
- 12) Whether the proposals constitute a sustainable and safe development.

## **2 SITE DESCRIPTION**

### The application site

2.1 The site lies to the south of Derritt Lane and the west of West Road, on the western edge of Bransgore. Although the site is located on the edge of Bransgore, the site falls within the administrative boundary of Sopley. Lying along Derritt Lane, the site is positioned along the main route linking Sopley and Bransgore. The site is rectangular in shape and extends to approximately 12 hectares in size and is characterised by its mixture of arable and pasture fields, with a small paddock, enclosed on all sides by mature hedgerows and established trees. A copse of trees is located within the far eastern part of the site, surrounding a depression, which is referred to as 'The Dell'.

2.2 The application site extends up to the road edge in Derritt Lane and includes all trees and vegetation located adjacent to the edge of the road. For the avoidance of doubt, several trees on the southern side of Derritt Lane fall within highway land (but still within the red line boundary of the application site). All trees within the site are covered by a Tree Preservation Order.

2.3 The application site is predominately flat, gently falling from north east corner to the south west towards the Clockhouse Stream. The application site is located in flood zones 1, 2 and 3.

2.4 Vehicular access to the site is currently taken from two agricultural entrances located along Derritt Lane. A public right of way crosses the site (Sopley 19), linking Derritt Lane in the north, through to Wiltshire Gardens to the south.

2.5 There are overhead power cables crossing north-south through the central section of the site. A foul sewer connection runs north-south along the tree line dividing the far eastern parcel, and a watercourse runs east west along part of the southern boundary.

#### The areas surrounding the application site

2.6 The eastern boundary and part of the southern boundary of the site lies adjacent to the existing settlement of Bransgore, with the historic village route of West Road extending from Derritt Lane. The southern boundary comprises further residential dwellings, forming Wiltshire Gardens, which have their rear gardens backing onto the site. To the west, the site adjoins agricultural fields, which forms the Green Belt edge, beyond which is Sopley Farm.

2.7 Directly opposite the site, to the north, is the new residential development known as Heatherstone Grange that was constructed over the past few years. A collection of older cottages lie on the north side of Derritt Lane.

2.8 The New Forest National Park designation abuts the site to the north east. An ancient woodland, known as Barrett's Copse abuts the site to the south west. The south west boundary of the site is the administrative boundary of Bournemouth Christchurch and Poole Council.

### **3 PROPOSED DEVELOPMENT**

#### The application

3.1 This planning application relates to a proposal for a residential development of a site south of Derritt Lane, to the west of Bransgore, but within the administrative boundary of Sopley.

The application comprises the following:

*Full planning application for phased residential development of site for 100 dwellings (Use Class C3); informal open space, Alternative Natural Recreation Greenspace (ANRG) and areas of play; footpaths and cycleways; internal roads; associated landscaping; utilities and drainage infrastructure; and other associated infrastructure and enabling works. Vehicular access to be taken from Derritt Lane and West Road.'*

3.2 The application is supported by detailed access and layout plans, full elevations and house tenures and types, a landscape and ANRG Framework Plan and strategy and children's play design. A detailed drainage strategy is included in the application.

3.3 The application is also supported by a comprehensive suite of reports that aim to show how the development satisfies particular needs and policy requirements. These reports include all of the following:

- A Design and Access Statement, which includes a Planning Statement
- A Economic Viability Appraisal
- A Archaeological Evaluation
- A Written Scheme of Investigation for Archaeological Evaluation
- A Transport Assessment
- A Framework Travel Plan
- A Statement of Consultation
- A Sustainability Statement

- A Planning Obligations (Heads of Terms) and Affordable Housing Statement
- A Phase 1 Preliminary Geotechnical and Contamination Assessment Report
- A Minerals Resource Assessment
- A Historic Environment Desk-Based Assessment including Addendum Report
- A Heritage Statement
- Information for a Habitats Regulations Assessment
- A Flood Risk Assessment and Drainage Strategy
- An Ecological Impact Assessment
- Biodiversity Net Gain Report
- An Arboricultural Assessment and Method Statement & Tree Protection Plan
- Air Quality Screening Assessment
- A Landscape and Visual Appraisal

3.4 The submitted scheme proposes most of the residential development (95 dwellings) and drainage features immediately south of Derritt Lane, running parallel to the recently constructed development known as Heatherstone Grange. The main development area would be served by two new vehicular accesses provided from Derritt Lane. The remaining five dwellings would be separated from the main development area and would be sited on the eastern part of the site served off a single vehicular access from West Road. In total, 100 dwellings are proposed on the site. For the avoidance of doubt, all development is proposed within the strategic policy allocation (SS12).

3.5 The west, east and the most southern parts of the site would comprise the Green Infrastructure, forming the Alternative Natural Green Space (ANRG) and Public Open Space (POS) with a hierarchy of connecting footpaths, new tree/ shrub planting, meadows and surface water retention features. In total, over 7 hectares of public open space / ANRG is proposed within the site. A new 3 metre wide footway / cycleway is proposed along part of the northern edge of the development, just to the south of Derritt Lane, which will provide a connecting link between the main residential area and the existing footpath network in West Road. A single children's play area (LEAP) and the main recreational open green space is proposed on the eastern part of the site.

3.6 Land levels across the western and central part of the main development area will be raised as part of the proposed surface water management strategy to ensure that water run off from the site can appropriately drain into Clockhouse Stream on the southern boundary of the site.

3.7 The proposal is for 2 storey homes across the site with two 2.5 storey buildings. The scheme shows a range of homes, detached, semi-detached, terraced and apartments. The mix is as follows:

#### Market dwellings

- 19 two bedroom houses
- 30 three bedroom houses
- 19 four bedroom houses
- 2 five bedroom houses

Total market= 70

#### Affordable dwellings

- 6 x 1 bedroom flats- affordable rent
- 6 x 2 bed flats - affordable rent
- 3 x 2 bedroom Fog - affordable rent
- 4 x 2 bedroom house - affordable rent
- 3 x 2 bedroom house -Shared ownership
- 8 x 3 bedroom - Shared ownership

Total affordable = 30

Total No of dwellings = 100

#### Amendments to application

3.8 A number of changes have been made to the originally submitted scheme in response to some of the minor concerns regarding the design, layout and appearance of the some of the dwellings. These changes to are listed below and have been subject to a re-consultation process where required.

3.9 Updated technical reports, including landscaping, arboricultural, highway and flooding surveys were submitted during the course of the application to address some concerns comments raised by consultees, together with further detailed highway drawings and alterations to visibility splays.

3.10 The application initially proposed 18 affordable units (18%). Following detailed negotiations, the applicant has increased this offer to 30 affordable units (30%).

#### Amended plans

- Minor changes to Design and Layout to Plots 33-36 and Plot 83
- Design/elevation changes to Plots 85, 24-31, 86-90, 32-37, 50, 7 and 91-95
- Boundary treatment changes
- Amendments to visibility splays along West Road/ Derritt Lane
- Affordable Housing distribution plan

#### Additional drawings and documents

- Proposed children's play area (LEAP) Layout
- Preliminary Pond Section for the Dell area
- Illustrative Wildlife Pond Details 12713/P21b
- Highway/ Transport Technical Note including further surveys and modelling

#### Pre application

The applicant has engaged in an extensive pre application advice service with the Council, which included the involvement of key internal and external consultees. In addition, the application has been accompanied by a Statement of Community Involvement and engagement that has been undertaken by the applicant, to inform the application for development at Derritt Lane.

## **4 PLANNING HISTORY**

Screening Opinion (20/11271) Not EIA development dated 10th December 2020.



## 5 PLANNING POLICY AND GUIDANCE

### **Site constraints/ designations**

Strategic Allocated Site  
Tree Preservation Orders  
Adjacent to Non Designated Heritage Assets  
Part of the site is located within Flood Zone 2/3  
Public Right of Way within and adjacent to site  
Barrett's Copse Site of Nature Conservation Interest (SNCI) is contiguous with the southern boundary of the site.  
Adjacent to Green Belt  
Adjacent to boundary of New Forest National Park (north east of site, opposite Derritt Lane)

### **The Core Strategy (Saved policy)**

CS7: Open spaces, sport and recreation

### **Local Plan Part 2 Sites and Development Management Development Plan Document (Saved Policies)**

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM4: Renewable and low carbon energy generation  
DM5: Contaminated land  
DM9: Green Infrastructure linkages

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

Policy STR1: Achieving Sustainable Development  
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
Policy STR3: The Strategy for locating new development  
Policy STR4: The Settlement hierarchy  
Policy STR5: Meeting our housing needs  
Policy STR7: Strategic Transport Priorities  
Policy STR8: Community services, infrastructure and facilities  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV3: Design quality and local distinctiveness  
Policy ENV4: Landscape character and quality  
Policy HOU1: Housing type, size and choice  
Policy HOU2: Affordable Housing  
Policy CCC1: Safe and Healthy Communities  
Policy CCC2: Safe and Sustainable Travel  
Policy IMPL1: Developer contributions  
Policy IMPL2: Development standards  
Policy Strategic Site SS12: Land to the south of Derritt Lane

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

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites (adopted 2021)  
SPD - Parking Standards

## **Relevant Legislation**

### Planning and Compulsory Purchase Act 2004

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

### Environment Act 2021

Section 98 and Schedule 14 – Biodiversity Net Gain

### Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

## **Relevant Advice**

Relevant Government advice

National Planning Policy Framework July 2021 (NPPF)

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 14 Climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

National Design Guide

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

### 6.1 Sopley Parish Council: Recommend refusal:

Sopley Parish Council recommends that this application is refused as there are significant departures from the Proposals approved in the Revised NFDC Local Plan. In particular the Parish Council is concerned about the siting of houses exiting onto West Road a narrow road is unsatisfactory and creates additional traffic flow onto the junction with Derritt Lane.

The low provision of Affordable Homes is contrary to Policy HOU2. There is a considerable amount of local concern regarding the flooding issues which cause Derritt Lane to be impassable during periods of heavy rainfall. Although Swales have been included in the proposal further evidence is needed that these will be capable of dealing with high water levels.

The capability of the Pumping Station to deal with further demand is also a matter of concern as well as the impact on the local infrastructure including transport, traffic flows, education and the provision of public open space. The Parish Council's comprehensive comments on the development of this site has been submitted to the Planning Officer and will be circulated to all Members of the NFDC Development Control Committee prior to the application being discussed

### 6.2 Bransgore Parish Council: Recommend refusal but would accept a

delegated decision.

The main concern raised was with flooding. The area is prone to significant flooding during periods of heavy rain making Derritt Lane impassable. It was noted the proposals included swales to alleviate fluvial flooding of the Clockhouse Stream. The efficacy of these swales, given the high water table in this area, was questioned as there were concerns that they would become overwhelmed during periods of heavy rain and cease to be effective.

Concerns were also raised that upgrades to the pumping station pipework to prevent groundwater seeping into the sewage pipes, may exacerbate the situation.

Concerns were raised regarding the viability report carried out for the applicant.

It was noted that the proposed affordable housing quota had been increased to 27%, which is still considered too low, and still does not comply with the 50% requirement of policy HOU2.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Internal Consultees**

#### **8.1 Council Ecologist: No objection subject to condition**

Phosphates - Although the application site is located within the Avon Valley area, foul water from the development will discharge to Christchurch Wastewater Treatment Works which is not currently affected by the requirement for nutrient neutrality, meaning that no assessment of the nutrients arising from the proposed scheme are required.

Barret's Copse SINC – Mitigation measures proposed are considered suitable to avoid damage during construction and from operational impacts.

Species - The applicants submitted ecological report identifies that a range of bat boxes/bricks, bird boxes and bee bricks will be provided. Full details of the specification of the features and their location should be provided in an Ecological Management and Mitigation Plan to be secured by condition.

Amphibian - Great crested newts are likely to be absent from the site.

Bats - No roosting bats have been confirmed on-site. A total of 31 trees were recorded as supporting features suitable for roosting bats most of which will be retained. It will be essential that a sensitive lighting strategy be designed given the regional level importance of the bat assemblage.

Badger - A main sett is present within Barrett's Copse, approximately 50m south of the site boundary. The proposed development is not considered likely to directly impact the sett.

Bird - The site is considered to be of local or parish importance for breeding birds,

foraging nightjar, barn owl and for wintering populations of ten species of conservation concern.

Reptile - A low population of grass snake and a good population of slow worm. A 'push and strim' approach to mitigation is proposed. Given the nature of the habitats present on-site, and the most valuable of the habitats being retained, this is appropriate in combination with the enhancement measures proposed providing a mosaic of grassland, scrub habitats.

#### 8.2 Environmental Design (Conservation): No objection

I am in agreement that the proposed development would have limited impact upon the surrounding designated and non-designated heritage assets due to the restricted inter-visibility in to and out of the site

#### 8.3 Environmental Design (Urban Design Officer): Comment

This site is necessarily intense in its design but a combination of well-located greenspaces will act as a setting for development that could allow an innovative collection of buildings to work well on this site.

There are many aspects of the design which are very positive, and the buildings are undeniably rich in detail and traditional qualities that may evoke a pleasant atmosphere of yesteryear. The main open space is well enough considered to leave much of the landscape details to a planning condition.

In relation to the five dwellings to the east (Plots 96-100), whilst these are outside the expected development envelope as depicted by the concept master plan policy – this does not make them objectionable and indeed the applicant has demonstrated that they are not only acceptable but together with the greenspace are a positive enhancement of this part of West Road. The dwellings are thoroughly considered, having a positive relationship to West Road, its existing buildings, to the open green and in the setting of the heritage buildings along Derritt Lane.

There are some elements of the design and layout, which are a concern. Tandem car parking in depths of three will lead to difficulties in use, putting pressure on the street for reversing, manoeuvring and obstructive parking. Concerns over the design, appearance and layout of the proposed barn buildings.

The southern edge of the built development appears harsh with short front gardens, and limited scope for a soft rural edge.

It is disappointing that there is no footpath connection/ access through the nature conservation area known as the Dell.

#### 8.4 Environmental Design (Open Space Officer): No objection subject to condition

The layout and general design of the proposed Open Spaces, including the required ANRG, will create a strong and attractive green setting for this new development. The spaces shown here will help to mitigate the impacts of development and compliment the rural surroundings of this site.

Some of these principles now need to be further evolved in order to create the next more detailed design stages of these landscape proposals, including the childrens play area and wildlife pond. This can be conditioned, but needs to

include the following: Landscape Implementation Specification and Maintenance proposals; Hoggin paths specification; details are required for the proposed headwalls for all inlet and outlet pipes to the basins. This information should cover all the new landscape feature areas and habitats and also the ongoing restoration and management of existing trees, hedgerows and stream habitats.

8.5 Open Space Maintenance Officer: Comments if POS, play and ANRG is transferred to NFDC to manage and maintain these areas.

The POS is well laid out and has the potential to provide recreation and play space for residents with some small adjustments as recommended below to ensure this can be maintained, is safe, welcoming and can be transferred.

The play fence/boundary proposed around this allows this to be accommodated adjacent to ANRG area and comply with EN1176 (and thus for NFDC to adopt). The boundary can also have a hedge of a suitable slow growing (non-thorny) native species to soft this visually. No wooden parts should contact the ground to remove hidden decay.

We request construction details for the different categories of paths, but this can be conditioned. Suitable crossing points over ditches will be required for maintenance machinery so we can access to manage the grass, mature trees and play.

In relation to drainage/SUDs, it is advised that the whole SUDs system is maintained by one organisation. Maintenance access needs to be considered for the whole site.

8.6 Environmental Design (Tree Officer): No objection subject to condition

8.7 Environmental Health (Pollution/ Noise): No objection subject to condition

8.8 Environmental Health (Air quality): No objection subject to condition

8.9 Environmental Health (Historic land use and Contamination): No objection subject to conditions

8.10 Strategic Housing Officer: No objection

Guidance is provided with the Local Plan on the comparative need for different size units, this identifies the need for a higher proportion of smaller 1 and 2 bedroom dwellings (60%-70%) for affordable housing for rent and we are pleased to see the provision of these size units within the proposals.

Local Plan guidance also identifies the need for a range of accommodation sizes for shared ownership, including larger family size housing. Information from the Help to Buy Agent is helpful in providing evidence of demand for shared ownership within the Sopley/Bransgore area, which highlights that there is a demand for a range of accommodation sizes, with an equal demand is for 2 and 3 bedroom accommodation. These proposals for affordable housing will address a need for affordable housing for rent and shared ownership. The amended scheme also provides an acceptable split of 2 and 3 bedroom houses for shared ownership.

## **External Consultees**

8.11 Natural England: No objection subject to appropriate mitigation being secured.

The application site is within 2km of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site and the New Forest Site of Special Scientific Interest (SSSI). The site is also within the catchment of the River Avon SAC, Avon Valley SPA and Ramsar site and within 5km of the Dorset Heathlands SPA. In order to mitigate adverse effects and make the development acceptable, the following mitigation options should be secured:

- Provision of on-site recreational mitigation land as set out in submitted documents and contribution to access management and monitoring within the New Forest in line with your adopted SPD
- Appropriate financial contribution to the strategic air quality monitoring strategy
- A Construction Environment Management Plan (CEMP) to address impacts from the construction phase of the development Habitats Regulations Assessment (HRA)

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Natural England welcomes the proposed ANRG and the Section 106 agreements that will secure its provision and future management and the confirmation that it will be available for new residents at the time of occupation. The proposed ANRG has excellent pedestrian connectivity both within the development site and to the Public Right of Way network and other local greenspace which should ensure that occupants are encouraged to walk from their doorstep.

8.12 Highway Authority: No objection subject to conditions

8.13 HCC Minerals and Waste Planning: No objection

8.14: Archeologist: No objection subject to condition

8.15 Hampshire County Council Lead Local Flood Authority: No objection subject to condition

8.16 Environment Agency: No objection subject to condition

8.17 Wessex Water: No objection subject to condition

Notwithstanding the points noted below regarding progression of the sewer relining works we would note that the impact of the predicted foul flow from the new development on the system compared to existing flows will be negligible. It will be important that new development sewers are water tight; with separate systems to convey foul and surface water in accordance with good practice.

Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis. Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements. The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards.

Wessex Water updated their comments confirming that the programme of works to reline parts of the existing network has moved forward, in which they have confirmed that this is scheduled to be completed by Autumn 2022. Wessex Water has also re-affirmed that there is foul sewer capacity within the existing foul sewer network to accommodate the flows from the development and that there will be negligible impact from the proposed development on the exiting network as the foul flow rate is very low at peak times.

#### 8.18 Education Authority: Comment

The site falls into the Bransgore Primary catchment area, rather than Sopley. A development of 100 dwellings will generate approximately 30 primary age pupils (about 4-5 per year group). Although Bransgore Primary is full it is only at capacity owing to out catchment recruitment. This out catchment recruitment also includes pupils from out county at an average of about 8 pupils per year group. What that means is that the pupil yield from this development will, over time, be able to access a place at Bransgore Primary School as it admits less out county pupils. Consequently I will not be seeking a contribution towards the expansion of Bransgore Primary School. Similarly the secondary catchment school for the development is shared between Ringwood, Arnewood and Highcliffe (in Dorset). Again for both Arnewood and Ringwood there is an amount of out county recruitment for the schools to be full. This means that secondary age pupils living on the proposed development will be able to access a place at either Arnewood or Ringwood and I will not be seeking a contribution towards secondary school places either.

#### 8.19 Hampshire Fire & Rescue Service: Comment

Standard advice

#### 8.20: Designing Out Crime Officer Comment

The amendments to the application have sought to address the concerns previously raised in relation to ensuring that access to the elevations of the dwellings from the public realm must be prevented.

The Crime Reduction Officer highlights the importance that access to the elevations of the dwellings from the public realm should be prevented. All dwellings must sit within an area of private space. The private space to the rear of the dwelling must be enclosed by a robust boundary treatment at least 1.8m high. The semi-private space to the front and side front of the dwelling must be enclosed within a robust boundary treatment 1m high; or delineated in such a fashion that it is obviously private space.

Access to the elevations of the apartment blocks from the public realm should also be prevented. Apartment blocks must sit within an area of semi-private space, this space must be enclosed within a robust boundary treatment at least 1.2m high.

Large areas of Public Open Space (POS) are shown within the development. Planting within these areas should be such that it does not prevent natural surveillance of the spaces nor create a place within which a person might lie-in-wait unseen. Similarly planting along the footpaths / cycle ways within these spaces should be such that it does not prevent natural surveillance of the footpaths / cycle ways nor create a place within which a person might lie-in-wait unseen.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

### **1 letter of general observations/ support**

- Having looked at most of the objections, very few are material considerations for this application. The land has been allocated for development.
- Objections on green belt, schools, doctors etc: should have been made at Local Plan consultation stage. Furthermore the actual development area does not flood. The area that consistently floods is over the bridge where the stream backs up the drain and does not go away until the stream level drops.

### **130 letters of objection**

#### 9 further letters of objection following additional/amended plans

##### Principle of Development

- Loss of Green Belt land/ countryside. We should be using brownfield sites.
- Impact on climate change
- Once planning permission is granted some developers seek to increase the unit numbers and/ or reduce the affordable properties

##### Community Services, Infrastructure and Facilities

- The development would give rise to unacceptable pressures on other local infrastructure (health facilities, schools, emergency services etc.).

##### Layout and Design

- Impact on rural character/urban sprawl/ Cramped form of development
- The 5 extra homes on the corner of Derritt Lane/West Road - these were not originally in the NFDC Dev. Plan.

##### Housing

- Lack of affordable homes. The proposal for 18 dwellings to be affordable is well below the policy requirement. The housing allocated should be guaranteed to local first time buyers who cannot afford to stay in their own home village

##### Impact on Landscape/ Trees

- Negative impact on the landscape of the area, which includes the removal of chestnut trees along the existing footpath.
- In relation to the village green, we would ask that consideration be given to developing this as a woodland/ copse environment.



### Public Open Space

- It is important that there is natural surveillance of the play area from adjacent properties to deter vandalism. The proposed location of the play area is not in sight of any housing, and is very close to Derritt Lane, and even if fenced, escaping children (gate left open) would be at risk.

### Ecology

- Impact on wildlife
- The Hampshire fire report said they would let any property burn out instead of extinguish due to its closed proximity to the local stream
- Deers and other wildlife roam the country roads and will be threatened with more traffic and construction in the local habitat
- The existing hedgerow that bisects the development should retain it's existing format as a wild hedge and wildlife habitat and not be reduced in size or diversity.
- Clockhouse stream is an integral part of the areas eco-system and provides a flowing dispersal of ground water. We request that a 15 metre boundary be created within the development area for the length of the entire stream.

### Transport

- The development will place unreasonable pressures on the local highway network.
- Lack of footpaths to facilities
- South West pathway exit from estate (Wiltshire Rd) - The pathway outside the estate would require upgrading as it is currently a mud bath, unsuitable for buggies (or children).
- Poor visibility
- The heavy construction machinery required will incur problems in a very narrow lane such as Derritt Lane
- West road, has a blind, single lane tight bend just next to the area where the applicant intends to add an entrance to the new properties in Sopley parish. 3 driveways already enter at that position.
- Public transport is extremely limited resulting in most residents using their own transport
- Proposed visitor parking spaces not sufficient
- Exit should be sited 100 metres west of proposed site where it would pose no problems for HG residents.
- We would like Derritt Lane to be a 30 mph (or less) with improved crossings between it and the Heatherstone Grange estate.

### Flooding, Surface Water and Foul Drainage

- A significant part of the site floods and there is significant groundwater saturation already, plus significant surface run off flooding.
- Derritt Lane has flooded on many occasions and becomes impassable
- There are concerns about drainage.
- Swales / ponds likely to increase mosquito incidence in light of climate change.
- The applicant has failed to address the effect their development will have in increasing the flooding issues already in existence. Not only Derritt Lane, but also in Wiltshire Road and West Road.
- The applicant has failed to address the major issues concerning the foul

sewers. The sewage pump at the corner of Wiltshire Road and Wiltshire Gardens has been overwhelmed before, backing up into nearby residential areas.

#### Impact on residential amenity

- Impact from noise and disturbance both during construction and when operation
- Impact from light pollution, privacy, outlook, and light
- The proposed development should provide a better/ improved screen between the rear gardens in Wiltshire Gardens and proposed Green Space. In the absence of screening, there is a loss of privacy, security and noise concerns.

#### Other Concerns

- Loss of agricultural land - food source
- The development would cause air and light pollution.
- Bournemouth Council are also seeking planning to build houses on Burley road, again within their boundaries but in reality in Bransgore adding yet more to the concerns about infrastructure
- Infrastructure Maintenance - It is proposed to have a mix of HCC & privately maintained areas (resident's contributions). This is likely to be confusing and difficult to control.
- The proposed swales introduces additional environmental and health risks to the site.
- The development will be overlooked by various listed buildings.

## **10 PLANNING ASSESSMENT**

### **10.1 The principle of the development**

10.1.1 Land at Derritt Lane is one of the Strategic Development sites that have been allocated for development in the recently adopted New Forest Local Plan 2016-2036. Policy Strategic Site 12 applies. This policy states:

Strategic Site 12: Land to the south of Derritt Lane, Bransgore

- i. Land to the south of Derritt Lane, Bransgore as shown on the Policies Map is allocated for residential development of at least 100 new homes and public open space dependent on the form, size and mix of housing provided.
- ii. The masterplanning objectives for the site as illustrated in the Concept Master Plan are to create a well-designed village extension that enables improved flood risk management and safer pedestrian access for the wider locality by:
  - a. Protecting the green and rural qualities of Derritt Lane, retaining the roadside trees in an enhanced margin of greenspace with natural surveillance provided by the design and orientation of the dwellings.
  - b. Creating a new village green at the eastern end of the site and a greenspace corridor along the southern and western site boundaries and incorporating sustainable urban drainage and improved water course and surface water management as an amenity and habitat enhancement.
- iii. Site-specific Considerations to be addressed include:

- a) Providing connections to Public Rights of Way adjoining the site.
- b) The preparation of a detailed site-specific Flood Risk Assessment (FRA) will be required which should demonstrate that there will be no inappropriate development within Flood Zone 3b.
- c) Provide additional sewer and pumping station capacity if required.
- d) Providing a strong and permanent boundary to the Green Belt to the west and south of the site.

10.1.2 Policy Strategic Site 12 is accompanied by a concept masterplan that illustrates how the allocation might be developed. It identifies, in broad terms, the areas where residential development could be provided, as well as areas where Alternative Natural Recreational Greenspace (ANRG) and Public Open Space could be delivered. The concept masterplan was drawn up to show how development within the allocated area could fit its landscape context, identifies the Vegetation of Landscape Value and indicates the approximate position of pedestrian links. Whilst the concept masterplan is designed to be illustrative rather than prescriptive, it does provide a framework for shaping development of the allocated area.

10.1.3 The Concept Masterplan illustrates the requirement for there to be a green buffer along the west, south and east boundaries of the site, in which the residential development would be largely concentrated in the central part of the site to the south of Derritt Lane. It also identifies existing vegetation of landscape value to be retained, which includes all boundaries of the site and the belt of trees running north-south through the site.

10.1.4 The applicant's proposal shows that residential development is to be provided south of Derritt Lane and the Green Infrastructure shown to the west, east and south of the site. This reflects the Concept Masterplan accompanying Policy Strategic Site 12. Equally the plans show the 'Vegetation of Landscape Value' to be retained with key pedestrian links shown to be provided throughout the development. The extent of the proposed development which does not reflect the Concept Master plan are the five houses on the eastern side of the site adjacent to West Road. Whether this slight deviation from the Concept Masterplan is acceptable is assessed in greater detail under the '*Character assessment*'.

10.1.5 In summary, as this site is identified within the adopted Local Plan as a suitable location for residential development, the principle of development on this site is clearly acceptable.

10.1.6 There are several key criteria set out in the policy and other legislative requirements that must be met and these are considered within the assessment.

## **10.2 Housing Land Supply and the Tilted Balance**

10.2.1 The Council cannot at this point in time demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. The updated housing land supply position remains below the required 5 years. Indeed, the Council's latest published housing trajectory includes the delivery (completion) of the development as part of the five year housing land supply, with 20 units in 2022/23, 40 units in 2023/24 and 40 units in 2024/25.

10.2.2 In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a new housing development of 100 units which will make a valuable contribution to housing supply in the District.

The July 2021 NPPF states the following

For decision-taking this means:

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

10.2.3 The remainder of this report will now turn to other environmental and sustainable development factors to be balanced against this government advice to Local Planning Authorities.

### **10.3 Design and Character matters including the Location, Layout and Landscape Impact of the Development**

#### **10.3.1 The location of built-form and Green Infrastructure**

10.3.2 The site's location is defined by its part rural edge, its proximity to the Green Belt to the west of the site and New Forest National Park to the north east of the site. In addition, the character of the area is defined by the trees and hedgerows that are present within and adjacent to the site and the trees that line Derritt Lane. The rural and historic route of West Road is also an important character.

10.3.3 The application is a full application therefore, the location of the built form and Green Infrastructure is fixed (i.e not illustrative). The submitted layout plan shows the majority of the built development to the south of Derritt Lane, with nearly all the trees along the Derritt Lane being retained, in line with the Local Plan Concept Masterplan. In addition, the larger area of open green space is shown to be provided to the east of the site, with swathes of open space along the west and southern boundaries. Again, this fully accords with both policy and the concept masterplan.

10.3.4 Overall, the proposal picks up on the key criteria set out in Local Plan Policy SS12 in that the built development would be set well back from the western and southern boundaries of the site, separated by Green Infrastructure and natural drainage features which would provide a strong and sympathetic edge to the Green Belt. Dwellings would be set back from Derritt Lane and orientated with

either front and side elevations addressing the road providing active frontages and good natural surveillance.

10.3.5 The positioning of the group of 5 dwellings on the eastern edge of the site differs from the Policy Concept Masterplan. These five dwellings would be located on the eastern part of the site adjacent to West Road onto an area of land that the Concept Masterplan suggests could be ANRG land. It is important to note that the five dwellings proposed to the eastern part of the site do not increase the number of houses on the site, from the minimum figure in the local plan as the total remains at 100. In addition, the five houses proposed within this part of the site fall within the site allocation boundary. It simply differs from the illustrative Concept Master Plan. As stated above, the Policy Concept Masterplan is illustrative, not prescriptive.

10.3.6 The applicant highlights that there are several planning benefits to the overall development on the site through the five houses being re-distributed from the main development area to the land to the east. This includes the five houses providing natural surveillance to the public open space, the children's play area and footpath/cycle route to West Road. In addition, the applicant considers that this small element of houses will be sustainably located on the edge of West Road and will enable the main development area to be less developed.

10.3.7 In assessing the case put forward, it is considered that there is logic and merit to the proposal to provide a small development to the east of the site adjacent to West Road. Not only will it enable the main development area to be less condensed, the five dwellings will provide natural surveillance onto the open space areas including the new footpath connections towards Bransgore. Moreover, the five houses will provide a 'Gateway' into the site enhancing the legibility when arriving from the west and will also enable the main development area to be better integrated with the edge of the settlement in West Road. This position is supported by the Councils Urban Design Officer.

10.3.8 Overall, it is considered that the proposed layout are appropriate and justified. The most critical matter is to ensure that the scale, design, form, layout, detailing and use of materials of the five dwellings delivers a high standard and is contextually appropriate, to ensure that the two older cottages to the north and the semi rural context of West Road are respected. This is assessed in greater detail below.

#### The layout and appearance of the built development

10.3.9 Derritt Lane is a rural road which connects Sopley and Bransgore and is characterised by its mature tree lined verge edges adjoining an open landscape of agricultural fields. Along the route and within the immediate local area, there are examples of occasional farmstead, stables and barn buildings set back from the road and arranged around courtyards reinforcing a rural and agricultural feel to the area. The development to the rear of the site in Wiltshire Gardens, which forms part of the edge of the settlement boundary, is a more modern development with detached houses and bungalows in a more open and spacious setting.

10.3.10 Directly north of the site is a recent development known as Heatherstone Grange, which forms an urban extension to the village and is a spacious development characterised by a mixture of dwellings set in perimeter blocks and streets. As part of that development, dwellings alternate between fronting or side end elevations to Derritt Lane, all set back from the road by a large tree lined verge. Building types vary throughout the Heatherstone Grange development but generally comprise two storey buildings designed to appear as cottages and Arts

and Crafts. A large 'manor house' style building with adjoining 'barn' structure set back over an entrance green is a prominent feature on the approach route of Derritt Lane.

10.3.11 West Road, lying to the east of the site forms the historic route within the original core of the village and comprises a mixture of generally older dwellings set in a more semi-rural context. West Road is a narrow lane with no footpaths, and whilst there are some more modern houses, the predominate context is characterised by traditional cottages, which make a positive contribution to its character.

10.3.12 The applicant's proposed design approach for the site seeks to create a high quality and sympathetic rural edge development that reflects key local distinctiveness principles and characteristics of the local area. The submitted layout consist of a series of perimeter blocks, courtyards and barns designed to reflect the existing rural qualities and built characteristics found in the local area. Trees, hedgerows, and accessible green spaces would surround the streets and roads. Buildings tend to be sited close to the roads with short front gardens, on site car parking to the side and fairly deep rear gardens, which enables sufficient space for tree planting. Swales created along the streets will be planted with trees and vegetation which will add to the attractiveness of the streets and this accords with government guidance to provide street trees.

10.3.13 The proposed perimeter blocks form a key design concept for the development and are arranged with buildings actively front onto the streets, broken up with walls and greenery, together with space provided to the front for planting strips. This design approach reflects elements of the recent development to the north of the site at Heatherstone Grange, which comprises various perimeter blocks. Courtyards are proposed throughout the development and have been designed with natural surveillance, space for tree planting and arranged so that cars will be hidden from the main internal roads around the development.

10.3.14 The Urban Design Officer notes that whilst this site is necessarily intense in its design, a combination of well located greenspaces will act as a setting for development that allows an innovative collection of buildings to work well on this site. Moreover, he considers that there are many aspects to the design which are positive, and recognises that the buildings are undeniably rich in detail and traditional qualities that create a pleasant atmosphere of yesteryear. It is noted that the Councils Urban Design Officer has raised concerns with some elements of the 'tandem' car parking between the sides of the dwellings, which he considers can appear harsh if the treatment of materials, design and detailing is not to the highest quality. In response, the applicant has made changes to some of the plots to reduce the extent of tandem car parking and have demonstrated through high quality detailing that the scheme does provide sufficient design quality to reduce this concern.

10.6.15 The proposed five dwellings to the east of the site, adjoining West Road which are separated from the main development, are located within an area that is designed with variegated form. These make reference to local vernacular and historic character, all set within garden plots. The proposed development would be set back from Derritt Lane separated by an area of open space and footpath. Existing historic hedgerows along the Derritt Lane and West Road would largely be retained, which will help retain the site's rural character. The Urban Design Officer is supportive of the proposed five dwellings and considers that the overall quality of design, layout, detailing and use of traditional materials is at a high standard and contextually appropriate, to ensure that the two older cottages to the north and the semi rural context of West Road are respected.

10.3.16 To ensure that the overall layout of the proposed development including Green Spaces have the basic level of protection, the 'Designing Out Crime' Officer highlights the importance that all dwellings must sit within an area of private space. The private space to the rear of the dwellings must be enclosed by a robust boundary treatment at least 1.8m high and the semi-private space to the front and side front of the dwelling must be enclosed within a robust boundary treatment 1m high; or delineated in such a fashion that it is obviously private space. It is considered that the overall layout generally provides good natural surveillance and will create a safe and accessible environment. It is also noted that the applicant has made some amendments to the drawings to incorporate new boundary treatments to several of the dwellings to provide greater protection from the public realm to help alleviate the points made by the Designing Out Crime Officer.

10.3.17 Turning to the visual appearance of the buildings, other than the two barn buildings within the development, building types, forms, and styles vary throughout the development. These styles include cottages, traditional building forms and styles and the occasional Arts and Crafts style home. This is considered to add visual interest within the development, but there are groups of buildings with similar design and form which ensure an element of consistency. Materials range from brick, stone, render and timber for the cladding, with slate and clay tiled roofs. It is considered that all street scenes have been well designed and would make a positive contribution to the character of the development and reflects the surrounding context.

10.3.18 Decorative detailing is shown to be used throughout the development including string course, verge detailing, traditional porches, chimneys, and bay windows which will add to the overall design quality of the development. It is clear from the plans submitted that the dwellings and buildings are designed and detailed to a high quality and are rich in detail and attractive. As highlighted above, the Councils Urban Design Officer notes the high quality shown in the design of the dwellings.

10.3.19 It is recognised that there has been some criticism with the design and layout of the two apartment buildings, in which the Urban Design Officer considers do not resemble a barn layout or design. In response, the applicant has amended the design of these building through changes to the fenestration, layout and form. It is considered that the revised buildings and their layout are well designed, and low scale that would be appropriate in their setting. Through the choice of good quality materials and detailing, it is considered that these buildings can make a positive contribution to the overall site and be appropriate in this context. These are matters that can be addressed through an appropriately worded planning condition.

10.3.20 In relation to building heights, the development would be of traditional 2-storey scale, whilst two of the homes would rise to two and a half storeys building. It is considered that this would be a reasonable approach to building heights across the site.

10.3.21 Overall, it is considered the proposed development would be well designed and sympathetic to local distinctiveness and the site's rural edge context. The development would therefore have an acceptable impact on the character and appearance of the area. There would be good natural surveillance of the key public areas within the central and eastern parcel of the proposed development. The design is considered to be one where opportunities for anti-social and criminal behaviour are reasonably minimised. It is considered that

the dwellings would be of an appearance that would adequately respect the site's rural edge context, and with a reasonable consistency running through the design this would help to create a strong sense of place.

### The Landscape Impact of the Development

10.3.25 The application is supported by a Landscape and Visual Appraisal (LVA) which assesses the landscape and visual effects of the development, both in the immediate vicinity of the site and from more distant viewpoints. The Landscape and Visual Appraisal concludes that the visibility of the site is limited to the immediate surroundings and most of the site is well contained visually by the density of both boundary and intervening vegetation. The Landscape and Visual Appraisal also states that there are no distant views possible of the site due to intervening vegetation, high levels of tree cover found along field boundaries and undulating topography in the wider landscape.

10.3.26 The applicants have submitted a series of landscaping plans ranging from an overall masterplan, landscape framework plan and more detailed tree planting schedules and landscaping proposals for each part of the site. These plans however are not yet at a stage where they can be approved but they do form a good basis for the final plans to be worked up by condition. The submitted Landscape Strategy employs a sensitive approach within the eastern parcel that abuts the New Forest National Park through the introduction of an expansive landscape area, including the Village Green, and setting back of development, that limits the impact of the development upon the nationally recognised landscape, which is sympathetic to the local surroundings. An expansive area of neutral grassland / water meadow on the western edge maintains a soft margin towards the green Belt to the west and the approach and views to the site when travelling along Derritt Lane from the west to east. Significant tree planting is proposed throughout the site, including the retention of most of the existing trees and hedgerows.

10.3.27 Green Infrastructure and swale's extend along the southern edge of the site, in which the built development would be set back, such that there would be a continuous area of green infrastructure along this most exposed part of the development. The creation of this generous depth of green infrastructure along the development's edges would help to ensure compliance with the specific policy requirement to set development and create a strong Green Belt edge. A 10-metre-wide landscape buffer to Barrett's Copse incorporating thorny scrub and native hedgerow provides a screen and prohibits users of the footpath and open space from entering this area.

10.3.28 The PRoW footpath that runs through the site will be retained along its same axis and has been given a generous buffer towards development on either side. This space has been utilised as a central focal point to development surrounded by scattered groups of trees that are more favourable than the uniform linear row of existing trees that were suffering in this location.

10.3.29 In summary, it is considered that the overall landscape strategy has carefully considered how the development might impact on the open rural landscape within and beyond the site. This has resulted in a detailed landscape framework which demonstrates an attractive and pleasant landscape and green infrastructure for the site, together with a soft rural edge to all boundaries of the site, which is appropriate and acceptable to the sites context. As recognised by the Council's Urban Design Officer and Landscape Officer, there are elements of this Plan that need to be refined, but these largely relate to matters of detail that can be reasonably resolved by condition.



## **10.4 Visual Impact of Development on the National Park**

10.4.1 The proposed development is sited adjacent to the nationally designated New Forest National Park, which lies to the north east along Derritt Lane.

10.4.2 There is a statutory duty for the Local Planning Authority to have regard to the purposes of the adjacent National Park, and it is therefore important that what is proposed has an acceptable impact on the setting of the New Forest National Park. Both Local and National Planning policies make it clear that very significant weight must be given to ensuring that the character, quality and scenic beauty of the landscape and coastline of the National Park is protected and enhanced.

10.4.3 Through a sensitive design response within the eastern parcel that abuts the New Forest National Park, which includes the main Green Infrastructure and setting back of development, together with the retention and enhancement of hedgerows, this limits the effects of built development near the National Park designation and introduces elements that enhance the area. Accordingly, the submitted LVA concludes that the proposals do not adversely affect the designation and there is no reason to disagree with this assessment.

10.4.4 In summary, given the distances involved and the significant quantity of Green Infrastructure, the proposal would not diminish the visual appreciation of the New Forest National Park from key viewpoints, nor would it be to the detriment of the special qualities of the National Park.

## **10.5 Arboricultural Impacts**

10.5.1 There is currently an area Tree Preservation Order covering the entire site. The site benefits from extensive tree and hedgerow coverage primarily concentrated along the northern boundary along Derritt Lane, southern boundary and a belt of trees running north-south through the central part of the site. A further group of trees is present within the eastern part of the site within the 'Dell'.

10.5.2 The submitted Tree Survey confirms a number of these trees are of a high quality (Category A) including several native species of Oak, Ash, Beech and Sweet Chestnut trees. The Councils Tree Officer confirms that there is no reason to disagree with the categorisation assigned to the individual and groups of trees.

10.5.3 The Local Plan Concept Master plan highlights the boundaries of the site, and the belt of trees running north-south as a Vegetation of Landscape Value. In addition, Local Plan Policy SS12 highlights the need to protect the green and rural qualities of Derritt Lane, retaining the roadside trees in an enhanced margin of greenspace with natural surveillance provided by the design and orientation of the dwellings.

10.5.4 The proposal seeks to retain most of the existing trees on the site, and all Category A trees will be incorporated as part of the proposed development. A small number of roadside trees will be lost along Derritt Lane to accommodate the proposed accesses and visibility splays. Importantly, most of the trees to be lost are low-quality trees with very little potential to contribute to local character because of their poor condition and small size.

10.5.5 The only other tree clearance will be a small number of low quality

(Category C) and a selection of trees deemed unsuitable for retention (Category U). This includes the row of Horse Chestnuts that line the Public Right of Way (PROW) through the centre of the site, which are in poor condition, subject to Canker disease. All root protection areas (RPA) of retained trees will be protected, and where there will be minor encroachment special precautions will be taken to minimise impact and provide for the future retention of the trees.

10.5.6 Significant new native tree and hedgerow planting will be incorporated into the proposed landscape response to strengthen the site character, particularly along the internal streets, along the PROW and within the Green Infrastructure. Residential plots are also designed with sufficient depth to encourage tree planting within the rear garden. More than 100 additional trees will be provided throughout the entire site.

10.5.7. Accordingly, it is considered that, in the context of the proposed development tree losses have been minimised to those required to facilitate the new development. Tree planting as part of the supporting Green Infrastructure will be a positive gain for arboriculture over and above that which currently exists on the site.

## **10.6 Impact on Heritage Assets**

### Listed Buildings and Conservation Areas Act 1990

10.6.1 Section 66(1) of the Listed Buildings and Conservation Areas Act requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.6.2 Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2021.

- Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 203 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.

10.6.3 The application is accompanied by a detailed Heritage Assessment which identifies that there are no designated heritage assets within or adjacent to the site. In addition, no designated heritage assets or their setting will be affected by the proposed development. The Councils Conservation Officer concurs with these views.

10.6.4 The proposed development will result in a change within the setting of several non-designated built heritage assets located on the eastern part of the site. This includes the following:

- The Dell, former extraction/ Quarry pit, within eastern part of the site

- Laurel Cottage, Derritt Lane
- Yew Tree Cottage and its outbuilding, Derritt Lane
- Lilac Cottage and September Cottage (formerly White Birds), West Road
- The Old Stores and outbuilding, West Road
- Forest Edge and outbuilding, West Road

### The Dell

10.6.5 The area known as the "Dell" lies within the eastern part of the site, and forms part of a former quarry pit. The submitted Archaeological report states this feature is a physical reminder of Bransgore's past as 'an *interesting appropriation of an industrial feature*', which was transformed into an enclosed plot for a small holding and the location of the farm which controlled all the land within the site since at least the 19th century. The area known as a Dell, which is now largely open with scrub and trees has been designated as a Non-Designated Heritage Asset.

### Laurel Cottage and Yew Tree Cottage and its outbuilding, north side of Derritt Lane

10.6.6 'Laurel Cottage' is a red brick building under a slate roof, slightly set back from Derritt Lane and the submitted Heritage Assessment states that it is likely to be of early 19th century date. 'Yew Tree' Cottage is a rendered (possibly cob) and thatched building that faces Derritt Lane and the Heritage Assessment considers that it is likely to date to the 18th or early 19th century.

### Lilac Cottage and September Cottage, West Road

10.6.7 'Lilac Cottage' and 'September Cottage' stand on the southeast side of West Road as the road bends, both appear for the first time on the 1871 Ordnance Survey map. Lilac Cottage is externally rendered with an overhanging pitched roof clad in tile and brick chimney stack at its west end. The mix of casement and awning windows are modern PVCu replacements. September Cottage is a smaller building finished in a cream coloured render.

### The Old Stores and outbuilding

10.6.8 The 'Old Stores' and outbuilding stand on the west side of West Road and border the site. The Old Stores is a double-pile brick building built, which is likely to be late 19th century. A single-storey extension at the north end of the stores appears to be a modern replacement of an earlier extension or linking block and the building was substantially extended to the west and the southwest in the late 20th century. However, the structures-built form suggests a degree of substantial rebuild, if not complete replacement.

### Forest Edge

10.6.9 Further south on West Road lies 'Forest Edge', is largely hidden behind its boundary walls, fencing and hedges. The Heritage Assessment states that the building appears to be a late 18th or earlier 19th century house.

### Significance and impact of proposed development

10.6.10 The proposal entails the use of the 'Dell' as a nature and heritage conservation area, including the formation of a new drainage feature. It is not

intended that this will be accessible to the public. The proposals will result in no material change in the setting of any identified built heritage assets within the surrounding area. The drainage basin will be a natural feature which will be raised above the ground levels through introduction of bunding. Consequently, the Heritage Assessment states that the proposals for the Dell will not impact upon their significance. There is no reason to disagree with this.

10.6.11 In relation to the significance of 'Laurel Cottage' and 'Yew Tree' Cottage and its outbuilding on the north side of Derritt Lane, the Heritage Assessment states that both properties hold some architectural interest as vernacular buildings, representative of their period and the development of Bransgore in the 18th and early 19th century. 'Laurel Cottage' has been subject to little alteration, with most of its historic features and architectural character intact. Conversely, 'Yew Tree Cottage', while maintaining its authentic thatched roof, features unsympathetic uPVC replacement windows and a modern conservatory which detracts from the integrity and appearance of the building, and which has reduced its significance.

10.6.12 With regard to the significance of the buildings on West Road, it is accepted that they hold some architectural interest as historic buildings (some vernacular) illustrative of their period and of the development of Bransgore in the late 18th and 19th century. The buildings have group value with one and other, and with the wider settlement core of the village. Such associations contribute to their significance, providing context and historic interest, which enhances their legibility.

10.6.13 The majority of the built development is to be situated on the west and central parts of the site, a considerable distance away from the Non-Designated Heritage Assets. A green buffer in the former of the village green concentrated on the eastern part of the site will largely retain the open setting to this part of the site. A small development of five dwellings is proposed on the eastern part of the site accessed to the west of West Road. These buildings are well designed and seek to pick up on the local vernacular.

10.6.14 Overall it is considered that the nature and siting of the proposed eastern development area leaves the majority of the eastern field as open space, and maintains a degree of rural landscape context for the identified non-designated heritage assets and as such the level of harm and loss to the significance of the heritage assets is low.

## **10.7 Transportation matters**

10.7.1 It is necessary to assess whether the development would have an acceptable impact on the local highway network, whether the proposed highway works and access arrangements within the scheme would be safe, sustainable, and meet the appropriate needs of all highway users; and whether the proposed development would have an acceptable impact on existing public rights of way in the vicinity of the site.

10.7.2 The application site is bordered to the north by Derritt Lane, which is an unclassified two-way street subject to a 40mph speed restriction. There is no existing street lighting present. Along the northern boundary of Derritt Lane, opposite the site, two junctions provide access to the development to the north known as Heatherstone Grange. For the most part, Derritt Lane has no

footpaths, but a new footpath has been provided along the road which links the new Heatherstone Grange development to Brangsgore. West Road provides the eastern boundary of the development site and is subject to a 30mph speed limit and there are no pavements.

10.7.3 Travelling east from the development site, Derritt Lane continues and transitions into a 30mph speed restriction around 280m to the west of the existing West Road/Derritt Lane junction. To the east of the speed limit change, a narrowing is present. This narrowing, which also provides an uncontrolled pedestrian crossing, was installed in conjunction with the Heatherstone Grange development to the north of Derritt Lane.

10.7.4 Local Plan Policy SS12 does not prescribe the exact position of where vehicular access should be gained along Derritt Lane to serve the proposed development. In addition, the policy does not state how many vehicle accesses should be provided to serve the proposed development. In considering the most appropriate point for vehicular access to serve the proposed development, the applicant explains that the chosen position is the most appropriate location in public highway safety terms to achieve necessary visibility splays and proximity to existing access/ junctions etc and the potential impact on trees along Derritt Lane.

10.7.5 The submitted application is accompanied by a detailed Transport Assessment (TA), which, among other things, considers the trip generation rates that would be expected for the development, the likely growth in traffic, and the likely increase in traffic on specific routes and using specific junctions.

10.7.6 In terms of traffic generation and distribution, the applicant's TA has considered the distribution of trips associated with the proposed development and the impact this will have on key junctions at the site and near to the site. The TA assessed the capacity of the following junctions:

- Derritt Lane proposed Site Access Junction West;
- Derritt Lane proposed Site Access Junction East;
- Derritt Lane/Ringwood Road Priority Junction;
- Ringwood Road/Burley Road Crossroads

10.7.7 The traffic impact assessments demonstrates that the two proposed junctions are expected to operate well within theoretical capacity following the implementation of the proposed development with minimal impact on Derritt Lane. In relation to the two other key junctions assessed, the TA concludes that the Derritt Lane/ Ringwood Road and Ringwood Road/Burley Road junctions are expected to operate within capacity, including with the addition of development traffic with reserve capacity in all future years with development scenarios.

10.7.8 In summary, it is concluded that the existing highway network would satisfactorily accommodate the additional traffic arising from the proposed residential development without resulting in any severe impacts, and therefore the traffic impact of the scheme is considered to be acceptable in light of the requirements of the NPPF. The Highway Authority agree with this assessment.

#### Personal Injury Accident

10.7.9 Personal Injury Accident information (PIA) has been reviewed as part of the Transport Assessment process. The data indicates that there has been a total of eight incidents within the search area during the 5 year period, with five of

these incidents categorised as 'slight and three 'serious incidents. In reviewing the records for the previous 5 year period, all the recorded incidents occurred at different locations (five along Ringwood Road including the three serious incidents), were not in similar time periods and with different contributing factors.

10.7.10 No accidents within this search area occurred in West Road within the vicinity of the application site. Indeed, the PIA records, in the most recent five year period indicate that all the recorded incidents occurred at different locations, were not in similar time periods and had different contributing factors. The records do not, therefore, contain any patterns that might suggest any areas of highway concern within the search area. The Highway Authority has confirmed this position.

#### Bus stops/ services

10.7.11 The nearest bus stops to the application site are located on Burley Road and are known as the 'Carpenter Arms Stops, which can be reached in a 10 to 15 minute walk from the proposed development site via the public right of way to Wiltshire Gardens or through West Road that also provides a connection to Burley Road.

10.7.12 There are daily services from the Burley Road Stops to the destinations in the local area, including Ringwood and Christchurch. Christchurch Community Partnership operates a 'Dial a Bus' service, within which Bransgore is located. This provides a link for elderly and vulnerable people to access the centre of Christchurch for medical or shopping trips. The service operates on a Thursday within East Christchurch.

10.7.13 It is recognised that the bus stop has a very limited service, providing only 5 buses a day Monday -Friday with no services at the weekend, to destinations, namely Ringwood and Christchurch. In order to promote sustainable transport, Officers have discussed with Hampshire County Council Highway Officers to explore whether there are opportunities to enhance this service.

10.7.14 Given the scale of the proposed development and location to existing bus facilities, it is not proposed to alter or provide changes to existing services. This is considered to be reasonable and such a requirement has not been requested by the Highway Authority who have confirmed that the current level of bus services is adequate to serve the demand arising from the proposed development.

#### The Primary Accesses onto Derritt Lane and West Road

10.7.15 Vehicular access is proposed to be taken from two junctions onto Derritt Lane and one onto West Road. The two proposed access points onto Derritt Lane would serve 95 dwellings and the single access onto West Road would serve five dwellings. The proposed accesses onto Derritt Lane would be sited west and east of the existing two accesses along Derritt Lane that serve the Heatherstone Grange development to the north.

10.7.16 Based upon the speed surveys carried out, for the western access onto Derritt Lane, visibility splays of 2.4m x 112m would be provided for the eastbound approach and 2.4m x 104m for the westbound. For the eastern access onto Derritt Lane 2.4m x 102m for the eastbound and 2.4m 104m for the westbound. The Highway Authority raise no objection to the methodology used for the visibility splays. Planning conditions can be imposed to ensure that any vegetation/ trees

are removed to ensure that all visibility splays are provided prior to use and maintained at all times.

10.7.17 The proposed access onto West Road will serve the five dwellings and this will be in the form of a private drive. Junction visibility splays of 32m and 25m has been shown to be provided for this access. There is a requirement to improve the visibility to the northern end of West Road which has poor visibility, especially near the bend in the road. It is considered that the existing hedgerow, close to the bend in West Road is the main factor in reducing the visibility. To achieve acceptable visibility splays, it is proposed to remove part of the existing hedgerow close to the bend and replace it with a grass verge. This would significantly improve the visibility for both the proposed access and existing users of West Road and therefore provide a highway safety benefit compared with the existing situation.

10.7.18 In response to the concerns raised by some local residents about the siting of houses exiting onto West Road, that suggest due to its narrow width would be unsatisfactory and create additional traffic flow onto the junction with Derritt Lane, it is considered that only five dwellings are proposed which will not amount to any significant increase in traffic. Furthermore, as stated above, appropriate surveys have been carried out which indicate that vehicles drive well below the 30mph speed limit and the layout provides adequate sight lines in both directions that will provide a highway safety benefit over the existing situation.

10.7.19 In summary, having regard to speed survey data and the design details that have been put forward, the Highway Authority are satisfied that the 2 proposed access points onto Derritt Lane and access into West Road would have acceptable visibility splays, and would enable all vehicles (and other users) to enter and leave the site in a safe and acceptable manner.

#### Internal access

10.7.20 It is the applicant's intention for the majority of the internal roads to be offered to Hampshire County Council for adoption. The courtyards proposed within the development and the road serving the five dwelling adjacent to West Road will be private.

10.7.21 The internal road layout has been subject to a Phase Stage 1 Road Safety Audit, which concluded that there are identified no significant concerns with the public safety. Indeed, the detailed layout of the roads have been designed in a way to reduce traffic speeds and to reflect the guidance set out in Manual for Streets.

10.7.22 Swept path analysis plans have been submitted showing how a refuse truck, delivery van and fire tender would satisfactorily use the proposed junctions along Derritt Lane access the development. Collection vehicles for the West Road parcel will wait on West Road and while bins are collected from inside the development. The Highway Authority's advice is that there are no fundamental concerns with the internal layout from a highway safety perspective.

#### Car parking

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

development to provide sufficient car and cycle parking.

10.7.24 The Council uses its Car parking standards SPD to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and other local policy seeking a shift away from cars to more sustainable forms of transport.

10.7.27 The amount of parking provision proposed responds to the Councils adopted car parking standards supplementary planning document. The development proposes 280 spaces, at an average parking ratio of 2.8 spaces per dwelling, together with 14 visitor spaces. All plots benefit from at least two spaces, with the majority of plots benefiting from a single or double garage.

10.7.28 Parking provision for residents in the scheme includes a predominance of driveway/on-plot based parking, with some courtyard parking. Where garages are used, they are designed to 3m x 6m internal size, which in accordance with Manual for Streets and Council's Parking Standards Supplementary Planning Document (SPD) advice makes them more likely to be used for parking.

10.7.29 In relation to visitor car parking, NFDC standards states that 'layouts based on on-plot parking may include lay-bys and/or other visitor parking space providing that highway safety is not prejudiced and up to a maximum of 20% of the total amount of parking is on site'. The layout would provide 14 visitor spaces with over 200 allocated parking bays, well within the maximum 20% visitor allocation.

10.7.30 Provision for electric vehicle charging has been incorporated to serve every plot within the development and can be covered by condition to require provision to be made prior to occupation.

10.7.31 To ensure that all garages and car ports remain available for car parking spaces, it is considered reasonable that PD rights withdrawn to ensure those garages and car ports are not altered and converted into additional ancillary living accommodation without the need for a further planning permission. Planning conditions are recommended to control these matters.

10.7.32 As such, the level of parking being provided in association with the development would be acceptable from a highway safety perspective. The application also makes appropriate provision for cycle parking within garages (that would be large enough to accommodate cycles) and within sheds and communal stores.

#### Access for Cyclists and Pedestrians

10.7.33 The provision of safe cycling and walking opportunities within and outside the new development is critical to ensuring a sustainable new community. This can be achieved by securing good connections to the existing footpath network and public right of ways.

10.7.34 Bransgore village centre is around a 10 -15 minute walking distance from the application site, approximately 900m walk via a footway along Derritt lane and Ringwood Road. General guidance on acceptable walking distances to local facilities suggest preferred maximum walking distances of 2km. The application site is well within this threshold. Bransgore Primary school is within a 20 minute walk (1800m) of the site and is therefore within the 'Acceptable walking distance as set out within Providing for Journeys on Foot.

10.7.35 A 3 metre wide pedestrian and cycle route is proposed along part of the northern edge of the site to link the whole development to the existing footpath



network in West Road, which then connects to Bransgore village centre. A new pedestrian crossing point on the corner of West Road and Derritt Lane would be provided at the end of the footpath/ cycle route. This pedestrian/cycle route is the main desire line to Bransgore village centre.

10.7.36 Some concerns have been expressed suggesting that the crossing point on the corner of West Road and Derritt Lane would be dangerous and has limited visibility due to the existing hedgerow on the road frontage. Amended plans have been submitted in which the crossing point has been slightly re-located and the visibility splays increased through removal / trimming of a greater section of hedgerow on the corner of Derritt Lane and West Road. The Highway Authority note that the proposals would provide visibility improvement at this crossing point.

10.7.37 A further pedestrian access will be provided to the south via the existing Public Right of Way (Route 19) which links to Wiltshire Gardens. The PROW running through the site will be improved within the development site and incorporated into the internal footpath network of the development.

10.7.38 Representations have been expressed that there is a desire to improve the existing footpath between the application site and Wiltshire gardens (which is outside the application site). In response, whilst it is accepted that this provides a link into the neighbouring development and a good connection to other parts of Bransgore, given that part of the route runs between existing high boundary fencing, narrow in places with limited natural surveillance, it is not reasonable or necessary for the applicant to upgrade this footpath. Indeed, the main desired route towards the village centre from the proposed development will be via the 3 metre wide footpath/cycle route on the northern part of the site.

10.7.39 Overall the proposed layout shows a network of footpaths throughout the site, both on the north and south boundaries, together with links through the built development from north to south. Footpath routes connect to existing public footpaths and rights of way, which will enable safe routes to Bransgore village centre and the open countryside for recreational purposes.

#### Off-Site Highways Works

10.7.40 A Non-Motorised User (NMU) Audit / WCHAR assessment was carried out by the applicant at the request of the Highway Authority to review any existing issues with pedestrian and cyclist routes to key destinations from the application site. The following improvement works have been sought by the Highway Authority as a result:

- The installation of a vehicular cross-over with tactile paving at the entrance to the rear parking court of numbers 5-11 Derritt Lane;
- The installation of dropped kerbs with tactile paving at the junction of Brookside Road/Derritt Lane;
- Provision of dropped kerbs and tactile paving on the highway at the access to a private road approximately 100m south of Burley Road/Ringwood Road Junction;
- Installation of tactile paving at the junction of St Marys Close/Ringwood Road.
- Provision of a new uncontrolled pedestrian crossing on Ringwood Road near the Three Tuns Pub.

10.7.41 All of these off-site works would need to be secured through a Section 278 Agreement with the Highway Authority. Provided these various works are secured in this way, then it is considered that the development's impacts would be appropriately mitigated in respect of pedestrian and cycle infrastructure.

### Impacts on Public Rights of Way

10.7.42 There are several Public Rights of Way (PROWs) in the vicinity of the site, including Sopley 19 which crosses the site. Maximising the use of the existing Public Rights of Way is important to gain access to the countryside and any footpath links within the development need to align/ link with other off site PROWs. The applicants Landscape Framework illustrates the key links/ crossing points with PROWs.

10.7.43 Sopley 19 crosses the central part of the site between Derritt Lane and Wiltshire Gardens. The footpath is a grass path. There are no proposals to alter the route. The proposals entail providing an enhanced footpath, with new surfacing and landscaping including replacement trees to create an attractive route through the site. Whilst the submitted landscape plans indicate that the type of surface will be hoggin, the exact details of the type of material to be used can be dealt with by condition.

10.7.44 There are two existing PROWs to the north of the site, which provide good walking routes to the north of Heatherstone Grange and towards Sopley and Ripley. The internal layout of the development provides connections to the existing crossing and footway along Derritt Lane leading to Heatherstone Grange, and from which access to the existing PROWs to the north side of Derritt Lane can be achieved. There is also provision within the layout for informal linkages to the wider PROW network.

10.7.45 Overall it is considered that a new attractive surface provided in a Green corridor will not only provide benefits through enhancement works to the footpath, but incorporating the footpath into the Public Open Space will enable a long term solution for the management and maintenance of this route.

### Travel Plan

10.7.46 One of the key ways in which a modal shift away from single occupancy car journeys can be achieved, and journeys by foot, cycle, and public transport can be encouraged, is through the implementation of a Travel Plan.

10.7.47 A Framework Travel Plan, as required by policy, has been provided with the application, in order to encourage future occupants of the development to travel by modes other than single occupancy car use. Having regard to the advice of Hampshire County Council, the principles set out in the Framework Travel Plan are considered to be acceptable, but for the application to be fully in accordance with policy, there will be a need to agree a Full Travel Plan, together with appropriate monitoring requirements. This will be secured through planning conditions and / or a Section 106 legal agreement.

## **10.8 Nature Conservation**

10.8.1 The site is not located in a sensitive area and there are no International, National, or local designations on the site that need specific consideration. There are however several designations within the vicinity of the site.

10.8.2 In relation to European designated sites, the New Forest SAC, is located approximately 875m east of the site, the Avon Valley SPA/ Ramsar site is located approximately 1.6km west of the site and River Avon SAC is located approximately 1.8km west of the site. In relation to National designated sites, the New Forest SSSI is located approximately 875m east of the site. With regard to Local designates sites, Barrett's Copse Site of Nature Conservation Interest

(SNCI) is contiguous with the southern boundary of the site and the copse is recognised as the priority habitat lowland mixed deciduous woodland.

#### Ecology: Mitigation of Recreational Impacts

10.8.3 In accordance with the Habitat Regulations, the Council's Local Plan policies require that the recreational impact of new residential development on European designated nature conservation sites within the New Forest, Dorset Heathlands SPA/ SAC and Ramsar, River Avon SAC and Avon Valley SPA / Ramsar is assessed and satisfactorily mitigated where required.

#### Alternative Natural Recreational Green Space (ANRG) provision

10.8.4 To ensure that the impact of larger developments on the New Forest designated sites (The New Forest SPA, SAC and Ramsar site) and Dorset Heathlands SPA/ SAC and Ramsar, River Avon SAC and Avon Valley SPA / Ramsar are satisfactorily mitigated, policy requires that 8 hectares per 1000 population of land for us as (Alternative Natural Recreational Greenspace) be provided either on the development site or directly adjoining and well connected to it.

10.8.5 As this is a full' application, permission is being sought for a precise number of dwellings. The precise quantum of ANRG land needed to be provided can be calculated using the Council's ANRG calculator, 100 dwellings would generate an ANRG requirement of 2.3 hectares, which is based on an estimated population of 278 people.

10.8.6 The application proposes on-site Alternative Natural Recreational Greenspace (ANRG) and habitat mitigation areas within the development. These ANRG areas are necessary particularly in relation to dog walkers (but also the general new resident population created) to reduce the number of trips into the sensitive sites. ANRG provided on site is therefore a mechanism to deflect additional visits which might affect European protected areas within the Park areas and those listed above.

10.8.7 This application provides over 2.3 ha of ANRG which meets the minimum requirement, but when combined with the overall Green Infrastructure proposed within the development, this amounts to approximately 7.7 hectares, well in excess of that needed. The ANRG land is shown to be located across the western, eastern and parts of the southern edge of the site. The ANRG and landscaping strategy is to provide multi-functional areas of Alternative Natural Recreational Greenspace and Green Infrastructure, to comprise the following:

- a large area of open space,
- green space corridors with footpath planted with swathes of wild flower grassland,
- a wildlife pond, scrub habitat and new trees/ hedgerows.

In addition, the ANRG land is shown to be located and connected to the development and public open space that is proposed, and within easy walking distance of the main residential dwellings. Moreover, the ANRG land design includes the incorporation of circular walks, links to existing Public Rights of Way and opportunities for off lead dog walking and semi natural habitats, that are also designed to provide biodiversity benefits.

10.8.8 The proposed development accords with the Council's adopted Supplementary Planning Document 'Mitigation for Recreation Impacts on New

Forest European sites'. In particular, it shows a 'main space' of 120 metres diameter, 'secondary spaces' and connecting links to Green Infrastructure and footpaths. The Council's Urban Design Officer confirms that the proposed ANRG land (and public open space) would provide a valuable network of green infrastructure that embraces the spirit of the adopted SPD; and that the proposals are a good offer for all the required forms of public greenspace and the setting of the development subject to a more considered design for the spaces and a positive management commitment. The ANRG had also been endorsed by Natural England.

10.8.9 A critical aspect of providing ANRG is their future maintenance and management. There is a need for a detailed management and maintenance plan to be submitted with ongoing monitoring to ensure that the space is managed to achieve the planning outcomes needed to deliver sustainable development and that there is no significant impact on the European sites resulting from this development. These are all matters that will be secured through the Section 106 legal agreement.

10.8.10 Overall, through the provision of the ANRG on the development, it is considered that the scheme will not have an adverse impact on protected environments. Therefore, the proposal meets the requirements of the Habitats Regulations. As such, the broad design principles for the ANRG is considered appropriate and reasonable, although detailed landscape designs for these areas will need to be secured through planning conditions and a Section 106 Agreement to include a future management and maintenance plan.

#### Other measures required to mitigate impacts in New Forest sites

10.8.11 Policy requires that all development involving additional dwellings contributes towards New Forest Access Management Costs and monitoring per dwelling (the New Forest People and Wildlife Ranger service). This contribution will be secured within a Section 106 Agreement.

10.8.12 A further contribution that is now required through the newly adopted Local Plan is a contribution towards monitoring and mitigating air quality impacts on the New Forest European sites. This contribution is sought at a rate of £85 per dwelling, and again would generate a total contribution of £8,500 in respect of the District Council's area of jurisdiction. This contribution will be secured within a Section 106 legal agreement.

#### Phosphate Neutrality

10.8.13 Natural England has provided guidance to the Council that increasing development is resulting in higher levels of phosphate input into the water environment of the River Avon, with evidence that these nutrients are causing eutrophication at these European designated sites. This guidance is now reflected in the policies of the adopted Local Plan, which stipulates that where residential development and other development providing overnight visitor accommodation would drain or discharge wastewater into the River Avon, then such development must achieve nutrient neutrality in respect of phosphates. As such, only by ensuring that development achieves nutrient neutrality in respect of nitrogen can there be the necessary certainty that the scheme will be deliverable in line with the Conservation of Habitats and Species Regulations 2017 (as amended).

10.8.14 In this case, wastewater from the proposed development will be treated at the waste water treatment works in Christchurch and discharged into the River Avon upstream of Christchurch Harbour. Given the treated water will only be

within the SAC for the final kilometre, including heavily modified sections where the river runs through Christchurch, it is not considered likely that the discharge of treated water at this point will have any likely significant effects on the interest features of the European site. Natural England and the Councils Ecologist concur with this comment and conclude that phosphate neutrality is not required to be achieved within this development. The position above is confirmed by paragraph the Joint Inspectors' Final Report on the Local Plan, which states:

*“To ensure that the strategic site allocation policies are effective in addressing the issue of nutrient management and reflect modified Policy 10, main modifications MM18-MM28 and MM30-MM35 are necessary. These modifications relate to all of the strategic site allocations except for site SS12 which is served by the Christchurch Waste Water Treatment Works and does not affect the mitigation strategies for the River Avon or the Solent and Southampton Water.”*

### On Site Biodiversity

10.8.15 The applicants submitted ecological report assesses the ecological interest of the whole development site area. The site is not subject to any ecological designation. Most of the site is arable with boundary hedgerows, scattered trees, scrub, small patches of woodland and ditches and an area of semi-improved grassland at the eastern end. Due to the limited species diversity, limited ground cover and extent of the habitat, the grassland on the site is considered to be of low value.

### Flora

10.8.16 All of the native hedgerows on site comprise 80% or more cover of at least one woody UK native species which qualifies them as hedgerow a habitat of principle importance under section 41 of the NERC Act 2006. Three of the native hedgerows on site qualify as 'Important' under the Hedgerow Regulations 1997. The majority of hedgerow will be retained aside from areas where new vehicular and pedestrian / cycle accesses are to be provided onto Derritt Lane and West Road.

10.8.17 Invasive species are present within the site boundary in the form of a patch of Japanese Knotweed. Whilst the Japanese Knotweed is currently being treated, it is a planning issue which needs to be addressed as part of this application given the potential to spread into the River Avon SAC. The final and precise details of how it will be removed has not been submitted, or a long-term management strategy to ensure that there is no re-growth or spread of the invasive species. This can be secured by condition.

### Fauna

10.8.18 Detailed protected species surveys have been completed for the following species: badgers, bats, wintering birds, great crested newts, hazel dormice, and reptiles. Records of birds on site during the breeding season have also been made. The Councils Ecologist considers that the methodology used, and the survey work carried out is acceptable.

### Great Crested Newts, Hazel Dormice, Otter, Water Vole and Badgers

10.8.19 No evidence of Dormice, GCN, Badgers, Otter or Water Vole has been recorded on the site.

10.8.20 The applicants targeted Hazel Dormouse surveys undertaken on site did not record any evidence of Hazel Dormice using the site. It is concluded that

Hazel Dormice are absent from the site and no further action is required.

10.8.21 In relation to Otter and Water Vole, the River Avon is located approximately 1.8km west of the site and the stream that forms the western boundary of the site is a tributary of the river. The stream that flows along the southern boundary is also culverted through Bransgore and only opens when it reaches the south-east corner of the site. Culverted waterways are sub-optimal for water vole and act as a barrier to dispersal.

10.8.22 As such, the applicants Ecologist considers the likelihood of otter commuting upstream is considered low as the streams source is to the north of the site and there are no further waterbodies upstream with potential to support otter. Water Vole and Otter are considered likely absent from the site and no further action is required.

10.8.23 With regard to GCN surveys of the existing pond in Barrett's Copse (outside the application site) identified several aspects of the pond which are sub-optimal for great crested newts (notably the fish population) and no evidence of great crested newt using the pond was recorded. It is concluded that great crested newt is absent from the site and no further actions are required.

10.8.24 No badger setts were recorded within the site. A main sett is present within Barrett's Copse, approximately 50m south of the site boundary. No further setts or evidence of badgers using the site were recorded. The applicants Ecological Consultant considers that the site is not considered a valuable foraging or commuting resource for local badger.

#### Common Reptiles

10.8.25 The reptile survey recorded a medium population of slow worm and a low population of grass snake present within the site. The pony paddock held the largest numbers of slow worm. Grass snake occurred widely across the site. Both grass snake and slow worm are widespread and common in Hampshire and Dorset.

#### Bats

10.8.26 The application site has been assessed as being of regional importance for roosting bats. Annex II bat species were recorded on-site, which included barbastelle and greater horseshoe. As a result of the numbers, the level of survey effort was increased. The applicants survey work carried out concluded that no roosting bats have been confirmed on-site. A total of 31 trees were recorded as supporting features suitable for roosting bats most of which will be retained. An assessment of trees requiring to be felled identified just one tree (a willow in G97) as having low potential to support roosting bats.

10.8.27 The Councils Ecologist agrees with the survey work carried out and states that a pre-work inspection prior to removal has been recommended, which would be acceptable. In addition, the Councils Ecologist considers that it will be essential that a sensitive lighting strategy be designed given the regional level importance of the bat assemblage (including several highly light adverse species) recorded on-site and presence of Annex II species. This can be secured by condition.

#### Birds

10.8.28 In relation to Bird surveys, the applicants Ecological Report states that the breeding bird assemblage comprises largely common and widespread species associated with the hedgerows, gardens and woodland that border the site. Of the 40 species recorded from the site between March and July 2020, fewer than twenty species were considered to be potentially breeding within the site. As with

the wintering bird surveys many records came from habitats immediately adjacent to the site. On site breeding species include three red list species: mistle thrush, song thrush and starling and one amber list species: dunnock.

10.8.29 The surveys indicated that waders and wildfowl from the Avon Valley SPA are not using the site. A small flock of Woodlark potentially linked to the New Forest SPA were recorded in February. Given the time of year and the lack of subsequent records, the applicants Ecological Consultant considers that this flock relates to birds using the site as a temporary feeding area before returning to breeding sites nearby. The findings of the survey state that they do not indicate that these fields are used on a regular basis by over wintering woodlark. The Councils Ecologist agrees with these comments.

10.8.30 A single European Nightjar was recorded flying along the northern edge of Barrett's Copse during the July bat survey. This was the only record of European nightjar made during the surveys. The applicants Ecological Consultant has stated that it is not uncommon to encounter European Nightjar in the lanes and fields between the New Forest and Avon Valley during the summer months. These birds may be using hedgerows and field boundaries for foraging or are commuting along landscape features en-route to the Avon Valley. The Councils Ecologist agrees with these comments.

10.8.31 In relation to impact on bird assemblage, the retention of existing hedgerows within the site along with the provision of new areas of native planting areas of wildflower meadow and hedgerow margins managed to provide areas of species-rich grassland will ensure foraging opportunities for several of the species.

#### Other species

10.8.32 The ecological report confirms that site supports suitable habitat for Brown Hare in the form of woodland edges, arable fields, and grassland. No brown hares were recorded during the applicant's survey work carried out and this species is relatively scarce locally. Overall, the likelihood of Brown Hare utilising the site is considered low. The site is also suitable to support hedgehog that would shelter within the hedgerows, dense scrub and bracken and forage within the poor semi-improved grassland habitat.

#### Assessment of impacts

10.8.33 Without mitigation, compensation and enhancement, the Ecological Impact Assessment recognises that the development would have a negative ecological impact. As such, several key mitigation and compensation proposals are put forward. These include protection measures during construction and the creation of species rich wild flower meadow habitat within parts of the ANRG land / public open space; significant new tree and hedgerow planting, the wildlife pond/ SUDs.

10.8.34 In addition, the applicants propose eight sparrow terraces (or similar) and four integrated starling nest boxes to be installed on new buildings to provide suitable nesting sites for species commonly found nesting in buildings. It is also proposed that ten nest boxes (or similar) will be erected on retained mature trees within the retained green spaces on site. Bat bricks will be included in ten of the new buildings on site. Ten bat boxes will be located on mature trees retained within the planning application boundary. Two bee bricks will be incorporated into the walls of fifteen buildings.

10.8.35 Within areas of newly planted scrub, the applicants propose six artificial hedgehog houses to be provided, which offer potential hibernation sites for hedgehogs. A pond is proposed in the low-lying part of the pony paddock and will be planted with native emergent vegetation and will provide a suitable breeding site for common amphibians. It is considered that the pond is also likely to prove attractive to grass snake. The log piles created to provide habitat for invertebrates will also provide reptiles with areas to bask, forage and shelter.

10.8.36 The Council's ecologist considers that bat boxes/bricks, bird boxes and bee bricks opportunities and enhancements need to be specified in full and this is capable of being addressed through planning condition, in which the final details are submitted in accordance with the enhancement measures outlined in the applicant Ecological appraisal.

10.8.37 Overall, with the mitigation and compensation measures that are proposed, it is considered that the ecological interests of the site would be adequately safeguarded and negative impacts would be adequately mitigated. This said, future management will be critical to securing long-term benefits and this can be secured through conditions.

#### Achieving Net Biodiversity Gain

10.8.38 Members will be aware that the recent Royal Assent of the 2021 Environment Act formally requires new developments to provide for biodiversity net gain for all housing developments (not just major schemes). Whilst secondary legislation is not yet in place it is considered that policy STR1 of the Development Plan can require a 10% improvement in biodiversity post development compared to pre-development and that this improvement should be secured over a minimum 30-year time horizon which will then be subject to Secretary of State extension of that time period potentially subject to regulations.

10.8.39 The submitted application is supported by a "Statement of Biodiversity Net Gain". This sets out the various proposed measures that will help to deliver Biodiversity Net Gain, which include those mitigation measures as listed in the preceding paragraph along with other enhancement measures including extensive areas of new planting. The combined uplift in biodiversity value would far exceed the 10% Biodiversity Net Gain that is expected as a minimum.

10.8.40 The Council's ecologist has confirmed that the applicant's Biodiversity Net Gain Statement is clear with a full rationale. However, achieving Net Biodiversity Gain will be dependent on the deliverability of some key proposals, notably the provision of new species rich wildflower meadow habitat. The Council's ecologist has highlighted the need to secure successful establishment of this area, which is considered achievable with the right methodology and management. This detail will be secured through condition.

### **10.9 Flooding and Drainage**

10.9.1 The key issue to consider is whether the proposed development would be safe in terms of flood risk, having regard to the mitigation measures and drainage strategy that is proposed, and whether those mitigation measures would be appropriate and sustainable.

10.9.2 Based upon the Environment Agency Flooding Maps, most of the site is located in Flood Zone 1, which is land outside the 1 in 1000 year probability of fluvial flooding and also outside the 1 in 100-year probability (FZ3) and therefore at low risk. Areas of land at the lower lying southern and western extents of the site, together with a north-south corridor which follows an existing hedge bank and ordinary watercourse, are all susceptible to fluvial flooding, categorised as Flood



Zones 2 and 3. Along the southern boundary of the site (partly within the site) is Clockhouse Stream, which is a main river.

10.9.3 A section of Derritt Lane near the existing property 'Rose Cottage' is susceptible to surface water flooding because a positive gravity outfall from the adjacent highway ditches is partially obstructed and requires maintenance. The existing watercourse which spans north-to south through the development site is also heavily silted and overgrown, with sections of standing water indicating a reduced hydraulic capacity. The outfall on the north-south ditch historically connected to the Clockhouse Stream (within a private garden to the south of the site) but the survey shows that this has been infilled (or silted) and therefore the ditch currently has no actual outfall. The proposals include the introduction of a new piped outfall, by passing the garden.

10.9.4 The potential for flooding on the site is a significant constraint. The main contributor to any flooding is the Clockhouse Stream, which overtops, and the flood water spreads laterally. Not only is the site subject to flooding, but historic flooding has been identified in the vicinity of the site, including areas along Derritt Lane and to the south and residential properties along Wiltshire Gardens. Again, it is likely that the historic flooding incidents could be a result of the ordinary watercourses and streams being overwhelmed during an extreme storm event, poor and results in overtopping, causing overland flow which would follow the natural land towards low lying areas.

10.9.5 Other flooding events have occurred along Derritt Lane, close to the bridge over the Clockhouse Stream heading towards Sopley. As stated above, the flooding incidents along Derritt Lane is a result of the Clockhouse Stream being overwhelmed during an extreme event, but also due to maintenance or obstructions along the stream and the fact that Derrit Lane is at a lower level compared to the surrounding land (low point). It is important to note that the existing site does not contribute towards existing flood issues at that location. Moreover whilst it is not for this application to resolve this issue, the applicant has confirmed that by easing flood risks within the eastern extents of Derritt Lane, any corresponding highway drainage ditches may have greater capacity and in turn may contribute towards addressing this existing issue.

10.9.6 As a result of the significance of the flooding constraints (in the event of an extreme flood), this means that without some fairly significant protective or mitigation measures, the proposed development would be subject to an unacceptable flood risk. The application is accompanied by a detailed Flood Risk Assessment (FRA), which considers in detail the flood risk to the development and key protective measures are proposed to ensure that the development would not flood (during a relevant flood event).

10.9.7 The FRA sets out several mitigation measures that will be adopted to ensure the risk of flooding on the site and potential risk of flooding elsewhere will not increase and that surface water drainage from the development will accord with Sustainable Drainage Systems (SuDS) principles in compliance with current national and local standards.

10.9.8 The proposed mitigation measures set out in the FRA would sequentially develop the site, which means that the developable area (roads and houses) and surface water attenuation areas (SuDS) will be located to Flood Zone 1 and therefore outside the areas at risk of fluvial and surface water flooding, in line with the NPPF' guidance and sequential test. In essence, this means that no built development or surface water attenuation features are proposed within the areas at risk from flooding (Flood Zones 2 and 3). The proposed vehicular access

junctions will be located within Flood Zone 1 and will provide safe access and egress for motorised and non-motorised vehicles to Derritt Lane, West Road and the wider public road network. Similarly, existing levels within areas susceptible to fluvial flooding will remain unchanged so that flood water is not displaced.

10.9.9 The applicant's FRA which has been endorsed by Hampshire County Council as Lead Local Flood Authority, and the Environment Agency, confirms that this risk would be satisfactorily attenuated by the on-site drainage and flood attenuation features that are to be provided as part of the development. The applicant's Surface Water Drainage Strategy is set out in detail in the below heading 'Surface Water Drainage Strategy', which comprises a comprehensive drainage system which embraces the SuDS philosophy and its key principles and aims to manage and reduce the flood risk posed by the surface water runoff from the site. This would be achieved through the provision of a network of gullies, pipes, swales and sustainable attenuation features which would collect the surface water runoff from impermeable areas such as roads, roofs and driveways.

10.9.10 It is recognised that sections of Derritt Lane can be impacted by pluvial and fluvial flooding. The areas at greatest risk are located further west beyond the site boundary and have been known in the past to be impassable during flood events. The localised area of flooding near Rose Cottage is also an issue and is mapped as being less than 300mm depth based on a review of the topographic survey. This suggests that even prior to any downstream improvements the flood depth is a peak of 100mm which remains passable and confirms vehicular connectivity will be available to the east.

10.9.11 Through the development proposals, on-site reprofiling of existing ditches will look to relieve flooding along Derritt Lane by re-establishing the through flow of runoff from Derritt Lane towards the Clockhouse Stream. Localised works will be undertaken to restore the hydraulic capacity of the highway ditch and ordinary watercourse which drains north-to-south through the site to reduce the impact of flooding on Derritt Lane (near Rose Cottage). This will aid safe access and egress along Derritt Lane and result in betterment over the existing situation.

10.9.12 The incorporation of the proposed flood mitigation measures and sustainable drainage system would further reduce any risk from watercourse and surface water flooding. By reducing the rate of run off and intercepting overland flows, the proposed development would reduce flood risk overall.

10.9.13 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the FRA demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national policy and guidance.

10.9.14 It should be noted that as the application site is allocated in the Local Plan and because the Sequential Test in respect of flood risk was applied through the Local Plan process, there is no requirement to carry out a further Sequential Test as part of this planning application, as is made clear in Paragraph 166 of the NPPF.

## **10.10 Drainage Strategy**

### **Surface Water Drainage Strategy**

10.10.1 The provision of a sustainable surface water drainage strategy, incorporating SuDS features such as attenuation basins and swales is an essential requirement of new development.

10.10.2 The applicant's drainage strategy sets out how surface water drainage for the site will be dealt with and this includes technical information with the necessary drainage calculations, drainage layout, sections and detailed designs to demonstrate the effectiveness of the SUDs and the exact area of land required to accommodate the drainage system.

10.10.3 The ground investigations carried out during the winter months confirm high levels of ground water are present throughout the site which therefore precludes the use of soakaways as a form of surface water discharge. As a result, the proposed surface water drainage strategy is to attenuate discharge for the development with the adjacent Clockhouse Stream to be utilised as the final outfall for surface discharge. For this to function, and due to the shallow grade on parts of the existing site, the finished site levels across parts of the site will need to be elevated to accommodate gravity connections to the Clockhouse Stream.

10.10.4 The proposed drainage strategy proposes the surface water runoff from the developable areas (such as from the houses and hardstanding) would be intercepted through adoptable drainage swales running north south within the streets of the development and directed to larger basins / swales. These swales and basins will convey all surface water on the site and will discharge at a controlled rate to the Clockhouse Stream. The controlled outflow will be managed by a series of hydraulic controls, limiting peak rates of discharge to the site's existing greenfield runoff rates (i.e those prior to development).

10.10.5 The submitted plans show that the main basin / swale features to the south of the built development will be around 0.8 metres deep and the swale's running through the streets will be approximately 0.3 metres deep. The basins and swales will be generally dry features, other than in an extreme event or during very heavy rainfall.

10.10.6 A separate drainage strategy is proposed to deal with surface water from the five dwellings proposed to the east of the site. A single shallow above ground detention basin formed through bunding is proposed within the 'Dell' which will be a dry basin. A swale will connect the basin to the proposed wildlife pond, providing recharge of water then to the north south ordinary watercourse and Clockhouse Stream beyond.

10.10.7 The attenuation features will be sized to accommodate runoff in up to the 100 year return period with 40% allowance for climate change and 10% allowance for urban creep to the domestic catchment.

10.10.8 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the applicants surface water drainage strategy is acceptable and consistent with policy. The final details of the surface water drainage proposals including the headwalls and pipe sizes etc and arrangements for long term maintenance will need to be agreed and this is a matter that will be controlled through appropriate planning conditions and/ or a Section 106 Agreement in accordance with standard practice.

10.10.9 Overall, the Flood Risk Assessment demonstrates that the proposed development would be operated within minimal risk from flooding and would not

increase flood risk elsewhere and through the implementation of mitigation measures and a surface water drainage strategy, it can be concluded that the flood risk associated with the new development would be acceptable. Indeed, the proposed measures to offset the implications of future climate change which would otherwise increase flows from the site will provide betterment in perpetuity compared with the site remaining undeveloped.

#### Foul drainage

10.10.10 The applicant's drainage strategy includes technical information in relation to foul drainage. The report states that the developments wastewater will be discharged to the public sewerage network owned and operated by Wessex Water (the Sewerage Undertaker). This will entail foul flows from the proposed development - connecting directly into the existing pumping station to the south of the site known as Wiltshire Gardens Sewage Pumping Station. The five dwellings proposed from West Road would be into the existing network but will only need to travel a short distance into the pumping station. Flows then drain from Wiltshire Gardens sewage pumping station and onwards to Christchurch Sewage Wastewater Treatment Plant.

10.10.11 The applicant's drainage report states that the proposed development will generate cumulatively peak flows (foul flows) being equivalent to only 2% of the existing foul sewer capacity (up to 1 litre/second for the whole western development area of 95 dwellings, and up to 0.2 litres / second for the 5 dwellings proposed off West Road. The submitted Drainage Report confirms that new sewers will be constructed as 'watertight', to meet latest Water Industry Standards.

10.10.12 Wessex Water (WW), as statutory undertaker, has confirmed that there is sufficient capacity within the existing foul water network to accommodate the flows from the development and that there will be negligible impact from the proposed development on the existing network as the foul flow rate is very low at peak times.

10.10.13 Wessex Water recognise that there are historic and current issues arising around foul drainage flooding in the local catchment area including properties adjacent to the site in Wiltshire Gardens. The current problem relates to parts of the foul sewer network in the area where flooding has occurred during times of high groundwater or persistent wet weather when the system can become overwhelmed. In particular, the principal cause is not by the volume of water generated by development, but by groundwater entering small fissures in the sewers (infiltration).

10.10.14 To address this existing problem, Wessex Water have undertaken detailed surveys of the sewer network in Bransgore and found areas of the sewer network where significant infiltration was taking place, allowing groundwater to get into the foul system causing a reduction in the capacity of the network. As a result of the investigations, Wessex Water have set out a programme to reline part of the public sewer network in Bransgore to reduce the infiltration in the sections of the Wessex Water public sewer network. The sewer sealing is programmed to take place by Autumn 2022 following technical and financial approval by Wessex Water's governance board in November 2021. It is understood from Wessex Water that the scheme has been given higher priority due to the proposed development of the land south of Derritt Lane allocation and that the works will take approximately 3 weeks to be completed. It is understood from Wessex Water

that the scheme has been given higher priority due to the proposed development of the land south of Derritt Lane allocation.

10.10.15 Notwithstanding the works being progressed by Wessex Water to resolve an existing issue, the key planning test in the context of consideration of this planning application is to ensure that the proposed development does not exacerbate foul sewer flooding and whether there is sufficient capacity in the local network to accommodate the increased in foul flows. It is extremely important to note that the problems arising around the existing foul drainage network in the area, which occurs during heavy times of rainfall or storms is an existing issue. As such, in considering this application, it is not for the proposed development to resolve or address this existing issue in the local catchment. As stated above, the issue that must be considered is whether the proposed development would exacerbate the impact of foul water flooding in the local area.

10.10.16 Wessex Water has confirmed that there is sufficient capacity in the network to accommodate the proposed development. Furthermore, Wessex Water has assessed the proposal in detail and can confirm that the additional foul flows and volumes from the new connections would be very low and will not have any greater impact on the risk of sewer flooding. Wessex Water has advised that the flow rates from the proposed development to the public sewer system will effectively remain the same and would be insignificant. Furthermore, it must be stressed that the applicant has a 'Right to Connect' into the existing foul drainage network with the statutory undertaker, which is Wessex Water.

10.10.17 The applicants drainage report also notes that currently, a proportion of surface water runoff from the site drains to groundwater thus contributing towards the existing foul sewer infiltration issues. The proposed development will reduce the current impact on the pipe system by storing rainfall on site in a Sustainable Drainage System which will then control the discharge to Clockhouse Stream at a point in the south west corner of the site, downstream of the Wiltshire Gardens pumping station. The residual volume of rainfall draining to groundwater will therefore be reduced, improving the existing sewer network. New property connections to WW's foul sewerage network will also be subject to infrastructure charges, the sum of which will be used by WW as a contribution towards the network reinforcement, which will help to raise the priority of works

10.10.18 To conclude, whilst it is recognised that there is an existing issue with foul drainage within the existing network, which occurs during heavy times or high groundwater, however, this is a separate matter in which Wessex Water have a programme in place to carry out works to address this issue. The key planning test is whether the proposed development would exacerbate foul sewer flooding in the local catchment. In assessing this impact and as stated above, both the applicants Drainage Consultant and Wessex Water have confirmed that whilst the 100 dwellings will add load into the existing sewer network, there is sufficient capacity to accommodate the additional foul flows and the actual increase into the system is insignificant and would not exacerbate the current situation.

## **10.11 Public open space**

10.11.1 The Council's policies require that new residential development makes provision towards public open space, with the expectation for larger developments being that this public open space should be on site. Public Open Space provision is additional to the requirement for ANRG provision and should be provided at a rate of 3.5 hectares of public open space per 1000 population, including all of the following elements:

- 2 hectares on Informal Public Open Space per 1000 population
- 0.2 hectares on Children's play space per 1000 population
- 1.25 hectares of formal Public Open Space per 1000 population

#### Informal Public Open Space

10.11.2 The local plan policy objectives for the site, as illustrated in the Concept Masterplan seek to create a broad area of green recreational space along the west, south and east part of the site with footpaths connecting at strategic points to the existing public rights of way, together with the provision of flood attenuation and drainage features as part of a high-quality landscape.

10.11.3 This is a full application, the precise dwelling mix is agreed, and it is possible to specify precisely what quantum of informal public open space needs to be provided on site. Using the Council's ANRG calculator, the proposal for 100 dwellings would generate an informal open space requirement of around 0.56 hectares, which is based on an estimated population of 278 people.

10.11.4 The actual area of proposed informal public open space as defined by the applicant's plan is 4.1 hectares. Notwithstanding that this area includes some land that is needed for SUDS, the submitted plans show that the informal open space that is to be provided on the site is significantly in excess of the policy requirement.

10.11.5 The proposed landscape and open space strategy is set out in detail within the applicant's submission with various detailed plans and supporting information. As set out above in the 'ANRG' heading, the combined Green Infrastructure (total combined ANRG and Open Space) is over 7 hectares and this is concentrated on the west, south and east boundary of the site, with narrower strips of open space running north to south along the Public Right of Way and along the northern footpath south of Derritt Lane.

10.11.6 New wildflower and amenity grassland, scrub, hedgerow and tree planting (over 100 new trees) will make a significant element of the Open Space, together with the primary space provided on the east of the site, which will function as the main activity space for play. It is considered that such diversity of new planting and landscaping, will not only provide an attractive space for recreation and play, but has also been designed to blend into the existing landscape character.

10.11.7 A significant part of the open space is shown to accommodate SUDS and as such, it is fundamental that the quality, useability, and attractiveness of the open space is not compromised by these features. The submitted plans and illustrative drawings show well designed SUDS features that will be positive features which form an integral part of the landscape and provide both visual and ecological benefits. It is also important to note that the drainage features are to be predominately dry throughout the year.

10.11.8 In summary, the proposed informal open space, in conjunction with the ANRG land, forms an extensive network of green infrastructure that would be well distributed across the site and offer an attractive amenity for the future residents of the proposed development and the wider local community. Future management and maintenance of these areas will be secured through a Section 106 legal agreement.

#### Children's play

10.11.9 Children's play space will need to include a Locally Areas of Play (LEAP), which is a medium sized area. Based on the proposed residential mix, the proposed development as a whole should secure at least 0.07 hectares of children's play space.

10.11.10 The application is accompanied by a detailed scheme and proposes a single play area within the site (LEAP) and this is to be located at the north-western edge of the main recreational space on the eastern edge of the development. The proposed LEAP provides more than six play experiences (swinging, climbing, sliding etc.) and set within an area of approximately 700m<sup>2</sup>. The area will be enclosed with at least a 1m high dog-proof fence.

10.11.11 The Council's Urban Design Officer has advised that the applicant's Play Strategy provides all the equipment and features to cater for all ages and abilities. Whilst the applicants proposed play area is fully detailed, the layout and design, together with the circulation of the equipment within this space is not satisfactorily resolved, but these are minor matters. On the basis that this will require minor changes to its design and layout, it is considered that this is a matter that can be dealt with by condition.

10.11.12 Representations have been received, suggesting that the children's play area is located too far away from dwellings and there is a lack of natural surveillance and the children's play area should be sited to the southern part of the site. In response, it is not considered appropriate to locate the children's play area to the south of the site, as this lies within areas at greater risk from flooding. Moreover, it is considered that the proposed siting of the children's play area to the east of the site area is acceptable and will form an integral part of the main recreational green space on the site and there will be sufficient natural surveillance.

10.11.13 It is necessary that the proposed children's play space provision be secured within a Section 106 legal agreement, together with its future maintenance.

#### Formal open space

10.11.14 Given the vast amount of green space to be provided on the site, there is no reason why formal public open space cannot be provided on the site. Based upon the proposed population to be generated from the development, this would equate to 0.35 hectares.

10.11.15 The main recreational area to the east of the site is shown to be laid out with grass to enable different types of recreational uses including football. Through the use of a landscape management plan secured by condition, this can set out a maintenance regime that this area is regularly cut (compared to the wild flower or meadows which require less cutting), that will ensure that this space is available for multi-use recreation. As such, it would be reasonable that this space forms a more formal open space area for the site.

10.11.16 Concerns have been expressed that the submitted plans illustrate a football pitch to be provided on the site, which would not be appropriate in this site. In response, it should be noted that the football pitch is merely marked out to highlight that this space is of sufficient size to be used as a multi use recreational area and there are no intentions to create the 'goal posts' and 'markings' as a formalised football pitch. The submitted plans only seek to demonstrate that the area has sufficient space as a 'kickabout' area or as the useable games area for the site.

## **10.12 Housing**

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

10.12.2 Because the application is in full, the exact details of housing types, sizes and tenures is provided and is a matter to be agreed at this stage.

The proposed housing mix is as follows

- 6 no. 1 bed units.
- 35 no. 2 bed units
- 38 no. 3 bed units
- 19 number 4 bed units
- 2 no. 5 bed units

10.12.3 As set out in the above mix, the proposed development would provide 15 flats and 85 houses ranging from 1 to five bedrooms. Out of the 100 dwellings proposed, 41 units are one and two bedroom properties, which accounts to just over 40% of the site providing for smaller homes and contributing to meeting the needs of newly forming households and local people entering the housing market. The provision of 38 units as three bedroom houses will meet the needs of younger families as well as downsizers. There is a mix of dwelling types with 15% flats, 21% semi-detached houses and 44 % detached houses.

10.12.4 There is no bungalow accommodation, which is due to site limiting factors and available space and the need to maximise the number of units for viability purposes. Overall it is considered important that the mix of development reasonably reflects the identified housing need across the district, but taking into account the context of the site on the outer edge of the allocation, where a slightly greater proportion of family homes might be more contextual than in some other parts of the allocation.

## **10.13 Affordable Housing and viability matters**

10.13.1 The delivery of affordable housing is a key corporate priority for the Council, and this is reflected in the Council's Corporate Plan.

10.13.2 With regard to Local Plan Policy HOU2 the policy target in this case is for 50% of the units to be affordable, and those units to have a split tenure mix with 70% being affordable homes for rent (with an equal split between social and affordable rent). The remaining 30% of units to be intermediate/shared equity homes. The Policy states that the viability of development will be taken into account in applying this policy as set out in Policy IMPL1. The policy target in this case is therefore 50 units as affordable with 35 being split between social and affordable rent, and 15 units provided on a shared equity basis as intermediate.

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

10.13.4 It is also important to note that the subtext for Local Plan policy HOU2 states that *'where there are no other mechanisms available to improve the viability of a housing development to a fair profit level, the Council will consider varying the*



*affordable housing tenure mix, before considering whether a reduced level of affordable housing provision would be acceptable'.*

10.13.5 **The Planning Practice Guidance ('PPG')** which accompanies the NPPF defines viability assessment as “a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.”

10.13.6 **The RICS Guidance 'Financial viability in planning'** states that: A viability appraisal is taken at a point in time, taking account of costs and values at that date. A site may be purchased some time before a viability assessment takes place and circumstances might change. This is part of the developer's risk. Land values can go up or down between the date of purchase and a viability assessment taking place; in a rising market developers benefit in a falling market they may lose out. A developer may make unreasonable/over optimistic assumptions regarding the type and density of development or the extent of planning obligations, which means that it has overpaid for the site'.

10.13.7 NPPF 2021 standardises the inputs to viability assessment in relation to development value, costs, returns and premiums etc. Costs should be assessed at the plan making stage and be based on evidence which reflects local market conditions. A gross development return of 15 to 20 percent should be assumed, although there is scope for plan makers to apply alternative figures where this is justified by particular circumstances.

#### Land Values

10.13.8 The revisions to the Viability Planning Policy Guidance 3 and the National Planning Policy Framework (updated 19th February 2019 and further updated to July 2021 in other respects) now very clearly advise that land value should be based on the value of the existing use plus an appropriate level of premium or uplift to incentivise release of the land for development from its existing use. Regarding how land value should be defined for the purpose of viability assessment, it states: 'To define land value for any viability assessment, a benchmark land value (BLV) should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner' [to encourage that landowner to allow the land to come forward for development].

10.13.9 The guidance defines existing use value (EUV) as: 'the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses.

10.13.10 It states that a Benchmark Land Value should:

- be based upon existing use value
- allow for a premium to landowners (including equity resulting from those building their own homes)
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and
- be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable

housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.'

#### Officer assessment and comments

##### First offer on affordable housing

10.13.11 The application as originally submitted proposed to deliver 18 no. affordable housing units with the following mix.

- 6 x 1 bedroom flat - affordable rent
- 6 x 2 bedroom flat - affordable rent
- 1 x 2 bedroom FOG - affordable rent
- 2 X 2 bedroom FOG - shared ownership
- 3 x 3 bedroom house - shared ownership

10.13.12 This first offer equates to a 18% level compared to a policy compliance target of 50%. As this application does not propose to deliver the full level of affordable housing required by policy a Viability Assessment report has been submitted. This economic viability assessment (EVA) considers all the development costs including any abnormal site related costs, build cost of the units and the site (using national standards), developer profit, and the price of the land with a sufficient incentive to the owner to bring the site forward.

10.13.13 On receipt of a non-compliant affordable housing offer the Council sought an independent consultant to assess the EVA and provide an independent assessment report to the Council. As required under the current PPG both the EVA and the Council's independent assessor report are included on the web site.

10.13.14 The Council's assessor advised that the level of affordable housing being offered could be higher and in particular took issue with the benchmark land value set by the developer which the Council's assessor found to be too high and not in line with the above advice. Added to this, the sales values were considered to be too low, further evidence and justification was sought in relation to aspects of build/development costs and a review of the Section 106 contributions was required.

##### Second Offer – 6 December 2021

10.13.15 The applicants submitted a response dated 6th December 2021 to Dixon and Searle's "Review of Applicant Submitted Viability Position", November 2021 which resulted in an increase in AH offer from 18% to 27% (on the basis of 70% affordable rent / 30% shared ownership). The mix comprised the following:

- 6 x 1 bedroom flat - affordable rent
- 6 x 2 bedroom flat - affordable rent
- 3 x 2 bedroom FOG - affordable rent
- 4 x 2 bedroom houses -affordable rent
- 1 X 2 bedroom house - shared ownership
- 7 x 3 bedroom house - shared ownership

10.13.16 This offer was made on the basis that although build/development cost remained similar, the overall Benchmark Land Value was reduced, sales figures

were slightly increased and the updated assessment reflected the latest position in relation to s106 costs. Moreover, the increase in the level of affordable housing units, reduced the overall contributions towards CIL.

10.13.17 NFDCs Assessor commented on the second offer and advised that the proposed development could still provide an uplift in affordable housing, but acknowledged that the increase would not be significant.

#### Third Offer – 24 January 2022

10.13.18 Following further discussions with the applicant, a third, without prejudice offer was put forward by the applicant, to provide 30% affordable housing, on the basis that the additional three units would be provided as shared ownership. The affordable housing offer is split as follows

- 6 x 1 bedroom flats- affordable rent
- 6 x 2 bed flats - affordable rent
- 3 x 2 bedroom Fog - affordable rent
- 4 x 2 bedroom house - affordable rent
- 3 x 2 bedroom house -Shared ownership
- 8 x 3 bedroom house - Shared ownership

10.13.19 This gives a ratio of 63% of the affordable units to be rented and 37% shared equity/ shared ownership. Whilst there is still a shortfall in the affordable housing offer and tenure split, it is noted that the affordable housing offer has significantly increased from 18% to 30%.

10.13.20 NFDCs assessor has responded on the applicant's third offer advising that whilst there are still differences of opinion between them and the applicant's viability advisors, there does need to be an element of pragmatism in reaching a suitable outcome where it is agreed that the policy target of 50% may not be theoretically viable. Moreover, the assessors state that there is always an element of uncertainty with viability and there are assumptions that could make the viability situation worse (increased cost/lower sales values). Given the position now reached, the Councils assessor concludes that 30% affordable housing represents a reasonable offer in the circumstances; an increase from the 18% originally stated to be viable.

The Council's Strategic Housing Manager subsequently advised that the proposed offer was too heavily weighted towards provision of larger 3 bedroom houses for shared ownership and would benefit from more 2 bedroom units to improve the balance. In response to this, the applicant agreed to amend the shared ownership mix to provide 3 x 2 bedroom houses and 8 x 3 bedroom houses.

The final proposed affordable housing mix is therefore:

- 6 x 1 bedroom flats- affordable rent
- 6 x 2 bed flats - affordable rent
- 3 x 2 bedroom Fog - affordable rent
- 4 x 2 bedroom house - affordable rent
- 3 x 2 bedroom house -Shared ownership
- 8 x 3 bedroom house - Shared ownership

#### Case Officer Conclusions

10.13.21 Officers have taken into consideration the third offer alongside the advice of the appointed viability assessor. The revised improved offer is still below

the policy target of 50%. Clearly in cases where the applicant can prove, and this is supported by an independent assessment, that the 50% target cannot be achieved alongside a viable scheme, the LPA can set aside this policy target and accept a lower % of affordable housing.

10.13.22 Following a robust assessment of the applicants viability report, the applicant has increased the affordable housing offer to 30 units (30%), which is an increase in 12 affordable units and responded to the Council's Strategic Housing Managers comments.

10.13.23 The developer profit of 17.5% is in line with industry norms (15-20%). In this case the development is considered small scale with 100 units (with less economies of scale), is subject to design and sustainability standards which require sensitive placing of development near to flood zones and protected trees. Complex drainage plans are required to ensure a comprehensive approach to surface water drainage including land raising which entails substantial abnormal costs. The applicant is also required to meet the requirements of Part L (2021) of the Building Regulations (solar PV and fabric enhancements), which attract a significant additional cost not currently accounted for in standard build costs. CIL payments over £950,000 contribute to increasing costs, reducing overall viability.

10.13.24 The provision of ANRG land is also a negative cost to the scheme and needs to be factored into any viability assessment. Significant areas of Green Infrastructure is provided (over 7 hectares), well in excess of the minimum policy requirements and there is a cost implication for this to be planted and laid out, together with its long term maintenance.

10.13.25 Overall, whilst it is regrettable that the affordable housing offer is not in line with the 50% target, the Council's assessor considers the justification put forward is soundly based and reasonable, and officers concur with this conclusion. The Council's Strategic Housing Manager endorses the proposed mix of housing, types and tenure. On this basis, it is considered that the affordable housing offer should be accepted and secured through the necessary S106 agreement.

## **10.14 Archaeology**

10.14.1 The archaeological potential of the site is considered within the submitted Archaeological Evaluation and Historic Environment Desk-Based Assessment including Addendum Report, which included detailed trenched work investigations carried out on the site. The evaluation identifies the presence of archaeology across the development site, which mainly consisted of undated ditches or gullies that represent remnants of a field.

10.14.2 A Bronze Age pit was located within the south-western area of the site. The pit contained pottery and worked flint and may indicate an association between the site and that immediately to the north, where numerous Bronze Age features were located during previous investigations. The pottery (Food Vessel) recovered is of significance as an unusual ceramic type in the region.

10.14.3 The report did identify a former extraction pit turned-enclosure within the 'Dell' in the eastern field of the site which derived significance from its archaeological and historical value. The trees and boundary which encircle the former extraction pit are unchanged since the 19th century. The findings of the heritage assessment work have influenced the scheme design to preserve the 'Dell' as a nature and heritage conservation area, incorporating the formation of a new drainage feature. Implementation of the drainage basin will involve the formation of a bund out of new material so there is unlikely to be any associated

ground works other than limited vegetation clearance. Any archaeological remains within this area are likely to be of very low significance as quarrying will have removed any remains from earlier periods.

10.14.4 To satisfactorily mitigate the development's impact on potential archaeological remains, and in accordance with the advice of the Council's archaeologist, it is considered reasonable to impose conditions requiring the submission, agreement and implementation of a Written Scheme of Investigation for the areas identified as of potential archaeological interest. Provided such conditions are imposed, it is considered that the proposed development could be implemented without adversely affecting archaeology.

## **10.15 Residential amenity**

10.15.1 In terms of impact on residents, such a large development as that proposed would inevitably have some impact on the amenities of neighbouring properties. The most likely impact would be as a result of additional noise and disturbance resulting from both construction of the proposed development and operational. However, the site is allocated in the local plan for a development of at least 100 dwellings, in which there is an expectation that such a large scale development will result in some form of impact on amenity and this has to be balanced against the benefits the proposal would create.

10.15.2 Disturbance from construction is a matter that will be short term and it is considered that noise from construction activities can reasonably be controlled and mitigated through a Construction Environmental Management Plan (CEMP) that will be secured by condition.

10.15.3 In relation to operational impact, given that this is a residential led development, it is not considered that such a use would give rise to high levels of noise and disturbance. Equally, the main development area is relatively separated from the nearest existing housing areas and given that the two new accesses would be onto Derritt Lane, which is the main route between Sopley and Bransgore, movement of traffic will not materially worsen the situation in relation to noise impacts.

10.15.4 The proposed accesses onto Derritt Lane will face several residential properties to the north side of the road within the Heatherstone Grange development that may cause some limited harm on their living conditions caused by additional noise and disturbance, and light spillage from vehicles utilising these accesses albeit during the hours of darkness curtains would normally be closed. It is noted that the proposed eastern access will face the side elevation of No 36 Marryat Way. The proposed western access would have the greater impact given that it would face the properties No 1 and 21 Arnwood Drive. However, No 1 is orientated at an angle in which the main windows will not be adversely affected and the proposed access does not directly face No 21. Whilst there may be some harm, it would be limited and not unacceptable.

10.15.5 The proposed development has been designed in which new dwellings would face or have windows facing onto Derritt Lane. Whilst it is accepted that the proposed dwellings would face and overlook several existing residential properties along the north side of Derritt Lane, given the distances involved and that these properties face a public road, it is not considered that there would be an demonstrable harm by way of overlooking, loss of light or outlook.

10.15.6 With regard to the five houses proposed in West Road, there are several existing dwellings that would be affected. This includes both 'Yew Tree Cottage' and 'Laurel Cottage' in Derritt Lane. The properties affected in West

Road includes No's 1, 3 and 5, 'Laurel Cottage', 'lilac Cottage', 'September Cottage' and the 'Old Stores'.

10.15.7 In relation to 'Yew Tree Cottage', Plots 96 and 97 are orientated in such a way that they do not directly face this property and together with the distances involved and that the two dwellings proposed face the Derritt Lane, it is not considered that this neighbouring property would be materially adversely affected.

10.15.8 With regard to 'Laurel Cottage', this property currently faces onto Derritt Lane and Plot 96 would equally face onto Derritt Lane. Whilst Plot 96 would face towards Laurel Cottage, there would be a good degree of separation of more than 25 metres between the two properties and as such, it would not result in any material adverse impact on this property.

10.15.9 Concerning No's 1 and 3 West Road, the proposed garages would directly face these neighbouring properties. Given the distances involved, and the modest scale of the garages, it is not considered that the proposal would result in an significant harm to these neighbouring properties. Plot 99 would face West Road and together with the distance of more than 25 metres and oblique views, it is not considered that the proposed plot 99 would impact on the living conditions to No's 1 and 3.

10.15.10 Plots 99 and 100 will face onto No 5 West Road. Given the distances involved of more than 26 metres and that the windows would face the public realm, the relationship is acceptable

10.15.11 Plots 99 and 100 would face 'Lilac Cottage', however given their siting in excess of 20 metres and that the dwellings face the road, and as such, it would not result in an unacceptable level of demonstrable harm to residential amenity sufficient to justify refusal of permission.

10.15.12 Plot 100 would be sited close to 'September Cottage' and the 'Old Stores'. 'September Cottage' does not have any main windows facing Plot 100 and as such, it is considered that an acceptable relationship would be maintained. Plot 100 would be sited a reasonable distance away from the 'Old Stores'. Given the orientation of windows and oblique angle views, it is not considered that Plot 100 would result in any unacceptable overlooking to the 'Old Stores'.

10.15.13 In relation to the dwellings in Wiltshire Gardens which back onto the site, given the distances involved and separation provided by the green open space, it is not considered that the proposal would result in any adverse harm in relation to overlooking, loss of light or outlook. Whilst it is noted that there is a lack of screening on their rear boundaries, the provision of a footpath and use as recreation will not result in a level of noise and disturbance to warrant refusal of permission. In addition, it is proposed to provide some tree planting and vegetation along the rear boundary of the site which will provide some buffering.

10.15.14 Overall, it is not considered that the proposed development would result in any demonstrable harm to the living conditions of the neighbouring properties. Moreover, having regard to the advice of the Council's Environmental Health Officer, it is considered that the noise impacts of the proposed development on existing and future residents would be acceptable and justified subject to appropriate mitigation measures that could be secured through condition.

## **10.16 Education**

10.16.1 Hampshire County Council (HCC), as the Local Education Authority, have advised that the site falls into the Bransgore Primary catchment area, rather than Sopley's and a development of 100 dwellings will generate approximately 30 primary age pupils (about 4-5 per year group). HCC, has advised that, although Bransgore Primary is full, it is only at capacity owing to out catchment recruitment. This out catchment recruitment also includes pupils from out county at an average of about 8 pupils per year group. HCC have advised that this means the pupil yield from this development will, over time, be able to access a place at Bransgore Primary School as it admits less out county pupils.

10.16.2 Consequently HCC have stated that they will not be seeking a contribution towards the expansion of Bransgore Primary School. Similarly the secondary catchment school for the development is shared between Ringwood, Arnewood and Highcliffe (in Dorset). Again for both Arnewood and Ringwood there is an amount of out county recruitment for the schools to be full. This means that secondary age pupils living on the proposed development will be able to access a place at either Arnewood or Ringwood and as such HCC will not be seeking a contribution towards secondary school places either.

10.16.3 Concerns have been expressed that the proposal would impact on the long viability of Sopley Primary School if children from the site go to Bransgore Primary School. In response, it is considered more likely that the proposal for 100 houses will benefit the long term of both schools due to the additional children and Sopley may benefit through parent choice. Importantly, if there was justification to expand Bransgore Primary School, this could clearly have an impact on Sopley School, but this is not the case. Overall there is no justification to expand either schools and the proposals would benefit both schools through introduction of children within the village that will be sustainably located to both schools, rather than the schools being optimised by school children from outside the catchment area in which there will be a heavily reliance by car.

## **10.17 Minerals**

10.17.1 The site lies within Minerals Safeguarding Area and therefore, any development that could potentially sterilise this reserve is therefore a material consideration. A Mineral Assessment has been submitted to support this application, which states that the site is underlain by significant mineral reserves (sand and gravel) which is safeguarded by planning policy. The report states that whilst the applicants would be able to re-use minerals for the construction of the development, full extraction on the site is not feasible given that the site has a significantly high groundwater table and the potential risk of mineral extraction on the site which could damage the land to the extent that development may not be deliverable on the site.

10.17.2 In assessing the policy position, Local Plan Policy STR9 states that for development on and within a Minerals Safeguarding Area or Minerals Consultation Area, viable mineral resources should not needlessly be sterilised by development and should be phased around the appropriate prior extraction of minerals. The policy states that appropriate extraction will depend on a) The scale and quality of mineral resource; b) Ground water levels if they would adversely impact on future re-use of the land; c) Amenity, environmental and other relevant considerations; and d) The need to ensure the timely provision of new homes and other development. Where there is a viable resource, minerals re-use on site for construction is encouraged.

10.17.3 In addition to Local Plan Policy STR9, Hampshire County Council, has

also adopted a strategy of requiring the mineral to be extracted prior to the development. Policy 15 of Hampshire Minerals & Waste Plan states: Development without prior extraction can be permitted in exceptional circumstances if extraction is inappropriate.

10.17.4 In assessing the case put forward, Hampshire County Council Minerals Officer fully accepts the case put forward by the applicant that because of the high ground water levels on the site, this would be an exceptional circumstance that overrides the need for prior extraction. Officers do not disagree with this view, or the results from the technical reports which clearly demonstrate high ground water on the site, which if disturbed for prior extraction, could adversely damage the ground conditions and as such, compromise development being delivered on this site. Importantly, Hampshire County Council Officers has requested that as a minimum, that minerals on site are re-used for the construction of the development. This would be reasonable and can be dealt with by way of an informative note.

## **10.18 Air Quality Impacts**

10.18.1 The proposed developments impact on air quality is an important environmental consideration that has been considered in detail in the applicants Air Quality Report. Evidently, the proposals will generate emissions during both the construction and operational phases of the development.

10.18.2 The Council's Environmental Health Officer agrees with the conclusions of the assessment and the methodology that has been used. As such, with respect to construction related activities, it is considered that the dust impact of the development would not be significant provided appropriate dust mitigation measures are implemented throughout the construction of the development, and this is something that can reasonably be secured through a planning condition requiring the submission and approval of a Dust Management Plan (DMP) as part of a wider Construction Environment Management Plan (CEMP).

10.18.3 The Council's Environmental Health Officer also agrees with the conclusions of the applicant's air quality assessment insofar as there should be a negligible impact on air quality as a result of vehicle movements associated with the development. Overall, therefore, it can be reasonably concluded that the development is capable of being provided without harming air quality, or without there being adverse air quality impacts on future residents.

## **10.19 Contamination**

10.19.1 Ground conditions and contamination have been assessed in detail in the submitted Geotechnical and Contamination Assessment Report. The previous use of the site is agricultural, and the report concludes no significant sources of contamination are present.

10.19.2 A circular depression has been identified within the Dell in the east of the site which may be a source of unknown filled ground and some intrusive investigation is recommended. Given the surrounding historical land uses (e.g. clay pits and brick works), this feature may be a result of an unrecorded quarry/pit. Therefore, made ground could be present within this area and this could be generically contaminated, posing a potential risk to future end-users and also controlled waters. Therefore, whilst no remedial measures or further action is currently considered to be necessary across most of the site, it is recommended that further investigation is carried out in relation to the circular feature in the east



of the site prior to commencement of development in that area. This along with any remedial works that may be required will be secured by condition. A standard watching brief condition is also proposed should any unexpected contamination be identified after development has begun.

10.19.3 In summary, it is considered that through the imposition of appropriate conditions, that any existing site contamination can be adequately dealt with and the ground made safe, so as to ensure there are no adverse effects on human health or the environment.

## **10.20 Appropriate Assessment**

10.20.1 As required by the Habitats Regulations, the Local Planning Authority (as the Competent Authority) has carried out an Appropriate Assessment.

10.20.2 The Appropriate Assessment concludes that subject to relevant mitigation measures, the development would have no adverse impact on the integrity of the affected European sites.

## **10.21 Sustainable Design**

10.21.1 The application is accompanied by a Sustainability Statement which sets out how the development will achieve sustainability objectives in a number of key areas, including measures to reduce emissions and promote sustainability. The incorporation of detailed design features into the development will need to be considered through the use of planning condition which secure the delivery and implementation of these features. The applicants have noted the specific requirements of Local Plan Policy IMPL2 and have confirmed that their proposals will provide:

- Improved energy efficiency by way of a fabric first approach;
- A higher water use efficiency standard of 110 litres per day;
- Accessibility in accordance with Visitable Dwellings standards;
- The provision (where practicable) of a high speed fibre broadband connection to the property threshold;
- Provision to enable the convenient installation of charging points for electric vehicles.

10.21.2 It is important to note that in December 2021 the Government confirmed that new Building Regulations will come into effect in June 2022 in the form of amendments to Approved Document L 'Conservation of Fuel & Power' that will require new homes to produce around 30% less CO<sub>2</sub> than the current standards. These requirements are enforced through the Building Regulations which the applicant will be required to adhere to.

10.21.3 In essence, all new dwellings will be constructed to secure a reduction in carbon emissions, reduce energy usage and minimise energy loss (e.g. through enhanced building fabric). A range of technologies and products will be drawn on to achieve this, for instance solar photovoltaics (PV), air source heat pumps, better storage and waste water heat recovery. Under the new regulations, CO<sub>2</sub> emissions from new build homes must be around 30% lower than current standards and emissions from other new buildings, including offices and shops, must be reduced by 27%.

10.21.4 Heating and powering buildings currently makes up 40% of the UK's total energy use. Installing low carbon technology, such as solar panels and heat pumps, and using materials in a more energy efficient way to keep in heat will

help cut emissions – lowering the cost of energy bills for families and helping deliver the UK's climate change ambitions.

## **10.22 Other matters raised by representees**

### Transportation matters and accuracy of traffic surveys

10.22.1 In response to the concerns raised that the Traffic data was collected during Covid 19 Lockdown and therefore does not provide an accurate representation of the traffic flows and impact, it is important to make the following comment. Revised traffic flows have been used within the Site Access Junction Modelling and this revised data was collected in June 2021, which was at a time when there was no lockdown or restrictions. Further surveys were also carried out in November 2021 in relation to traffic and speed data along West Road, together with traffic counts at the key junctions. Accordingly, Officers and the Highway Authority have robustly assessed the applicant Transport Assessment and are content with the methodology of the surveys and modelling that has been carried out to assess the transport impact of the proposal on the highway network and key junctions.

### Impact on local infrastructure

10.22.2 Concerns has been expressed that the development would give rise to unacceptable pressures on other local infrastructure (health facilities, schools, emergency services etc). In response, and as set out above, the proposed development will not need to make a contribution towards local schools. In relation to health facilities, whilst it is recognised that the proposals would add to pressures on health services, the upgrading existing facilities or additional doctors/ nurses are funded/ contributed from central government and there is no evidence to suggest that the development either alone or as part of the wider allocation would put unacceptable pressure on local health or indeed other community related infrastructure.

### Loss of agricultural land

10.22.3 Concerns have been expressed in relation to the loss of agricultural land, noting that the site should be retained for food production. In response, the site includes three large arable fields. which were post-harvest wheat and sown with maize and the intensive arable cultivation has not allowed for an arable flora community to develop within the fields themselves. The Agricultural Land Quality is defined as Grade 3 which is the medium quality agricultural land.

10.22.4 Ultimately, the loss of agricultural land has previously been considered and deemed acceptable through the sites allocation for development within the adopted Local Plan.

10.22.5 As such, with the site being allocated for development within the Local Plan, it is also envisaged that the loss of agricultural land has not previously been considered to be significant by the planning authority.

### Adjacent site at Higher Clockhouse Farm, Burley Road

10.22.6 Concerns have been expressed that there will be significant cumulative impacts on roads, infrastructure and the environment within the local area, from both the current application and the neighbouring land to the south west of the site, known as Higher Clockhouse Farm, which is being promoted for a potential residential development in the Bournemouth, Christchurch and Poole Council

(BCP) new Local Plan.

10.22.6 It is important to note that land at Higher Clockhouse Farm is not an allocated site and at this stage, the site has only been put forward by the landowners/developer to BCP Council for consideration as a possible location for development in their new local plan.

10.22.7 Importantly, BCP Council have not made any decision that Land at Higher Clockhouse Farm is suitable or appropriate for development and as such, the site is at a very early stage of a local plan process. Moreover, the site is one out of many other potential sites that have been promoted by landowners/developers, in which BCP Council, may decide not to select the site as part of the next stage of public consultation.

10.22.8 In conclusion, the Higher Clockhouse Farm site has no planning status and therefore cumulative impact is not a material consideration in the determination of this planning application.

#### No proposals for business development

A comment has been raised that there are no proposals for business developments in the village, in which the applicant could contribute towards business units, and this would result in a more sustainable development in which people living on the development can travel a shorter distance to work. In response, there is no policy requirement that the applicant has to provide employment development and it is neither reasonable or necessary for this development to make any contributions towards off site employment. Equally, it is not for this application to carry out an assessment on car parking or other impacts on the village centre of Bransgore. The proposal itself will have direct benefits to the village through spending in shops etc.

## **11 Conclusion**

11.1 The site is allocated for development under policy SS12 of the Local Plan which establishes the principle of development on this Greenfield site. The above assessment has highlighted how the proposed development would deliver a range of significant, economic, social and environmental benefits. The proposed development would significantly change a greenfield site on the edge of Bransgore into a housing development including much needed additional housing, as well as significant new areas of open space, childrens play area and habitat would be created, resulting in a more connected landscape that would benefit both people and biodiversity.

11.2 In particular, the proposed development would provide 100 houses which would make a significant contribution to and form of the Councils 5 year land supply. It is accepted that the level of affordable housing being provided falls below the 50% policy target, however, the applicants viability assessment has demonstrated that it is only viable to make 30 units for affordable and the overall housing mix is well balanced ranging from 1-5 bedroom houses, which would cater for different types of household needs. The provision of 30 affordable units is considered a benefit.

11.3 The development will evidently impact on the character of the area, but through its carefully considered and high quality design and its successful integration of landscape and built form, it is considered that the development would not cause harm to the site's existing context.

11.4 What considerably assists the setting of this development is the significant and generally well-considered green infrastructure that would be provided. This green infrastructure would not only mitigate the development's impact on protected nature conservation sites, but it would also provide important health and well-being benefits for the occupants of the development and beyond. Indeed, over 7 hectares of Green Infrastructure is proposed which will be publicly accessible with a network of walking routes connecting to the village centre and existing public rights of way. This is considered to be a significant positive which weighs in favour of the development.

11.5 Importantly, the proposed Green Space and the built development would significantly enhance biodiversity, with an overall biodiversity net gain of over 10%. Over 100 new trees will be planted throughout the site, which provides ecological benefits but also contributes towards mitigating the effects of climate change. Again, this is a significant benefit that weighs in favour of the development.

11.6 Understandably, there are local concerns with flooding on and off the site, however, the detailed technical reports demonstrate that both flooding and surface water drainage will be adequately dealt with through the delivery of a comprehensive surface water drainage strategy incorporating features , which will reduce the risk of flooding, taking account of future climate change, improve water quality and support biodiversity. Hampshire County Council, as Local Lead Flood Authority and the Environment Agency have endorsed the proposals.

11.7 Overall, the proposed development is considered to be one that meets the three key objectives of sustainable development, it would meet social objectives, by creating a safe, vibrant and healthy new community; and it would meet environmental objectives by securing a high quality built environment and by protecting and enhancing the natural environment. It is considered that the proposed development would satisfy all of the relevant requirements of Policy Strategic Site 12, as well meeting other relevant local and national planning policy requirements.

11.8 As such, it is considered appropriate to grant full planning permission subject to a detailed Section 106 legal agreement, subject to an extensive list of conditions as described below,

### **Conditions and Section 106 Agreement**

Those matters that need to be secured through the Section 106 legal agreement and/or conditions include all of the following:

#### Affordable Housing

There will be a requirement to secure 30% of the proposed dwellings as Affordable Housing, comprising 19 units for affordable rent and 11 units for intermediate/shared ownership.

#### Public Open Space

- There will be a requirement to secure the on-site public open space within the development to an approved design.
- There is a requirement to secure the long term management and maintenance of the POS.
- There will be a requirement to secure the children's playspace within the development to an approved design, together with its long term

management and maintenance.

#### ANRG Mitigation Land

- There will be a requirement to secure the on-site ANRG land to an approved design, and to secure permanent public access to these areas in an appropriate phased manner.
- There is a requirement to secure the long term management and maintenance of the ANRG.
- There will be a requirement for a detailed management plan and contribution to future monitoring of the ANRG. The ANRG must be laid out as agreed together with a Habitat Mitigation Scheme

#### Other Mitigation Contributions and Measures

- There will be a requirement to secure the New Forest Access and Visitor Management, and the New Forest Air Quality Monitoring Contributions in full.

#### Biodiversity net gain (BNG)

- There is a requirement to secure the long term management/maintenance plan to achieve Bio-diversity net gain. The way the BNG will be managed and monitored will be secure through the S106 together with monitoring charges. There will be a requirement for a minimum of 30 years for BNG on site.

#### Transport

- There will be a requirement to secure the provision of the two access, junction and associated highway works at Derritt Lane (subject to 278 Agreement).
- The installation of a vehicular cross-over with tactile paving at the entrance to the rear parking court of numbers 5-11 Derritt Lane;
- The installation of dropped kerbs with tactile paving at the junction of Brookside Road/Derritt Lane;
- Provision of dropped kerbs and tactile paving on the highway at the access to a private road approximately 100m south of Burley Road/Ringwood Road Junction;
- Installation of tactile paving at the junction of St Marys Close/Ringwood Road.
- Provision of a new uncontrolled pedestrian crossing on Ringwood Road near the Three Tuns Pub.
- There will be a requirement to pay the Travel Plan approval and monitoring fees, and a need to provide a surety mechanism to ensure implementation of the travel plan.

#### Drainage

- There is a requirement for the developer to provide and complete the surface water drainage scheme on site and secure its long term management.

Other matters to be secured through conditions are set out in the detailed schedule of conditions below.

## 12 OTHER CONSIDERATIONS

## Community Infrastructure Levy (CIL)

12.1 The 100 dwellings that are proposed within the District Council's area of jurisdiction are CIL liable. The money will be used to support development by funding infrastructure that the Council, the local community and neighbourhoods need; for example, habitat mitigation measures or community facilities. The Levy is charged in pounds (£) per square metre on new floorspace, measured as Gross Internal Area (GIA) at a rate of £102.15 per square metre, plus indexation, for all new residential development. Given that this application is full, the CIL contribution equates to £965,546.81

## Crime and Disorder

12.2 Crime and Disorder The proposed development has been designed so as to have good natural surveillance, thereby helping to minimise potential crime and disorder. The streets and public spaces are considered to be well designed and safe.

## Human Rights

12.3 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Equality

12.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

| Type            | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate         | Total          |
|-----------------|----------------------------|----------------------------|-----------------------|------------------------------|--------------|----------------|
| Dwelling houses | 12,057.91                  | 0                          | 12,057.91             | 12057.91                     | £102.15 /sqm | £1,231,715.50* |
| Social          | 2605.66                    | 0                          | 2605.66               | 2605.66                      | £102.15      | £266,168,169   |

|                |  |  |  |  |             |  |
|----------------|--|--|--|--|-------------|--|
| <b>Housing</b> |  |  |  |  | <b>/sqm</b> |  |
|----------------|--|--|--|--|-------------|--|

|                       |                      |
|-----------------------|----------------------|
| <b>Subtotal:</b>      | <b>£1,231,715.50</b> |
| <b>Relief:</b>        | <b>£266,168.69</b>   |
| <b>Total Payable:</b> | <b>£965,546.81</b>   |

### 13 RECOMMENDATION

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

- i) the completion by end of 2022, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits
  - **Affordable Housing (AH)** –30 units with a tenure split of 19 Affordable rent and 11 shared ownership. Phasing delivery of units to be agreed, and long-term retention as AH.
  - **Biodiversity net gain (BNG).**
  - **ANRG provision and maintenance** and monitoring
  - **Habitat mitigation for recreational impact** – non infrastructure access and management contributions per dwelling as per standard formula = £69,497
  - **POS provision and maintenance including play spaces** – triggers for implementation, management arrangements to ensure long term public access and proper management and maintenance of those areas.
  - **Provision and management of on-site drainage**
  - **Air quality assessment** monitoring contribution of £8,500 in line with Local Plan policy.
  - **Off-site highway works** -The installation of a vehicular cross-over with tactile paving at the entrance to the rear parking court of numbers 5-11 Derritt Lane; The installation of dropped kerbs with tactile paving at the junction of Brookside Road/Derritt Lane; To provide dropped kerbs and tactile paving on the highway at the access to a private road approximately 100m south of Burley Road/Ringwood Road Junction; To install tactile paving Junction of St Marys Close/Ringwood Road and Provision of a new crossing point on Ringwood Road near the Three Tuns Pub. All under S278 Highways Act agreement
  - **Provision of a full Travel Plan** with bond, monitoring fees and approval fees.
  - **Monitoring contributions**
- ii) Delegated authority be given to the Executive Head of Planning, Regeneration and Economy to include the conditions as set out in this report together with any further additions, and amendments to conditions as appropriate

**Proposed Conditions:**

1. **Condition 1 – Time Limit for Commencement of development**

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. **Condition 2 - Plan Numbers**

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

Site Plans

Site location Plan Drawing No/Ref 150\_DI\_10.6  
Site Layout Plan Extract 1 Drawing No/Ref 150\_DI\_24.12  
Site Layout Plan Extract 2 Drawing No/Ref 150\_DI\_24.12  
Site Layout Plan Extract 3 Drawing No/Ref 150\_DI\_24.12

Highway plans

- West Road Crossing Pedestrian Visibility Drawing No - SK-104 Rev B
- West Road Access Drawing 01-PHL-102 Rev D
- Derritt Lane Visibility splays - 01-PHL-101 Rev C
- Derritt Lane Accesses - Drawing No 01-PHL-101 Rev C.
- West Road Access Drawing 01-PHL-102 Rev D
- Derritt Lane Accesses - Drawing No 01-PHL-101 Rev C

Tree Protection Plan

- Barrell Plan Ref 18330-5 a, Barrell Plan Ref 18330-5 b, Barrell Plan Ref 18330-5 c)

House Units

Plots 1 and 6 Drawing No/Ref Reg-B-C  
Plot 2 Drawing No/Ref Upt-B-I-V  
Plot 3 Drawing No/Ref Eve-B-C1-V  
Plot 4 Drawing No/Ref Ibb-B-I1-V  
Plots 5, 43, 51 and 83 Drawing No/Ref Ibb-B-C  
Plot 7 Drawing No/Ref War-B-I-V  
Plots 8 and 22 Drawing No/Ref Ibb-B-C-V  
Plots 9, 13 and 17 Drawing No/Ref Mor-B-I  
Plots 10 and 69 Drawing No/Ref Cor-B-C  
Plots 11 Drawing No/Ref Lyt-B-C  
Plot 12 Drawing No/Ref Lyt-R-I1  
Plots 14 and 81 Drawing No/Ref Com-B-C  
Plots 15-16 Drawing No/Ref Com-R-C-V, Cor-B-C-V  
Plot 18 Drawing No/Ref Sil-B-C-V1  
Plots 19-21 and 77-79 Drawing No/Ref Bea-BF-C-V  
Plot 23 Drawing No/Ref Gla-R-C  
Plots 24-31 Drawing No/Ref FBT 3-HA-B-V Rev A  
Plots 32 and 37 Drawing No/Ref FOGT2-HA-B-V Rev A  
Plots 33, 34, 35 and 36 Drawing No/Ref Iwe-B-C1-V Bry -R-C-V



Plots 38, 65, 76 and 80 Drawing No/Ref Iwe-B-C1 Rev A  
 Plots 34-45 Drawing No/Ref Bry-R-C  
 Plots 39-40, 58-59 and 62-63 Drawing No/Ref Edm-BF-C  
 Plot 41 Drawing No/Ref Shi-B-C-V  
 Plot 42 Drawing No/Ref Mor-R-I  
 Plots 44 -46 Drawing No/Ref Bea-B-C-V  
 Plot 47 Drawing No/Ref Gla-B-I  
 Plots 48-49 and 70-71 Drawing No/ Ref Bri-B-C  
 Plot 50 Drawing No/Ref Six-B-I-V  
 Plots 52-52 and 54-55 Drawing No/Ref Bea-BF-C  
 Plot 56 Drawing No/Ref San-B-C  
 Plot 57 Drawing No/Ref Sil-B-C-V2  
 Plots 60-61 Drawing No/Ref 777 HA-B  
 Plot 64 Drawing No/Ref Mor-B-C-V  
 Plots 66 -68 Drawing No/Ref 894-HA-B-T3  
 Plot 72 Drawing No/Ref Reg-B-C-V  
 Plots 73-75 Drawing No/Ref 894-R-T3  
 Plot 82 Drawing No/Ref Com-BF-C  
 Plot 84 Drawing No 1036 -B Rev A  
 Plot 85 Drawing No/Ref Com 1036-B-V  
 Plots 86-90 Drawing No/Ref BarB-HA-BC Rev A  
 Plots 91-95 Drawing No/Ref 860-B-T5 Rev A  
 Plot 96 Drawing No/Ref Special2-B-C  
 Plot 97 Drawing No/Ref San-B-C-V  
 Plots 98-99 Drawing No/Ref Lyt-B-C & San-B-C-V  
 Plot 100 Drawing No/Ref Special1-B-C

Bin Store to Plots 86-90 Drawing No/Ref BS-B

#### Garages/car ports

Garages 63-64 Drawing No TrG2-B-V  
 Garages to plots 2, 7, 18, 50 and 56 Drawing No/Ref DG2-B  
 Garages to Plots 1 and 6 Drawing No QuG2-B  
 Garages to Plots 8, 9, 10, 33, 34, 35, 36, 39, 40, 46, 55, 59, 62, 65, 69,  
 76, 82 and 100. Drawing No/Ref SG2-B Rev B  
 Garages to Plots 82-83 Drawing No/Ref TrG3-B-V  
 Garage to Plot 83 Drawing No/Ref SG2-B & SCP-T  
 Garages 3, 4 and 5 Drawing No/Ref TrG3-B-V2  
 Garages to Plots 11-12, 14-15, 16-17, 21-22, 13-23, 38-49, 42-43, 47-48,  
 51-52, 53-54, 80-81, 98-99 Drawing No/Ref TwG2-B

### 3. **Condition 3- Phasing**

Prior to the commencement of any part of the development, a scheme detailing the phasing of the development, including all infrastructure (green infrastructure, drainage works, highway works, services), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is provided in an appropriate and comprehensive phased manner.

4. **Condition 4 - Details of Materials and detailing**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted a full schedule of materials to be used on all dwellings i.e. facing bricks, wall renders including finish and colours, roofing materials, eaves boards, rainwater goods, ridge tiles, details of all new windows and doors and any other joinery details for porches and support pillars shall be submitted to and agreed in writing with the LPA. Only such materials so agreed are to be used on the development unless a written variation has been agreed beforehand by the LPA.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3

5. **Condition 5 - Details of levels**

Before development commences and notwithstanding the existing and proposed levels shown on Drawing No's 01GA 1001 Rev B, 01GA 1002 Rev B, 01GA 1003 Rev B and 01GA 1004 Rev A, the details of the slab, finished floor and ground levels of the dwellings, roads and footpaths, shall be submitted to and agreed 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.

6. **Condition 6 - Details of boundary Treatment**

Before development progresses above damp proof level of the first dwelling hereby approved, the full details for the treatment of the boundaries of the site as indicated on Drawing No 150 DI 26.4 Extract 1, Extract 2 and Extract 3 (with typical elevation sections supplied for both including any coping details, decorative brickwork and piers etc), shall be submitted to and approved in writing by the Local Planning Authority.

The means of enclosure and boundary treatment shall only be implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. **Condition 7 - Details of the Landscaping**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted, a detailed landscape framework and final landscaping plan, based on Tyler Grange drawings 12713\_P14 Rev O (Sheets 1 to 3), to include a long term landscape management and maintenance plan, shall be submitted to and agreed in writing with the LPA. Such plan shall include the following:

- the existing trees and shrubs which have been agreed to be retained;

- a) all new planting of shrubs, hedgerows and trees (species, size, spacing and location) including any necessary tree pits or other root barrier systems where in proximity to highway and drainage works. The plan shall show all pipe ways and other underground drainage details in proximity to tree planting;
- b) areas for hard surfacing and the materials to be used;
- c) a detailed specification for all soft and hard landscape works and features to be carried out / provided within the ANRG land and Public Open Space;
- d) the details of the childrens play area including fencing based upon the Huck Drawing No 21768b Rev 2
- e) the hardsurfacing details to include the details of the roads and footpaths;
- f) the detailed specification design and details of the existing and proposed ponds and attenuation features to include any headwalls and outflow details
- g) a method and programme for its implementation and the means to provide for its future maintenance.

The details as agreed shall be fully implemented in accordance with the plan and phasing of those works in the first available planting season (October-March). If any trees or shrubs die, become damaged or diseased within 5 years of planting they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season. Following such an initial maintenance period all landscaping, shall then be maintained in accordance with the long term landscaping and maintenance provisions approved as part of this permission including any relevant clauses set out in the accompanying Section 106 Agreement attached to this permission.

Reason: In the interests of the character and appearance of the development hereby permitted and in accordance with Local Plan policies STR1 and ENV3.

#### **8. Condition 8 - Car parking and Garaging**

All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages and car ports hereby approved shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted in the interests of highway safety.

#### **9. Condition 9 -Visitor Car parking**

The 14 unallocated car parking spaces within the site that are designed to provide visitor car parking spaces shall be kept permanently available for the parking of vehicles, and at no point shall any of these spaces be allocated for the specific use of any dwelling on the development hereby approved.

Reason: To ensure that the development provides adequate visitors car parking in the interests of highway safety.

10. **Condition 10 - Archaeology: A Programme of Archaeological Work**

Prior to the commencement of development, a programme of further archaeological work, including a Written Scheme of Investigation in relation to the area around Trench 15 and Trench 31 as identified within the submitted Archaeological Evaluation Report (Wessex Archaeology, December 2020), shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- h) The programme and methodology of site investigation and recording.
  - 1) The programme for post investigation assessment.
  - 2) Provision to be made for analysis of the site investigation and recording.
  - 3) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - 4) Provision to be made for archive deposition of the analysis and records of the site investigation.
  - 5) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure the archaeological interest of the site is investigated and assessed.

11. **Condition 11 - Archaeology: Implementation of Written Scheme of Investigation**

No development (other than demolition) shall take place other than in accordance with the Written Scheme of Investigation approved under condition 10.

Reason: To ensure the archaeological interest of the site is adequately investigated.

12. **Condition 12 - Archaeology: Completion and Archive Deposition**

No dwelling within a phase of residential development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the archaeological interest of the site is adequately investigated and recorded.

13. **Condition 13 - Protection of Trees: Adherence to Approved Arboricultural Statement**

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 (Barrell Tree Consultancy Arboricultural Assessment & Method Statement dated 17th February 2022 reference 18330-AA2-CA and Tree Protected plans Barrell Plan Ref 18330-5 a, Barrell Plan Ref 18330-5 b, Barrell Plan Ref 18330-5 c), unless otherwise agreed in writing by the Local Planning Authority.

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

**14. Condition 14 - Protection of Trees: Pre-commencement Site Meeting**

No development, demolition or site clearance shall take place in each phase, until a method statement and engineering drawings for the design of the non-dig construction paths and road areas and service routes within that phase have been submitted to and agreed by the Local Planning Authority. If any services/utilities encroach the root protection areas of the retained trees the applicant will need to provide a method statement for the installations of services in these sensitive areas. Development shall only take place in accordance with these details.

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

**15. Condition 15 - Lighting**

Prior to the erection of any external lighting in the areas identified on drawing A008 P 102 (but excluding lighting associated with the construction phase of the development), a Lighting Scheme for that area / phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall draw upon the Guidance Note 08/18 "Bats and Artificial Lighting in the UK" prepared by the Bat Conservation Trust / the Institution of Lighting Professionals guidance along with the measures outlined at paragraphs 12.30 of the Ecological Appraisal and protected species Survey (by Artemis Ecological Consulting Limited dated July 2021), and shall:

- 6) Set out details of all proposed operational external lighting;
- 1) Include timings of lighting operation;
- 2) Include a lighting plan showing locations and specifications of all proposed lighting;
- 3) Demonstrate that vertical illuminance into adjacent habitats has been minimised and avoided.

The scheme shall be implemented as approved.

Reason: To ensure that the level of lighting within the development is acceptably minimised, having regard to ecological interests and the site's rural edge context.

**16. Condition 16 – Contamination General**

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 within the area of the circular depression

feature referred to and identified on drawing 18625/03 within the Phase 1: Preliminary Geotechnical and Contamination Assessment Report dated 12 December 2019 until conditions relating to contamination no 17 to 19 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 20 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

#### 17. **Condition 17 Contaminated Land Site Contamination**

Prior to commencement of development within the area of the circular depression feature referred to and identified on drawing 18625/03 (within the Phase 1: Preliminary Geotechnical and Contamination Assessment Report dated 12 December 2019) a report of findings of an investigation and risk assessment to assess the nature and extent of any contamination (whether or not it originates on the site) within the area of the circular depression feature shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons. 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:
  - 4) 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**18. Condition 18 Contaminated Land Submission of Remediation**

If contamination is identified within the circular depression feature referred to and identified on drawing 18625/03 (within the Phase 1: Preliminary Geotechnical and Contamination Assessment Report dated 12 December 2019), a detailed remediation scheme to bring the area 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**19. Condition 19 – Implementation of remediation**

Where a remediation scheme has been approved in accordance with condition 18, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development within the circular depression feature referred to and identified on drawing 18625/03 (within the Phase 1: Preliminary Geotechnical and Contamination Assessment Report dated 12 December 2019) 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**20. Condition 20 Contaminated land - unexpected contamination**

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where remediation is necessary a remediation scheme must be prepared to bring the relevant part of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

**21. Condition 21 - Construction: Hours of Operation**

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

Reason: To safeguard residential amenities.

**22. Condition 22 - Construction Traffic Management Plan**



Before the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority. The Construction Traffic Management Plan shall include the following details: construction traffic routes; the provision to be made on site for the parking and turning of contractors' / construction related vehicles; measures to prevent mud from being deposited on the highway; and a programme for construction. The agreed measures and details shall be put into place (as appropriate) before the development is commenced and shall thereafter be adhered to / retained throughout the duration of construction.

Reason: In the interests of highway safety.

**23. Condition 23 - Electric Vehicle Charging Points**

Prior to the occupation of each dwelling, the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles shall be provided to the property in accordance with the details shown and set out on Drawing No's 150\_DI\_32.2 Sheets 1 to 3 unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the approved details.

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

**24. Condition 24 - High Speed Fibre Broadband**

Prior to the occupation of each dwelling, a high speed fibre broadband connection shall be provided to the property threshold, by way of the necessary infrastructure, unless otherwise agreed in writing with the Local Planning Authority.

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

**25. Condition 25 - Construction Environmental Management Plan**

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

- Development contacts, roles and responsibilities.
  - 1) A public communication strategy, including a complaints procedure.
  - 2) A Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
  - 3) A Noise Management Plan with noise reduction measures, including the type of equipment to be used and their hours of operation.
  - 4) Any use of fences and barriers to protect adjacent land, properties, footpaths and highways.
  - 5) Details of parking and traffic management measures.
  - 6) Measures to control light spill and glare from any floodlighting and security lighting installed to both nearby premises, protected species
  - 7) Details of storage and disposal of waste on site.
  - 8) A construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants

from leaving the site.

- 9) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The construction of the development in each respective phase shall thereafter be carried out in full accordance with the approved details.

Reason: To safeguard the amenities of existing and proposed (post occupation) residential property and to ensure that the environmental impacts of construction and satisfactorily minimised and mitigated.

## **26. Condition 26 - Surface Water Drainage Details**

Prior to the commencement of development, a detailed surface water drainage scheme, based on the principles within the Flood Risk Assessment & Drainage Strategy by ref: Awcock Ward Partnership dated 18th January 2022 Drawing 01-PDL-1001 Rev D, shall be submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- 10) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- 1) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
- 2) Detailed hydraulic calculations for all rainfall events, which should take into account the connectivity of the entire drainage features including the discharge locations. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and a summary of critical results by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the submitted drainage layout.
- 3) Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.
- 4) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- 5) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Development shall only proceed in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

## **27. Condition 27 - Surface Water Drainage: Maintenance**

Prior to occupation of the development within a development phase, a scheme relating to the management and maintenance of the Surface Water Drainage System (including all SuDS features) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the following:

- 6) a detailed maintenance schedule in respect of the repair and maintenance of each drainage feature type (the Maintenance Scheme);
- i) details of intended ownership, and a management regime which shall set out the responsibility for the maintenance of the SuDS in accordance with the approved Maintenance Scheme, following their provision;
- ii) details of protection measures;
- iii) details of a monitoring and review scheme.

The approved drainage features shall thereafter be maintained in accordance with the approved scheme.

Reason: To ensure the satisfactory maintenance of the drainage system in accordance with national and local planning policies.

**28. Condition 28 - Travel Plan**

Before any part of the development is first occupied, a Full Travel Plan based on the principles set out in the Framework Travel Plan Rev A dated 17th January 2022 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, Development shall only be implemented and occupied in accordance with the approved Full Travel Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that sustainable modes of travel are duly promoted.

**29. Condition 29 – Net Biodiversity Gain: Implementation, Monitoring and Management**

No above ground works (including vegetation clearance) shall take place until a Biodiversity Net Gain (BNG) Monitoring and Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The Plan shall incorporate the requirements set out in the informative note at the end of this permission. The Plan shall require the submission of a BNG monitoring report produced by a suitably qualified ecologist and shall be submitted to the LPA annually for the first five years after completion and at 5-year intervals thereafter until year 30. The development shall be completed in accordance with the BNG Monitoring and Management Plan prior to the occupation of the last dwelling on the site.

Reason: In the interests of the protection of ecological assets on site and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2.

**30. Condition 30 - Cycle Parking**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted detail design of the cycle parking facility to be provided for each dwelling including the specification shall be submitted to

and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store relative to that dwelling shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel.

**31. Condition 31 - Ecological Enhancement, Mitigation and Management Plan**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted, a detailed Ecological Enhancement Plan shall be submitted to and agreed in writing by the local planning authority. The Plan shall include plans and details of all the habitat and species-related enhancement measures (e.g. location, methods, responsibilities, care and maintenance) outlined within paragraphs 13.2 to 13.11 of the Ecological Appraisal and protected species Survey (by Artemis Ecological Consulting Limited dated July 2021).

The development shall be implemented and thereafter maintained and managed in accordance with the approved details.

Reason: To ensure that the landscape and ecological interest of the development site is maintained, enhanced, and managed in a way that will secure long-term landscape and ecological benefits.

**32. Condition 32 - Footpath Link Detail**

No development shall commence above slab level on Plots identified as 1 to 95, until such time as a design for a pedestrian / cycle connection within the site between the main residential area to the north of Plot 80 to West Road as shown on Site Layout Plan Extract 3 150\_DI\_24.12 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority

Reason: In order to achieve sustainable connections and in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**33. Condition 33 Footpath/Cycle Link implementation**

There shall be no Occupation of any more than 25% of the dwellings hereby approved, until such time as the pedestrian / cycle connection approved pursuant to condition 32 has been made available for use. This pedestrian / cycle connection must remain available for use at all times, unless otherwise agreed in writing.

Reason: In order to achieve sustainable connections and in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**34. Condition 34 - Visibility Splays**

Prior to the occupation of plots 1 to 37, the western access onto Derritt Lane and associated visibility splays shall be provided in accordance with submitted drawing 01-PHL-101 Rev C. Prior to the occupation of plots 38 to 95, the eastern access onto Derritt Lane and associated visibility splays shall be provided in accordance with submitted drawing 01-PHL-101 Rev C. Prior to the occupation of plots 96 to 100, the West Road access shall be provided in accordance with submitted drawing 01-PHL-102 Rev D. Prior to the occupation of plots 1 to 100, the West Road crossing pedestrian visibility splays shall be provided in accordance with submitted drawing 01-PHL-102 Rev D.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. The vehicular and pedestrian crossing visibility splays shall be retained free from any obstruction at all times thereafter.

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

**35. Condition 35 – Land Raising**

No development shall commence until such time as a scheme for the proposed land raising has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include precise details of how the land will be raised, together with details of the source of the material to be used to raise levels and how such material will be transported to the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. This condition may be discharged on an individual development phase basis.

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

**36. Condition 36 - Removal of Invasive species**

Prior to any works being carried out in the ANRG and Public Open Space, a scheme to remove and eradicate the Japanese knotweed on the site shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of the containment, control and a method statement setting out the treatment, removal strategy and management/ monitoring that will be put in place and carried out by a suitably qualified and licensed contractor for dealing with Invasive Species. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and the Environmental Protection Act 1990 and the Environmental Protection Act Duty

of Care Regulations 1991 and to ensure that the works that take place do not impact on habitats

**37. Condition 37 - Ecological mitigation**

The development shall be undertaken in accordance with the ecological mitigation measures outlined within paragraphs 12.12 to 12.22 of the Ecological Appraisal and protected species Survey (by Artemis Ecological Consulting Limited dated July 2021) or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species 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).

**38. Condition 38 - Flooding and finished floor levels**

The development shall be carried out in accordance with the submitted flood risk assessment (prepared by AWP, Revision B dated 14th January 2022), with particular reference to Appendix B (Drainage Layout Plan - Drawing Number 01-PDL-1001 Rev D), and the following mitigation measures it details:

- iv) The proposed minimum finished floor levels are to be set as shown in the above drawing and (ii) the finished site levels shall be set at least 300mm above the 1 in 1000 year flood levels shown, except for where the site falls within Flood Zones 2 and 3 where there shall be no ground raising.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change

**39. Condition 39 - Water efficiency**

The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with the Building Regulations 2021.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of

Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

**40. Condition 40 - Internal access arrangements**

No development shall commence until details of the crossing points within internal roads and how they connect to the two main footpaths in the north and south of the site have been submitted and approved in writing by the Local Planning Authority in consultation with the local highway authority. The development shall not be occupied until the approved details have been fully implemented unless agreed in writing by the Local Planning Authority.

Reason: To ensure safety of sustainable access

**41. Condition 41 - Internal visibility splays**

The western access onto Derritt Lane shall not be brought into use until the inter-visibility splay at the junction with the north footpath as shown on drawing 1007-01-PHL-1001B has been provided. The eastern access onto Derritt Lane shall not be brought into use until the inter-visibility splay at the junction with the north footpath as shown on drawing 1007-01-PHL-1003B has been provided. Nothing over 0.6m in height above the level of the carriageway shall be placed or permitted to remain within the approved inter-visibility splays, unless otherwise agreed with the local planning authority.

Reason: To ensure safety of sustainable access

**Further Information:**

Richard Natt

Telephone: 023 8028 5448



# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

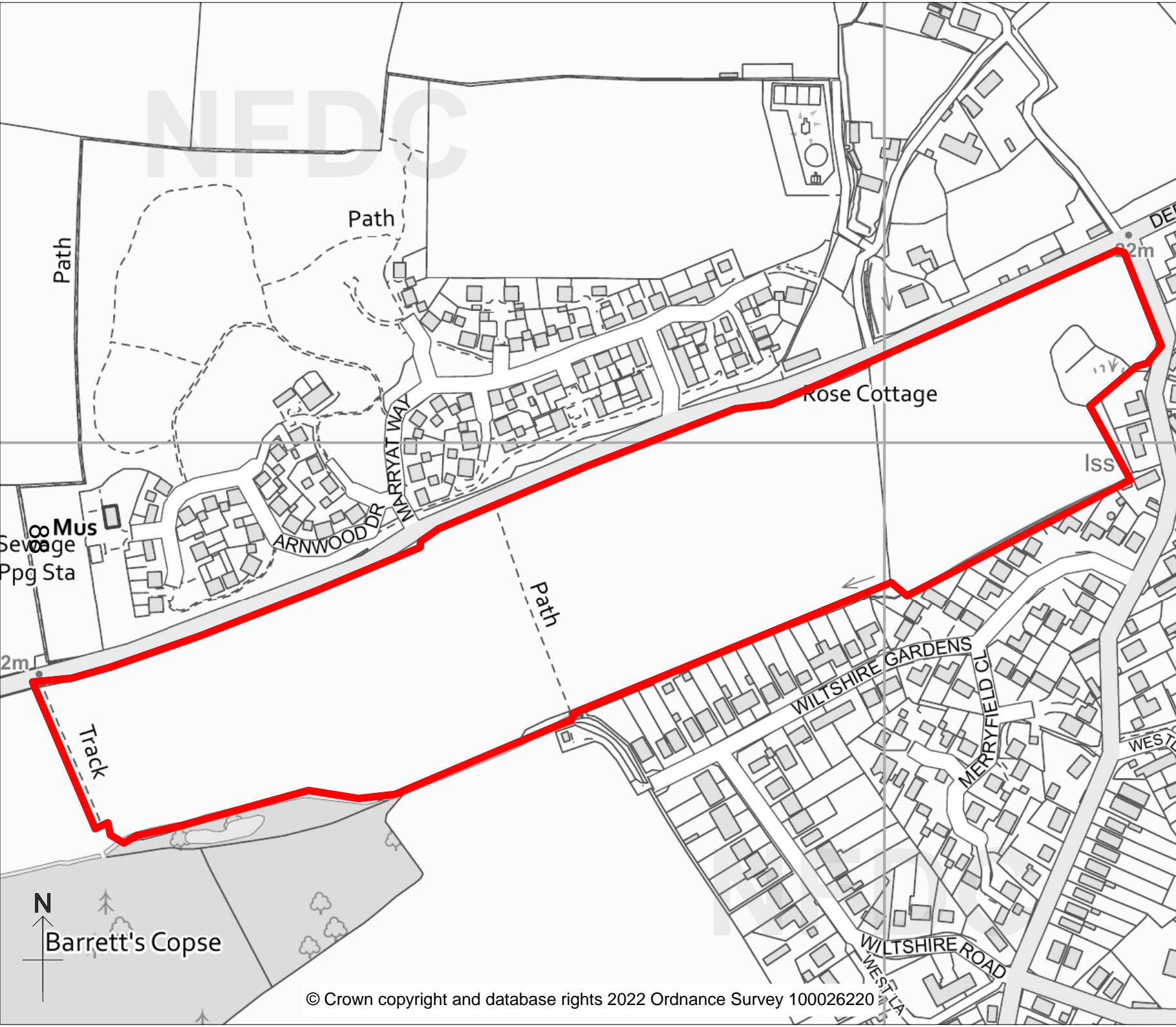
## PLANNING COMMITTEE

May 2022

LAND SOUTH OF, DERRITT LANE  
SOPLEY  
BH23 8AT  
21/11097

Scale 1:3750

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





Planning Committee 11 May 2022

**Application Number:** 20/11192 Outline Planning Permission

**Site:** LAND SOUTH OF, MILFORD ROAD, PENNINGTON (NB:  
PROPOSED LEGAL AGREEMENT)

**Development:** Residential development (Use Class C3) comprising up to 110 dwellings; open space, including Alternative Natural Recreational Green Spaces; footpaths, cycleways, and internal roads; associated landscaping, utilities and drainage infrastructure including connection to the strategic foul network; and associated infrastructure and groundworks (Outline application with details only of access) (AMENDED PLANS & DOCUMENTS)

**Applicant:** Bargate Homes Ltd & Vivid Homes

**Agent:** Turley

**Target Date:** 25/01/2021

**Case Officer:** Richard Natt

**Extension Date:** 30/06/2021

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20/11192

## 1 SUMMARY OF THE MAIN ISSUES

This application is to be considered by Committee because the application is a Strategic Housing Site to be delivered as part of the recently adopted Local Plan

The key issues are:

- 1) Principle of development including 5-year land supply
- 2) The relationship of the proposed development to the wider strategic site allocation (as defined by Policy Strategic Site 5).
- 3) The quantum and mix of development.
- 4) The location of built development; the layout and landscape impact of the development; and the density and scale of development.
- 5) The quantum and quality of green infrastructure (including ANRG land and Public Open Space).
- 6) Heritage - whether the development would have an appropriate -impact on designated heritage assets (Listed Buildings)
- 7) The transportation impacts of the development, including the suitability of the access arrangements and whether sustainable travel modes are adequately promoted.

- 8) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG), Habitat of Principle Importance, wider off-site impacts on designated sites; and achieving nutrient neutrality in respect of nitrates
- 9) Air quality, noise, odour and amenity Impacts
- 10) Flood risk, surface and foul water drainage
- 11) Affordable Housing provision.
- 12) Infrastructure provision, including education requirements.
- 13) Whether the proposals constitute a sustainable and safe development.

## **2 SITE DESCRIPTION**

### The application site

2.1 This planning application relates to approximately 6.4 ha of land to the south of the A337 on the south western edge of Pennington in Lymington. For clarity, the A337 is also referred to as Milford Road. The A337 forms the main road that connects Everton and New Milton in the west with Lymington in the east. The application site forms part of Strategic Site 5 allocated in the local plan for a residential led housing development. The application does not extend to the whole allocation, but covers a significant part of the allocation.

2.2 The application site consists of a series of grassland paddocks, horse grazed fields and a free -range egg poultry business, with associated fruit trees. The site is well contained, with most boundaries formed by lines of mature trees with hedgerows and bramble scrub. A small collection of single storey structures, which include a shed / barn lie within the northern part of the site.

2.3 A stream runs along the eastern field boundary, and a small area of land lying next to the stream is at greater risk from flooding (Flood Zones 2 and 3). Most of the site lies within land that is at the lower risk from flooding (Flood Zone 1). Ground levels on the site gently fall in a south east direction towards the stream along the eastern boundary.

2.4 There are several Public Rights of Way (PROWs) in the vicinity of the site, including Footpath 84a which crosses the western part of the site and Footpath 81 which runs along the southern boundary of the site (FP 81 lies outside the application site).

### The areas surrounding the application site

2.5 The site bounds the A337 to the north and a haul road/ service road also know as Milford Road runs along the western boundary of the site. The haulage road/service road provides access to a waste recycling site operated by New Milton Sand and Ballast (NMSB), Pennington Wastewater Treatment Plant and Efford Road Household Waste Recycling Centre. These operations lie south and south west of the application site.

2.6 Also to the south and west of the site comprises predominantly agricultural

land of crops and pasture, which is fragmented by a series of linked woodland blocks and hedgerows.

2.7 The application site is immediately bounded by Crewkerne Copse to the north, further residential dwellings to the east by the rear gardens of dwellings at Grafton Gardens, Clausen Way and Newbridge Way, together the grounds of Manor Farm House, which is a Grade 2 listed building.

### 3 PROPOSED DEVELOPMENT

#### The application

3.1 The application proposes the following development:

*Residential development (Use Class C3) comprising up to 110 dwellings; public open space, including Alternative Natural Recreational Green Spaces; footpaths, cycleways, and internal roads; associated landscaping, utilities and drainage infrastructure including connection to the strategic foul network; and associated infrastructure and groundworks.*

3.2 The application has been submitted in outline form, with the only matter for detailed approval being the access to the site - i.e. the proposed primary access onto the A337.

3.3 Aside from a Site Location Plan, the application is supported by an Access Plan which illustrates the proposed access arrangements. These access arrangements for detailed approval include:

- The primary access into the development, which would be in the form of a new priority junction onto the A337 to include vehicular, along with pedestrian and cycle access,
- Road alignment to the A337 to include a right hand turn into the existing road to the west which serves the recycling centres
- Footways on either side of the carriageway, which tie into the existing footway on the southern side of Milford Road;
- A pedestrian refuge island, with associated dropped kerbs and tactile paving to the east of the proposed site access across the A337;
- The provision of a 3 metre wide linking footway and cycleway on the northern side of the A337 to link to Harford Close
- Dropped kerb pedestrian crossings, with associated tactile paving, are proposed across the bellmouth of the proposed site access junction and the access to the recycling centre
- To the west, the footway on the southern side of the A337 will be widened to provide an improved link west toward the relocated bus stop.

3.4 The application is accompanied by Parameter Plans, which are for detailed approval, comprising:

- a) a Land Use parameter plan, which defines the areas of the site where built residential form would be provided, the areas where Public Open Space and Alternative Natural Recreational Greenspace (ANRG) would be provided and the retained Priority Habitat;
- b) a Site Framework parameter plan, which shows the site footpath connections throughout the site, public right of way, areas of Public Open Space, preserved Priority Habitat and ANRG;

- c) a Land Use Massing parameter plan, which shows the heights of the building across the site
- d) a Analysis Parameter Plan, which shows the housing perimeter blocks, site constraints, footpath connections.

3.5 The application is supported by illustrative layout master plan, a Landscape Framework Plan and strategy that illustrates how the green infrastructure, including ANRG could be laid out, the proposals to manage the Priority Habitat and a play strategy.

3.6 The application is also supported by a comprehensive suite of reports that aim to show how the development satisfies particular needs and policy requirements. These reports include all of the following:

- A Design and Access Statement - Updated March 2022
- Planning Statement
- A Landscape and Visual Assessment - Updated March 2022
- An Arboricultural Assessment and Tree Protection Report - Updated March 2022
- Information for a Habitats Regulations Assessment
- An Ecological Impact Assessment - Updated March 2022
- Biodiversity Metric Assessment - Updated March 2022
- Outline Biodiversity Mitigation and Enhancement Plan - Updated March 2022
- A Flood Risk Assessment and Drainage Strategy - Updated March 2022
- Utilities Statement
- A Built Heritage Statement and an Archaeological Desk Based Assessment - Updated March 2022
- A Transport Assessment and a Framework Travel Plan- Updated March 2022
- A Statement of Consultation
- Phase 1 Desk Study Report
- A Phase 1 Preliminary Geotechnical and Contamination Assessment Report
- A Noise Assessment - Updated December 2021
- An Air Quality Assessment - Updated March 2022
- Minerals Assessment
- Odour Assessment - Updated January 2021
- Draft Construction Environmental Management Plan

Amendments to application/ Amended submission - March 2022

3.7 Following detailed discussions, the applicant has significantly amended their proposal to address the concerns set out by the Case Officer. The initial proposals submitted would have resulted in a significant loss of a Habitat of Principle Importance or Priority Habitat in the form of Lowland Meadow, Lowland Fen and Coastal and Floodplain Grazing Marsh. Following discussions, the Case Officer identified a requirement to incorporate a significant proportion of the Priority Habitat to be retained and incorporated into the scheme design. The amendments to the scheme entail the retention of approximately 1.0 hectare of the Priority Habitat in the centre of the site. Other amendments include a larger area of public open space provided along the western boundary which has resulted in the proposed development being set further away from the haulage/service road to the west of the site and additional space for greenspace around the Public Right of Way.

3.8 The overall changes to the scheme has resulted in an increase in the level of Green Infrastructure throughout the site and changes to the location of the built development and Green Infrastructure. Illustrative drawings have also been amended to show a more detailed layout of the site including streets, buildings and their plots.

3.9 The proposed access arrangements from the A337 into the site have been amended. This includes the enlargement in size of the two 'right hand' turnings into the application site and into the haulage road serving the Household recycling centre and NMSB. Other changes entail increased visibility splays, wider footpaths and cycle footpath from the site to Harford Close.

3.10 Furthermore, a series of amended plans, Framework Strategy and technical reports have been updated and received March 2022. These amended details have been the subject of a further round of consultations both with the consultees listed in this report and local residents. The amended application was also advertised in the Local Press.

## **4 PLANNING HISTORY**

Screening Opinion (20/10847) Not EIA development dated 7th September 2020.

## **5 PLANNING POLICY AND GUIDANCE**

### **Site constraints**

Strategic Allocated Site  
Tree Preservation Orders  
Adjacent to Grade 2 listed buildings  
Part of the site is located within Flood Zone 2/3  
Public Right of Way within site

### **The Core Strategy (Saved policy)**

CS7: Open spaces, sport and recreation

### **Local Plan Part 2 Sites and Development Management Development Plan Document (Saved Policies)**

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM4: Renewable and low carbon energy generation  
DM5: Contaminated land  
DM9: Green Infrastructure linkages

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

Policy STR1: Achieving Sustainable Development  
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
Policy STR3: The Strategy for locating new development  
Policy STR4: The Settlement hierarchy  
Policy STR5: Meeting our housing needs  
Policy STR7: Strategic Transport Priorities  
Policy STR8: Community services, infrastructure and facilities  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness  
Policy ENV4: Landscape character and quality  
Policy 15: Open Spaces. sport and recreation  
Policy HOU1: Housing type, size and choice  
Policy HOU2: Affordable Housing  
Policy CCC1: Safe and Healthy Communities  
Policy CCC2: Safe and Sustainable Travel  
Policy IMPL1: Developer contributions  
Policy IMPL2: Development standards  
Policy Strategic Site SS5: Land to the south of Milford Road

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

SPD - Housing Design, Density and Character  
SPD - Lymington Local Distinctiveness  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

### **Relevant Legislation**

#### Planning and Compulsory Purchase Act 2004

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

#### Environment Act 2021

Section 98 and Schedule 14 – Biodiversity Net Gain

#### Habitat Regulations 2017

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

### **Relevant Advice**

Relevant Government advice  
National Planning Policy Framework July 2021 (NPPF)

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 14 Climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

National Design Guide

## 6 PARISH / TOWN COUNCIL COMMENTS

### Lymington and Pennington Town Council:

#### Amended plans

PAR4: Recommend Refusal.

The Town Council approves the scheme, in principle. However, concerns do remain regarding the proposed road access.

#### Original submission

PAR2: Recommend Refusal.

We support the application for this development in principle and in particular because of the commitment to meet the Local Plan target of providing 50% affordable homes. We are, however, seriously concerned by what we consider is a dangerously inadequate means of vehicular access to the A337 Milford Road and for this reason recommend refusal.

In respect of the proposed 'T' junction, we comment as follows: - The A337 is heavily trafficked and particularly so in the rush hours. Access from side roads and driveways is already extremely difficult, particularly when it involves crossing a line of traffic.

- The proposed access for 140 properties is only 50 metres from the 'T' junction serving the Household Waste Recycling Centre (HWRC) and the Efford Landfill Site. The latter is heavily trafficked with cars, vans and HGVs.
- When the SS5 Local Plan Site to the north of the A337 is developed, another access serving 40 plus properties will be constructed. There will then be three junctions within a stretch of 200 metres.
- Much of the traffic from this development will be turning right to go towards the town in the rush hours. As such, drivers will have to try to cross an almost continuous line of vehicles travelling westwards as well as finding a gap in the heavy eastbound traffic. This will result in delays, frustration and accidents. We consider that the junction requires either traffic signals or preferably a roundabout which could also serve the HWRC access road.
- The Transport Assessment, provided with the application, includes an October 2020 update. The update notes that a roundabout has been discounted because it has not been mentioned in four years of discussion with HCC and is viewed as inappropriate in the Manual for Streets (MfS).
- We are concerned that the possibility of a roundabout has not been discussed and we are also surprised that it has also been discounted as inappropriate as there are examples of new developments being connected to busy main roads in this way. In addition, we understand the MfS focuses on lightly trafficked residential areas and its reference to roundabouts is not appropriate in this instance.
- We note that no highways report was provided by HCC and suggest that the NFDC should consider commissioning an independent report regarding traffic provision at this proposed series of junctions.

- The Town Council trusts that the traffic issues will be satisfactorily resolved and looks forward to the detailed planning application. At that stage it is hoped that the current regimented residential layout will have been softened, and that rural landscaping will be incorporated into the development

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

### Internal Consultees

#### 8.1 Council Ecologist: No objection

##### Original submission

##### Objection

Unimproved neutral grassland and marshy grassland have been recorded on-site which include portions which are Habitats of Principal Importance. The northern fields are characteristic of unimproved and semi-improved meadows which conform to the SINC criteria. The area covered by Priority habitats totals 1.32 ha (20% of total site area). The proposed development would result in the total loss of the lowland meadow and partial loss of the coastal and floodplain grazing marsh and lowland fen.

Lowland fen and lowland meadow are 'irreplaceable habitat as defined in the NPPF and where these habitats are proposed for removal they would normally be refused unless there are exceptional reasons and an adequate compensation strategy in place. This is contrary NPPF and NFDC saved policy DM2.

##### Bats

The majority of the key bat commuting and foraging areas are retained. I agree that the lighting design should follow the guidance and a condition for a detailed lighting assessment including modelling and lux contours should be included to ensure that the dark corridors proposed for bats are deliverable.

##### Reptiles

A good population of slow worm and a low population of grass snake and adder has been recorded on-site over the two survey years. Trapping and translocation is proposed. I agree this is the preferred approach over alternatives such as displacement via habitat manipulation. A receptor site is proposed in the east of the application and additional habitat creation suitable for reptiles is proposed in the south west. I have concerns about the suitability of the receptor site identified. The technical studies submitted suggest this area is liable to flooding and a swale connecting to the existing watercourse is proposed and will dissect this area as detailed in the FRA.

##### Hedgehogs

The incorporation of post and rail fencing (or close board fencing with appropriately sized holes in gravel boards) to maintain permeability for hedgehogs is welcomed.

##### Invertebrates



For any building that doesn't have either a bat box or swift brick I would recommend incorporation of a bee brick within the fabric of the building as an enhancement measure.

#### Amended Plans

No objection

#### Habitats

I am pleased to see that the revised scheme has sought to respond positively to my previous comments regarding the previous near complete loss of irreplaceable habitats on-site (lowland fen and lowland meadow). The previous design would have resulted in the total loss of the lowland meadow and partial loss of the coastal and floodplain grazing marsh and lowland fen. Approximately 75% of these higher value habitats would have been lost. The revised and redesigned scheme retains the vast majority of these habitats on-site (all but 0.05ha of lowland meadow and all but 0.02ha of lowland fen) and these will be bought into active positive management.

I note that the Landscape Strategy picks up on the design issues identified in relation to this habitat including a mown path route through the middle to allow pedestrian connectivity (picking up the desire line) and focus this in one area and inclusion of a knee rail to prevent further access and unwanted, potentially damaging parking etc. The inclusion of information board to explain the ecological value is also welcomed and agreed.

#### Reptiles

The re-location of the reptiles to the north of the site is acceptable.

#### BNG

The BNG assessment has been updated to reflect the scheme design changes. The principle of additionality has been adequately and transparently addressed. The scheme still results in a biodiversity net loss of 18.78 habitat units (-32.77%). I am content that the mitigation hierarchy has now been demonstrably applied. It will be necessary to offset the net loss of biodiversity on-site and secure a 10% gain off-site. There are currently no details provided for how this could be achieved.

### **8.2 Environmental Design (Conservation): No objection**

#### Original submission

No objection: I have read through the submitted heritage assessment for the proposed scheme which covers the area for the phase 1 works. I have visited site and looked through the layout proposals. I would agree with the main scope of the assessment and its findings in relation to phase 1 of the proposal. I note that the phase 2 area will have much greater potential impacts on heritage assets and as such a new assessment and design response will be required at this stage.

#### Amended Plans

No further comments to make and would rely on original comments

### **8.3 Environmental Design (Urban Design Officer): Support in principle**

## Original submission

### Objection

In setting a minimum target of 185 homes, the policy responded to design aspirations to find approximately 140 dwellings on the whole of the strategic site south of Milford Road. This is a moderate increase on the local plan expectations. In the absence of any comprehensive masterplanning, one might try to consider the application (in design terms) on its own merits ie as a stand-alone site.

In and of itself, the application does not provide mitigation space that is of dimensions that would be compliant with the council's guidance on mitigation spaces.

The layout does not follow the local plan's concept drawing and as shown, it is a rather awkward intrusion onto the edge of the countryside in terms of appropriateness and attractiveness. Considering the development ideas, there are some fundamental flaws in the illustrative layout which suggest that the design work does not demonstrate that the numbers of dwellings sought is likely to be brought forward in a policy compliant manner through design.

There is a persistent and serious disconnect between the consideration of landscape, its design and the design of development parcels resulting in harsh transitions, edges and poor relationships between buildings and spaces. The western edge of the development (including the landscape to the southern section is poorly dealt with. The intended urban character of parts of the site is not justified and is not appropriate. Streets and routes are aligned to offer an inappropriate character in themselves that does not tie in well with the context. The remainder of the site is not properly considered to create a harmonious and workable scheme where habitat creation, habitat protection, recreational uses, circulation and drainage are all provided in an aesthetically pleasant, appropriate and functional landscape.

## Amended Plans

### No objection

#### Parameter plan – land use massing:

This conceptual plan is acceptable given the explanations given in the D&AS and illustrative masterplan. The introduction of three storey development may assist in creating character, but it should be noted that reserved matters will determine exact designs for such buildings features with an expectation that variation in roof form is introduced to create legibility and a skyline in sympathy with the landscape.

#### Indicative site masterplan

Generally, this is well laid out with logical sequences of streets and blocks creating interesting spaces, well defined routes and for the most part, responding well to the rural edges. There are, however, some concerns and care will be needed to ensure that these are sorted out at reserved matters stage.

There may be a small knock-on effect on building sizes and numbers especially in the vicinity of no 111 in the north west and in the line of dwellings facing the watercourse down the far east of the site. The impact upon the setting of no 111 and upon character of the landscape of the proposed flatted block and associated car parking is too great with no apparent mitigation for its effects. The gap between the proposed and existing buildings needs to be widened, and the impact of car parking all along this dwellings boundary needs to be ameliorated.

The suggested row of two storey houses, set with over-deep gables, tandem car

parking and garaging deep within the garden spaces, is a poor edge to the eastern edge facing across green space to bungalows in garden settings. This needs to be loosened up with use of low-rise dwellings also in garden settings where the car parking and manoeuvring is not going to dominate the street elevation or the combined garden space within the block. These are issues that can be addressed at Reserved Matters Stage.

#### Design and Access Statement

This is well explained and for the large part demonstrates how the layout is generally appropriate. When we come to character studies, I am less convinced. That said, the sketches illustrate pleasant looking buildings and combinations of dwellings whereby repetition of materials and detailing can offer dwellings in small groups of apparently contemporaneous building interspersed with occasional variance and highlight (rather than the usual unrelated variety and mixture of applied decoration that makes so much volume house building in other areas of the country look so poor). This suggests a place of some distinctive character will be forthcoming at reserved matters stage if we can ensure that the D&AS applies to any consent given

Overall, a very slight reduction in building sizes and numbers (around 3 to 4 dwellings) would certainly help/ make it easier to resolve the design issues at reserved matters stage.

#### **8.4 Environmental Design ( Landscape and Open Space Officer):**

No objection

#### Original submission

Objection.

The LVIA has not been used to influence and lead design considerations for the proposed layout and design of the site. The Illustrative layout that has been submitted shows new built development is placed up tight against the western boundary. This has the effect of maximising the landscape and visual impacts of development whilst minimising the available space for suitable native buffer planting to help soften and partially screen such impacts.

The landscape concept drawing is entirely inadequate to justify this layout and contradictory in several ways. Corridors and spaces appear to have been labelled simply to follow the development assumptions rather than picking up on the opportunities and constraints and of course the fundamental failures of that section are now carried forward.

#### Amended Plans

General comment

This is generally acceptable with the proviso that the tree planting arrangements must be redesigned in parallel with the design of streets and buildings. The assumed avenue lines are not necessarily appropriate in the landscape, whereas more natural groupings and possibly far more trees will be needed to assimilate the scheme into its environment. This can be addressed at reserved matters stage.

The proposed areas of ANRG are acceptable in principle but it is important that the design for these areas must provide an appropriate landscape as part of providing the right balance of the combined requirements of amenity, flood alleviation and biodiversity. While it is important that the south-west space needs to be designed to include wide space for recreational use (not just meadow) and logical path layout,

the north-eastern area will need to offer a different combination of the uses through design, so that flood areas and wet meadow allow some minor amenity use by way of walking routes and margins but maintain a highly diverse habitat by way of an appropriate landscape.

#### **8.5 Environmental Design (Tree Officer): Comment**

I am in general agreement with the Tree Survey Report and Arboricultural Impact Assessment and any losses of trees specified for removal within the site can be compensated for by suitable replanting within an approved landscape scheme.

The access points as shown on the submitted plans are generally acceptable providing suitable additional arboricultural detail is provided to demonstrate they can be constructed without adverse impacts on retained trees. These aspects can be dealt with by condition.

I do have some concerns on the potential layout shown within the submitted plans specifically within the central area of proposed public open space and areas of hard surfacing with defined Root Protection Areas (RPAs). The relationship between retained trees and some of the proposed units is likely to be an issue with post occupancy pressure for significant pruning in order to provide suitable separation. This aspect is something that could be addressed with amendments to the finalised layout and supported by additional arboricultural information.

#### **8.6 Environmental Health (Pollution): No objection subject to condition**

Noise

At the outline stage, I am satisfied that noise affecting the proposed properties can be suitably mitigated, however further information shall be required at reserved matters stage to show how this is to be achieved across properties on the site

Odour

A full assessment has been made in accordance with relevant guidance and has determined that 'intermittent sewage like odours were detected within the application site boundary, but worst-case impact is 'Slight Adverse' within the site, based on the findings of olfactory surveys.' This then leads to an assessment of the odour experienced at this location being 'not significant'.

Air quality

No objection subject to condition - dust management and condition for electric charging points to be provided and Travel Plan

#### **8.7 Environmental Health (Historic land use and Contamination):No objection subject to conditions**

#### **8.8 Strategic Housing Officer: Comment**

The section entitled "Housing Tenure and Affordable Housing" states that the Applicant has committed to the provision of 50 % affordable in line with the Council's adopted Local Plan policy and this is welcomed. Whilst an overall indicative Housing Mix has been set out at table 3.1 and the Applicant has given a commitment to meeting the Local Plan tenure mix requirements, no commitment has yet been made to the mix of affordable housing (by accommodation size) that is to be provided. This needs to be addressed and that an outline consent should incorporate an affordable housing mix schedule.

## **External Consultees**

### **8.9 Natural England:** Comment

#### Original submission

Recreational Impacts to New Forest SAC, SPA and Ramsar

This application is in close proximity to the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar. Natural England is aware that the New Forest District Council has recently adopted a Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the European site(s). Provided that the applicant is complying with the SPD, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Appropriate financial contribution to the New Forest and Solent recreational mitigation schemes and the strategic air quality monitoring strategy. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### Nutrient neutrality

The application site is within the catchment of the Solent Maritime Special Area of Conservation (SAC) and the Solent & Southampton Water Special Protection Area (SPA). Natural England advises that there is a likely significant effect on the Solent's European Sites due to the increase in waste water from the new housing within the Solent catchment.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal's nutrient impacts in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

#### Amended Plans

No further comments to make and would rely on original submission

### **8.10 Highway Authority:** No objection subject to condition

### **8.11 HCC Minerals and Waste Planning:** No objection

The updated assessment submitted has thoroughly examined the mineral potential underlying the site. There are however significant constraints confirmed. Firstly, the water table – 85% of material lies beneath the water table. It is understood that part of the site has been found to have an 'area of unimproved grassland (irreplaceable habitat/priority habitat)' meaning that it should not be disturbed. From plans submitted only 35% of the total site is proposed to be developed.

Therefore, following the submission of a full mineral assessment, it can be concluded that the potential for prior extraction has been examined and found to be unviable as part of this development.

### **8.12 Archeologist:** No objection subject to conditions

**8.13 Hampshire County Council Lead Local Flood Authority:** No objection subject to condition

**8.14 Environment Agency:** No objection subject to condition

Original submission

Objection. In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused. The submitted FRA does not comply with the requirements for site-specific flood risk assessments of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

Amended Plans

No objection subject to condition. The Environment Agency accepts the applicants Flood model and details set out in the Flood Risk Assessment.

**8.15 Southern Water:** No objection

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

**8.16 Education Authority:** No objection

No contribution is sought for Education from this development. Pennington Infant and Junior Schools both have surplus accommodation and Priestlands Secondary School will be able to accommodate the anticipated additional pupils from this development through less out catchment recruitment.

**8.17 Hampshire Fire & Rescue Service:** Comment

Standard advice

**8.18 HCC Public Rights of Way Officer:** Comment

Original submission

Objection:

The proposal fails to accommodate footpath 84a in an open space area away from vehicles in line with Local Plan policy which details there is a presumption that wherever a footpath runs through the site these routes will be retained and improved by the development, and requires development to prioritise the provision of safe and convenient pedestrian access within developments, by linking to and enabling the provision of more extensive walking networks wherever possible.

Where vehicular access to the development uses a Public Right of Way (PROW) we advise the applicant should revise the proposals to provide a different vehicular access to the development site. The site layout should therefore be amended to move the proposed houses east of the path and protect a route away from vehicular traffic. Revision of the layout would protect the setting and character of the path, avoid crossing construction traffic and ensure the PROW is kept open throughout

the construction period.

### Amended Plans

#### Comment

The amended plans retrain the definitive route of Lymington and Pennington Footpath 84a through the site in suitable open space and ANRG. However, in our initial response we requested that the length of Footpath 84a through the north and south sections of the site was improved to Countryside Service design standards through a S278 Highway Agreement in line with Local Plan policy IMPL1 and NPPF paragraph 100. This would meet the surface expectations of residents and users of the footpath which provides access to the ANRG, the obligation to improve the whole footpath within the application site.

#### **8.19 Historic England No Comment**

## **9 REPRESENTATIONS RECEIVED**

### Original submission

#### 3 letters of support

- Support the application for new affordable homes in Pennington. The site is in an ideal location and suitable for much needed new, affordable homes including shared ownership options of which there are so few currently available.

2 letters of support but does raise concerns in relation to the following:

- The impact on public highway safety
- the impact on infrastructure in the town.

#### 1 letter of observation

- It is encouraging to see the recommendations to include both bat and bird accommodation in a small number of the dwellings. What is of most concern is the loss of 75% of “irreplaceable” or “high value” fen/wet meadow habitat. Surely this potential loss must be reduced by adjusting the design.
- In terms of building design, there is a fantastic opportunity here to be innovative. Sustainable technology needs to be incorporated into the design.
- The plans show a proportion of the existing hedgerows being lost during development. The same volume, and additional, needs to be planted.

### 30 letters of objection concerned with the following

#### Principle of Development

- Loss of Green Belt land/ countryside.
- Intensive form of development - too many dwellings when combined with Phase 2.
- Any planning proposals should include plans for Phase 2 and north of Milford Road to have a full understanding of the whole site allocation
- Impact on climate change
- Loss of trees, vegetation and fields

### Community Services, Infrastructure and Facilities

- The development would give rise to unacceptable pressures on other local infrastructure (health facilities, schools, emergency services etc.).

### Layout, Character, Design

- Out of character - poor layout and design
- Scale of development - 3 storey buildings
- Impact on rural character/urban sprawl/ Cramped form of development
- Councils Urban Design Officer objects on several design grounds

### Housing

- How would the developers guarantee that the 50% affordable homes would help mitigate the shortage of homes for.

### Ecology

- Impact on wildlife including the impact on Deer, Fox, Bats, Dormice, Reptiles, Birds and Buzzards. It also provides habitat for endangered species including nightingales, slow worms and stag beetles.
- The northern boundary is adjacent to Crewkerne Copse, this comprises Ancient Woodland where there are many nesting birds to Tawney Owls.
- Loss of irreplaceable habitat
- Run off from housing estates would pollute the river and jeopardise the wildlife.

### Transport

- Concerns in relation to increase in traffic generation
- There will be three junctions in close proximity - which include the application site, the existing access service the recycling centre and the proposed land to the north
- Highway safety concerns from exiting the site, in particular, turning right
- What provision would be made for children to cross over the road to attend them and for other pedestrians wanting to get into Lymington?
- The Transport Assessment is inaccurate as only one automatic traffic count was carried out due to Covid 19 restrictions and that was undertaken in April 2020 during the period of reduced traffic
- There have been many accidents including 2 fatalities on the A337 over the past 5 years.

### Flooding, Surface Water and Foul Drainage

- The north east side of the site is vulnerable to flooding and this include the existing gardens bordering the site.
- Other parts of the site are also vulnerable to flooding
- The land has high groundwater, plus significant surface run off flooding.
- There are concerns about surface water drainage run off from the development
- Who will be responsible for the upkeep of this ditch in the future.

### Impact on amenity

- Loss of light to nursery
- Impact from noise and disturbance including noise from cars
- Impact from privacy, outlook, and overshadowing - three storey building next to



boundary

- Major dust & pollution caused by N M S B
- Impact on health from dust and poor air quality
- Close proximity of children's play area
- Odour impact from Sewer Treatment Plant. Odour assessment was only carried out in one day

#### Impact on existing businesses and operations

- The existing businesses and operations that use the haul/service road will be adversely affected by the new dwellings given the close proximity and such as use, new residents may raise complaints due to noise, dust and other disturbances. The dwellings are located too close to the haul/service road.
- Security concerns with 110 new homes
- Noise survey submitted was carried out at the time of lockdown and the business operations were not at full capacity. The survey didn't also cover the weekend period

#### Other Concerns

- Loss of views to Isle of Wight
- Impact on existing facilities such as doctors/schools medical
- Will the stream along the eastern boundary be fenced off to protect children
- The Air Quality assessment is inadequate. The air quality from dust emissions on the site resulting from existing activities along the tip haul road and at the NMS Sand and Ballast plant has not been considered

#### **Amended Plans**

13 further letters of objection received which reiterate some of the concerns raised above. Concerns have been raised in relation to the siting of the pumping station - noise and odour concerns.

## **10 PLANNING ASSESSMENT**

### **10.1 Principle of Development**

10.1.1 Land at Milford Road is one of the Strategic Site Development sites that has been allocated for development in the recently adopted New Forest Local Plan 2016-2036. Policy Strategic Site 5 applies. This policy states:

#### Strategic Site 5 Land at Milford Road

*i) Land at Milford Road, Lymington as shown on the Policies Map is allocated for residential development of at least 185 homes and public open space, dependent on the form, size and mix of housing provided.*

*ii) The masterplanning objectives for the site as illustrated in the Concept Master Plan are to:*

*a. Plan development including the design of recreational greenspace to define a new rural edge and enhanced boundary to the Green Belt, and to soften the transition between the development and the open countryside.*

*b. Retain tree belts and enhance the water course on the eastern boundary as landscape features softening visual impacts and providing some green amenity space buffer to existing residential areas.*

*c. Integrate the site into the built-up area of Lymington and Pennington connecting to its footpath networks.*

*iii) Site-specific Considerations to be addressed include:*

*a. Design or other appropriate measures to mitigate potential noise and odour impacts from Efford waste and recycling centre and Pennington Sewage Treatment Works.*

*b. Measures to manage watercourse flood risks south of Milford Road along the eastern perimeter and in the south west corner of the site, as part of an integrated site approach to sustainable urban drainage.*

10.1.2 Policy Strategic Site 5 is accompanied by a Concept Masterplan that illustrates how the allocation might be developed. It identifies, in broad terms, the areas where residential development could be provided, as well as areas where Alternative Natural Recreational Greenspace (ANRG) and Public Open Space could be delivered. The concept masterplan has been drawn up to show how development within the allocated area can fit its landscape context, identifies the vegetation of local landscape value and also indicates the approximate position of the vehicular access and pedestrian links. Whilst the concept masterplan is designed to be illustrative rather than prescriptive, it does provide a framework for shaping development of the allocated area.

10.1.3 The Concept Masterplan illustrates the requirement for there to be a green buffer along the east and south and south west boundaries of the site, in which the residential development would be largely concentrated in the central part of the site immediately to the south of Milford Road, including along the western boundary. The Masterplan also identifies existing vegetation of Landscape Value to be retained which includes the majority of the north and south belt of trees and vegetation running through the central part of the site and the trees fronting onto A337.

10.1.4 The applicants proposal shows that residential development is to be provided south of the A337 and the Green Infrastructure shown to the west, south, central and eastern boundary, which broadly reflects the Concept Masterplan accompanying Policy Strategic Site 5. Equally the plans show the majority of the 'Vegetation of Value' to be retained with key pedestrian links shown to be provided throughout the development. Vehicular access is also shown to be provided as envisaged in principle under this policy. The proposed parameter plans show that the site will incorporate significant areas of Green Infrastructure.

10.1.5 In summary, as this site is identified within the adopted Local Plan as a suitable location for residential development, the principle of development on this site is clearly acceptable.

10.1.6 There are several key criteria set out in the policy and other legislative requirements that must be met and these are considered within the assessment

## **10.2 Housing Land Supply and the Tilted Balance**

10.2.1 The Council cannot at this point in time demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. The updated housing land supply position remains below the required 5 years.

10.2.2 In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a new estate development of 110 units which will make a valuable contribution to housing supply in the District.

The July 2021 NPPF states the following

For decision-taking this means:

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

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;  
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.

10.2.3 The remainder of this report will now turn to other environmental and sustainable development factors to be balanced against this government advice to Local Planning Authorities.

### **10.3 The Relationship of the Development to the Wider Strategic Site**

10.3.1 In terms of its geographical area, Strategic Site 5 is a single strategic allocated site, which includes land to the north and south of the A337. The policy seeks to provide at least 185 homes and public open space on both parcels, in which the land to the south forms the larger part of the allocation where there is an expectation to provide the majority of the homes. This is highlighted in the supporting text, which states that about 140 homes is to be provided to the south of the A337 and 45 homes to the north.

10.3.2 Strategic Site 5 is in multiple ownership, and the ownership situation is a relatively complex one. This means that development of the allocation as a single entity is not realistic and that the development of the allocation will inevitably come forward in phases or separately. In this case, the land to the south of the A337 will come forward in two phases (Phase 1 and Phase 2). The application has been referred to as Phase 1. For the avoidance of doubt, the applicant is not the owner and does not have any control of the land referred to as Phase 2. With regards to the land to the north of the A337, this is also under different ownership, and this is expected to be a separate proposal, but to date, no planning application has been submitted.

10.3.3 The Concept Masterplan illustrates the requirement for there to be a green buffer along the east and south and south west boundaries of the site, in which the residential development would be largely concentrated in the central part of the site immediately to the south of Milford Road, including along the western boundary. The Masterplan also identifies existing vegetation of Landscape Value to be retained

which includes the majority of the north and south belt of trees and vegetation running through the central part of the site and the trees fronting onto A337.

10.3.4 With regard to the land to the south of the A337, given that the application site forms a much larger part of the Strategic Site and bounds the west and eastern boundaries of the site, the overall land forms a logical development parcel that can reasonably come forward separately from the land to the far south identified as Phase 2. It is important to ensure that there is an appropriate vehicle access and connecting road between the A337 through this site and up to the boundary of land at Phase 2. This is a matter that can be secured through this application and is discussed in greater detail below

10.3.5 Accordingly, what is important is that each phase of development has regard to the wider strategic site requirements. Each will need to provide their own necessary mitigation and infrastructure, and are developed in a way that does not prejudice the need to ensure that the allocation is well designed and coherent in terms of its built form, transport connections and green infrastructure. This is considered in detail below.

#### **10.4 The connectivity of the Green Infrastructure to the wider Strategic Site allocation**

10.4.1 In the interest of achieving well designed, sustainable development, it is important that development of this part of the Strategic Site does not cause there to be a disjointed or disconnected development on the most southern (phase 2) part of the allocation. Accordingly, it is considered imperative that there are suitable connections provided between the application site and adjacent land, particularly so that there is good access to the proposed ANRG land and public open space from adjacent land; and to ensure that the ANRG land and public open space that will need to be provided on adjacent land can link in with the application proposals to create a more cohesive whole.

10.4.2 The submitted parameter plan, illustrative layout, Landscape & ANRG framework plan shows the ANRG along the south west and north eastern boundary, both of which provide potential linkages to future ANRG and Public Open Space to be provided on Phase 2. This also reflects the Local Plan Concept Masterplan which envisages Green Infrastructure to be provided on the south west and east boundaries of the allocation.

10.4.3 For the reasons outlined above, it is considered that the green infrastructure is appropriately located within the development site and there is appropriate connectivity built into the design addressing the edges or boundaries of the site, and as such, there is no reason why this larger area should not come forward independently of the smaller area immediately to the south.

#### **10.5 The Quantum and Mix of Residential Development**

##### **Quantum of Development**

10.5.1 The supporting text to Policy Strategic Site 5 suggests that the part of the allocation to the south of the A337 can accommodate about 140 homes based on the masterplanning work that was undertaken through the Local Plan process. However, in considering the capacity of the application site, it needs to be noted that the application site amounts to a significant part of the allocated site (land to the south).

10.5.2 Taking into consideration, the amount of development that is likely to be appropriate on the remainder of the site, which has constraints due to the proximity to the listed building and Green Belt edge to the south, it is considered that the provision of up to 110 dwellings on the application site would be consistent with Policy Strategic Site 5, based on the Council's own masterplanning work.

#### Mix of Development

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

10.5.4 The applicant has confirmed that the proposed development would provide a full range of housing, from 1 and 2 bedroom apartments up to 3 and 4 bedroom family houses, with it being noted that the precise unit size mix will be determined at reserved matters stage.

10.5.5 Whilst the precise unit mix will have to be agreed at reserved matters stage, it is considered important that the mix of development reasonably reflects the identified housing need across the district. Based upon the indicative details provided, the proposal would provide a significant number of flats and smaller dwellings which meets the aspirations of the local plan to provide smaller homes. A condition is considered necessary to ensure that the mix that comes forward at reserved matters is appropriate, having regard to these points.

#### **10.6 Design/ Character matters including the Location, Layout and Landscape Impact of the Development**

##### The Location of Built-form and Green Infrastructure

10.6.1 The site's location is defined by its part rural edge, its proximity to the Green Belt to the west and south and New Forest National Park to the north west and south. This distinctive character requires that the development is of an appropriate quality. This is an expectation not just of Local Plan policy but also National Planning Policy and Guidance.

10.6.2 As the application is in outline form, we do not currently have detailed plans showing the layout, what the streets will look like and precisely where buildings will be placed, or detailed elevational designs. As such, it is important that through this outline planning application that the fundamental 'building blocks' are in place for guiding all future 'reserved matters applications. The Parameter Plans, illustrative layout Plan, the Design and Access Statement and Landscape Framework, all play a key role in setting out the fundamentals upon which the detailed schemes will be developed.

10.6.3 The submitted parameter plans and supporting Framework plans show that built development would be provided in 3 distinct perimeter blocks within the site: a western parcel of built-development partly linked to a central parcel and an eastern parcel of built development. The western and central parcel would be separated from one another by an area of public open space and a belt of existing trees and vegetation running north to south. The eastern block would be separated by a large meadow. This grassed area is being retained following its classification as a Priority Habitat and forming one of the most significant landscape elements within the development. Large areas of Green Infrastructure are generously provided across the site, separating the built development, but also forming the west and east

boundaries of the site. A large area of green space would also be concentrated in the south west corner of the site.

10.6.4 The parcels of Green Infrastructure and built development would be broadly in line with the Local Plan Concept Masterplan. However, the proposed built development does not extend up to the western boundary or extend as far to the south west of the site as envisaged. Instead, the applicants plan show that this area would be Green Infrastructure. In effect, the overall site provides a much larger amount of Green Infrastructure with smaller areas of built development than indicated on the Concept Masterplan. A green buffer on the western boundary, which will form of the Green Belt edge is a benefit and is supported by the Councils Urban Design Officer.

10.6.5 Overall, it is considered that the slight deviation from the Local Plan Concept Masterplan will provide significant benefits through generous areas of green space throughout the site and adjacent to the boundaries of the site. This is a justified change from the Concept Masterplan, which in itself was illustrative. Indeed, the generous Green wedge along the west and south west boundary accords with the policy criteria set out in SS5. This criteria seeks development, including the design of recreational greenspace to define a new rural edge and enhanced boundary to the Green Belt, and to soften the transition between the development and the open countryside.

#### The Layout of Development

10.6.6 Layout is a matter for detailed approval at Reserved Matters stage. Nevertheless, this Outline planning application does set a framework for the proposed layout. This is achieved through the position of the access point onto the A337, through the parameter plans, and through some of the other supporting plans and illustrative information, including the Design and Access Statement and illustrative layout.

10.6.7 The applicants illustrative layout for the development shows how each of the 3 main parcels of built-development is expected to be divided into a number of distinct perimeter blocks, broken up by roads, paths and areas of public open space. To support the proposal, the applicants supporting plans breaks the layout into different character areas, setting out the key features and characteristics of the proposed development. This is very helpful in providing a clear vision for the site and how the proposed development responds to the context of the site and landscape characteristics. The different character areas are named 'Parcels 'A', 'B' and 'C'.

10.6.8 Taken each character in turn; Parcel A comprises the residential block immediately to the south of the A337 and to the east of the proposed primary access road running through the site. At the entrance to the site, the illustrative plan shows a larger residential flat/apartment building fronting onto the A337. The design concept seeks to create a strong 'Gateway' building to respond to the distinctive character of the existing buildings fronting onto the A337, which comprise larger detached buildings set in a fairly spacious setting. This is considered to be the appropriate design response. The western edge to Parcel A facing the primary access road forms a mixture of predominantly two storey detached and semi-detached dwellings, which offer space between buildings and vegetation creating an appropriate edge to both the development and Green Belt. Parts of Parcel A including the courtyard will be more condensed and designed at a higher density.

10.6.9 Parcel B, forms the central part of the site, comprising of a lower density arrangement of dwellings formed around a perimeter block with deeper rear garden areas. The development extends northwards where further dwellings are arranged along a narrow street linking to a larger block of apartments to the far north of the site. The eastern edge of this development faces onto the preserved priority habitat including two apartment blocks.

10.6.10 Parcel C occupies the eastern part of the site and this area incorporates the preserved habitat to the west and green space the east. The arrangement of this development is a simple perimeter block of lower density dwellings, most of which are shown to be detached. A single larger apartment block lies within this group. Deeper gardens and gaps between these buildings is a strong characteristic feature within Parcel C. This would be the correct design approach adjacent to the existing lower density development to the east of the site and the importance to have a 'looser' built form adjacent to the green space on this edge.

10.6.11 The applicant has submitted illustrative images of the dwellings within the Design and Access Statement. Illustrative building types tend to be a mixture of traditional but simple building forms with decorative detailing traditional porches, chimneys and bay windows which will add to the overall design quality of the development. It is considered that from the plans submitted, the dwellings and buildings are designed and detailed to a high quality and are rich in detail and attractive. This has been endorsed by the Urban Design Officer.

10.6.12 Although noting that the application is in outline, the Councils Urban Design Officer considers that generally, this is well laid out with logical sequences of streets and blocks creating interesting spaces, well defined routes and for the most part, responding well to the rural edges. It is recognised that there has been some minor criticism with the design and layout of the development, in which the Urban Design Officer considers that care will be needed to ensure that these are addressed at reserved matters stage.

10.6.13 In summary, the Urban Design Officer notes that the proposals make efficient use of the site, with a combination of well-located greenspaces acting as a setting for development that allows an innovative collection of buildings to work well on this site. Overall, the broad character principles in the supporting documents demonstrate that a quality development at this scale could be delivered on this site. The submitted illustrative plans and Design and Access Statement shows one option for a design and layout, and whilst there are clearly some matters within the layout that will need improvement/refinement, this is a matter that will be considered in detail at the reserved matters stage.

### The Landscape Impact of the Development

10.6.14 The application is supported by a Landscape and Visual Appraisal with Impact Statement (LVAIS). This document assesses the landscape and visual effects of the development, both on the site landscape elements and features and in views from both the immediate vicinity of the site and from more distant viewpoints. The LVAIS concludes that the visibility of the site is limited to the immediate surroundings and most of the site is well contained visually by the density of both boundary and intervening vegetation. The main views into the site will be localised from the Public Rights of Way within and bounding the site. The appraisal concludes that the landscape value of the site and its immediate context ranges between 'low

-medium'. There is no reason to disagree with this assessment.

10.6.15 The applicant has submitted an Illustrative Landscape Masterplan for the whole site. The submitted Landscape Strategy employs a sensitive approach recognising the importance to locate recreational greenspace within the west and southwest of the site, to define a new rural edge and enhanced boundary to the Green Belt, softening the transition between the development and the countryside

10.6.16 The Landscape Strategy and Illustrative Landscape Masterplan also highlights that the north-eastern part of the site will comprise of existing retained semi-improved grassland with the introduction of permanent water areas and seasonally wet attenuation basins. These will accommodate sustainable drainage with gentle gradients, native planting and seasonally wet meadows. The semi-improved grassland habitat will consist of long grassland swathes, intersected by mown grass paths and new tree planting. This would accord with the policy requirements that seek to enhance the water course on the eastern boundary as landscape features softening visual impacts and providing some green amenity space buffer to existing residential areas.

10.6.17 The PRow footpath (no.84) that runs through the site will be retained along its same axis, with its western setting informed by retained green space. This space has been utilised as a central focal point to development surrounded by scattered groups of trees, meadows and new planting.

10.6.18 The submitted landscape and ANRG Framework plan, whilst only illustrative, provides some detail to the proposed green infrastructure and shows a comprehensive area of Green Infrastructure on the western side of the development. This will form a buffer between the development and the Green Belt, together with the Green Space provided along the eastern boundary incorporating the watercourse. The submitted Landscape Strategy employs a sensitive approach within the western, southern and eastern parcel that abuts the Green Belt through the introduction of an expansive landscape area and setting back of development, that limits the impact of the development, which is sympathetic to the local surroundings. The proposals seek to create a landscape character which is in keeping with the local landscape, including the Lowland Fen Meadow Priority Habitat on the central part of the site and Crewkerne Copse to the north.

10.6.19 The landscape impact of the development is significantly reduced by the fact that in excess of half of the application site (65%) is proposed to be green infrastructure. This will provide significant opportunities for new tree and hedgerow planting and landscape management that will assist in helping the reduce the impact of the development by reflecting local landscape characteristics.

10.6.20 In summary, it is considered that the overall landscape strategy has carefully considered how the development might impact on the open rural landscape within and beyond the site. This has resulted in a detailed landscape framework which demonstrates an attractive and pleasant landscape and green infrastructure for the site, together with a soft rural edge to the boundaries of the site, which is appropriate and acceptable to the sites context. As recognised by the Council's Landscape and Urban Design Officer, there are elements of this Plan that need to be refined, but these largely relate to matters of detail that can be reasonably resolved through the reserved matters application.

#### The density of the development

10.6.21 Local Plan Policy does not prescribe particular densities for any of the strategic sites. When considering density, what is important is that the proposed



density of development (which stems from the number of dwellings proposed) is contextually appropriate and capable of being delivered in a way that is sympathetic to the landscape context. Nevertheless, for an outline application of this nature, a consideration of density does provide an important indication of a development's character.

10.6.22 Density can be measured in different ways, but excluding the main areas of green infrastructure, a development of up to 110 dwellings would result in a maximum net density across the site of over 40 dwellings per hectare. If the density is calculated including the areas of Green Infrastructure, this would equate to a gross density across the site of around 16 dwellings per hectare.

10.6.23 Whilst the proposal shows a net density of over 40 dph, which differs from most of the immediately adjacent context, consideration has to be given to the amount of green infrastructure to be provided on the site and the character of development proposed. Given the need to retain the Priority Habitat on the site and provide both public open space, play and ANRG, the total green infrastructure provided equates to 4.1 hectares (total size of site is 6.4 hectares). The extent of built development on the site equates to 2.3 hectares, which is around 35% of the total site. It is also worth noting that a density of 16 dwellings per hectare across the site is very low. Accordingly, it is important to note that the quantum of Green Infrastructure to be provided within the site far exceeds the minimum policy requirements and this will help create an attractive development and enables a significant amount of the developments housing to have their main views or aspects facing onto green open space, which gives the 'feeling of being within the countryside'.

10.6.24 Importantly, as higher density elements are sought within the built up areas of the site, it has to be demonstrated within the application, how this can be achieved through high quality design and by providing enough information (in the Masterplan, D&AS and landscape strategy) to enable such designs to be delivered through the planning process. The applicants supporting information and illustrative proposal has demonstrated that a good quality development can be achieved on the site through an innovative layout with perimeter blocks, courtyard and shared spaces. Overall, the broad character principles in the supporting documents provide comfort that a quality development at this density could be appropriately delivered on this site. It further demonstrates that the applicant has sought to make efficient use of the site, as required under paragraph 122 of the NPPF, in a manner that would integrate well with its surroundings.

### The Scale of Development

10.6.25 Whilst scale is a matter for reserved matters approval, it is important to have some understanding of what type of scale will come forward on this site. Building heights and massing is referred to in the submitted Design and Access Statement and Parameter Plan. The applicant's Design and Access Statement and Parameter Plan suggests that the majority of the development will be 2-storey, but with some 2.5 and 3 storey development in key locations and focal corners. The supporting documents go on to state how careful and considered use of two and a half storey and three storey dwellings within the more central parts of the site will add visual interest.

10.6.26 It is considered that the suggested scale would be appropriate to the site's context, with some variety helping to create legibility and a stronger sense of place. The sensitive edges to the site would rise to no more than two stories which is the correct scale. The Council's Urban Design Officer considers that the conceptual parameter plan is acceptable given the explanations given in the D&AS and

illustrative masterplan. He goes on to state that the introduction of three storey development may assist in creating character, but it should be noted that reserved matters will determine exact designs for such buildings features with an expectation that variation in roof form is introduced to create legibility and a skyline in sympathy with the landscape.

## **10.7 Impact on New Forest National Park**

10.7.1 There is a statutory duty for the Local Planning Authority to have regard to the purposes of the adjacent National Park, and it is therefore important that what is proposed has an acceptable impact on the setting of the New Forest National Park. Both Local and National Planning policies make it clear that very significant weight must be given to ensuring that the character, quality and scenic beauty of the landscape and coastline of the National Park is protected and enhanced.

10.7.2 The applicants LVAIS highlights the extent of trees, vegetation and built form situated between the site and National Park boundary, which limits intervisibility or physical connectivity. The Site forms a discrete parcel on the western edge of Pennington, framed by mature trees, vegetation and built form to the north and east. For these reasons, the site does not perform a significant role in the setting to the National Park. Accordingly, the submitted LVAIS concludes that the proposals do not adversely affect the designation and there would be no change to the setting of the National Park. This assessment is accepted.

10.7.3 In summary, given the distances involved and the significant quantity of Green Infrastructure, the proposal would not diminish the visual appreciation of the New Forest National Park from key viewpoints, nor would it be to the detriment of the special qualities of the National Park.

## **10.8 Arboricultural Impacts**

10.8.1 There is currently one Tree Preservation Order (TPO No. 13/02), which affects one individual Willow tree within the site (T17). It is noted that there are protected tree's immediately adjacent to the site.

10.8.2 The site benefits from extensive tree, vegetation and hedgerow coverage primarily concentrated along the northern, western and southern boundary, including the A337 frontage. In addition, the belt of trees running north-south through the central part of the site. The Local Plan Concept Master plan highlights the boundaries of the site, and the belt of trees running north -south as a Vegetation of Landscape Value.

10.8.3 Twenty-nine trees, twenty-two groups and two hedgerows were classified within Retention Category B, representing approximately 80% of the surveyed trees. The mature trees comprise predominantly of Oak with Ash, Monterey Cypress, Willow, with Lombardy poplar and Leyland Cypress also present. The Councils Tree Officer agrees with the categorisation assigned to the individual and groups of trees.

10.8.4 The proposal seeks to retain most of the existing trees on the site, but there will be some tree loss to facilitate the development. The Protected Willow tree will be retained.

10.8.5 Two Category B trees will be removed, which includes an Ash tree and Oak tree. Five Category B groups (G13, G22, G26, G27 and G28) and one Category C tree (Sycamore tree) and Cat C group ( G10). A further five Category B groups (G2, G9 and G24) and one Category C group (G5) require partial removal to facilitate the illustrated layout. The majority of the trees identified for removal are poor quality specimens.

10.8.6 All the significant boundary tree cover will remain intact. The Councils Tree Officer raises some concern of the potential layout shown specifically within the central area of proposed public open space and areas of hard surfacing with defined Root Protection Areas (RPAs). In particular, the relationship between retained trees and some of the proposed dwellings is likely to be an issue with post occupancy pressure for significant pruning. However, this is a matter that could be addressed with amendments to the finalised layout submitted as part of the reserved matters application and supported by additional arboricultural information with a review of the Arboricultural Impact Assessment in order to achieve the satisfactory juxtaposition of trees with structures.

10.8.7 Significant new native tree and hedgerow planting will be incorporated into the proposed landscape response to strengthen the site character, particularly along the internal streets and within the Green Infrastructure. Additional trees will be provided throughout the entire site, which includes the western boundary of the site and it is considered that these new trees would have the potential to reach a significant height without excessive inconvenience and be sustainable into the long term, significantly improving the potential of the site to contribute to local character.

10.8.8 It is considered that, in the context of the proposed development tree losses have been minimised to those required to facilitate the new development. Tree planting as part of the supporting Green Infrastructure will be a positive gain for arboriculture over and above that which currently exists on the site.

## **10.9 Impact on Heritage Assets**

### **Listed Buildings and Conservation Areas Act 1990**

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

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

10.9.2 Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2021.

- Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 202 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

10.9.3 The application is accompanied by a detailed Heritage Assessment which identifies that there are several heritage assets in relatively proximity to the

application site, whose setting could be affected by the proposed development. Although there are no designated heritage assets recorded on the site, the Heritage Assets that could be affected by the proposed development because of changes to their setting are the following.

- Grade 2 listed Granary at Manor Farmhouse Barn at Manor Farm
- Grade 2 listed Manor Farmhouse to the south east of the site
- Grade 2 listed Barn at Manor Farm

10.9.4 The Manor Farmhouse, Barn and Granary form an important heritage group, which are located approximately 170 metres south east of this site. The group consists of the farmhouse within gardens, with the free-standing granary on the corner of the drive approach from the south, and the late 19th century farm courtyard (incorporating the structure of an earlier barn) to the north east, which was converted into four dwellings in the mid 1990s.

10.9.5 The Manor has maintained its outlook and farmland setting to the west. There are views out from and back to the Farmhouse across some very flat landscape running to Milford Road and beyond. The rural setting to the east has been compromised over time with the urban expansion of Pennington. This makes the open outlook and landscape to the west important to retain that link and setting for the farmhouse.

#### Significance and impact of proposed development

10.9.6 The Heritage Assessment states that the heritage value of the listed buildings lies principally in the architectural and historic value of the fabric, appearance and arrangement of the buildings, and the functional divisions and hierarchy visible within the group. The other landscape features that contribute to the significance of the asset are the two fields to the immediate west and south that retain the historic boundaries of the agricultural landholding. The field along the stream immediately to the west of the house retains the long narrow form, unchanged from that shown on the 1870 map, unlike the fields to the north that were amalgamated late 19th century changes to the farmstead.

10.9.7 The Heritage Assessment goes on to state that the proposed development is unlikely to be visible from the farmhouse itself, the enclosed gardens, the drives or the surrounding spaces, or from the granary and the converted courtyard to the north east. The assessment also considers that the layout of the development and the Green Infrastructure preserve the separation of the development from the land to the south east, and the spaces that are of value as part of the setting of Manor Farm.

10.9.8 The Conservation Officer concurs with the conclusion in the applicant's Heritage Assessment. There will be no change to the value derived from the fabric of the listed buildings and from the physical layout and visual qualities of the setting of the gardens, the drive and the spaces between the buildings of the group. The surviving elements of the historic farm holding that are of value as part of the setting; the stream, the two fields that retain their older form and vegetation of boundaries and the course of the track leading west, all of which are outside of the site and no physical change is proposed. In summary, it is considered that there will be no harm or loss to the significance of the heritage assets.

## Policy Balance

10.9.9 Paragraph 199 of the NPPF makes it clear that when considering any harm to a heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 200 of the NPPF makes it clear that any harm to a heritage asset requires clear and convincing justification, whilst Paragraph 202 of the NPPF advises that in the case of less than substantial harm, the harm should be weighed against the public benefits of the proposal. No harm is identified and therefore these policies are not engaged

10.9.10 The applicants consider their proposals would deliver significant public benefit comprising: delivering the Local Plan the creation of an exceptional quality of built and natural environment; the creation of a sustainable community that delivers new homes. The applicant's position is noted, and the overall balance is considered at the end of this report after all relevant matters have been assessed.

## **10.10 Transportation Impacts**

10.10.1 Transport is another significant issue that has been addressed in detail in the applicants Transport Assessment. The key test is whether the development would have an unacceptable impact on highway safety or a severe impact on the local highway network. It is also necessary to assess whether the proposed highway works and access arrangements within the scheme would be safe, sustainable, and meet the appropriate needs of all highway users; and whether the proposed development would have an acceptable impact on existing public rights of way within and in the vicinity of the site.

10.10.2 The application site is bordered to the north by the A337, which is a single carriageway road with a 30mph speed restriction, along the site frontage in an eastbound direction. Approximately 100 metres west of the proposed site access, the speed limit increases to 40mph in a westbound direction. The A337 provides access to Lymington and Pennington to the east and Everton to the west.

10.10.3 Local Plan Policy SS5 sets out the need for the creation of the primary access to the site from the A337 at a point just east of the access to the New Milton Sand and Ballast Plan and recycling centre. The proposed access arrangements accord with this policy requirement.

10.10.4 The submitted application is accompanied by a detailed Transport Assessment (TA), which, among other things, considers the trip generation rates that would be expected for the development, the likely growth in traffic, and the likely increase in traffic on specific routes and using specific junctions.

10.10.5 In terms of traffic generation and distribution, the TA estimates that the proposed development would generate 57 two way movements during the morning peak period and 56 two way vehicle movements during the evening peak period. In terms of distribution, it is estimated that 59% of the traffic would travel to/from the north east and 41% travel to/from the south west.

10.10.6 The applicant's TA has considered the distribution of trips associated with the proposed development and the impact this will have on key junctions at the site and near to the site, which includes committed developments and future growth. The TA assessed the capacity of the following junctions:

- The proposed site access with Milford Road
- Milford Road/South Street
- North Street/Ridgeway Lane Roundabout
- Christchurch Road/Lymington Road Priority junction; and
- Christchurch Road/Everton Road priority junction

10.10.7 The traffic impact assessment demonstrates that the proposed junction is expected to operate well within theoretical capacity following the implementation of the proposed development with minimal impact on the A337. The TA also concludes that all junctions except the A337/North Street/Ridgeway Lane Roundabout are expected to operate well within theoretical capacity with the development traffic, other strategic sites and future growth all allowed for in the assessments.

10.10.8 In relation to the A337/North Street/Ridgeway Lane Roundabout, the modelling results show that this junction (western arm) is already operating over its capacity in the morning peak period and with the development traffic, future growth and when developments of other allocated sites coming forward, the capacity of the junction would continue to be exceeded.

10.10.9 This increased queuing on the western arm, when one includes the development site, future growth and committed sites would constitute an adverse impact on the local highway network. It is therefore necessary to mitigate this effect by way of improvements to the capacity of this junction. The applicant has submitted a possible mitigation scheme which includes the widening of the A337 west arm of the junction to allow a two lane approach to the junction.

10.10.10 Accordingly, the proposed development would need to make a proportionate contribution to these works (reflecting its overall contribution to some of the other Strategic Sites). In this case, the Highway Authority have sought a contribution of £41,920, which appears reasonably justified and this contribution would need to be secured through a Section 106 legal agreement.

10.10.11 Subject to the scheme contributing towards improvements to this nearby junction, it is considered that the level and distribution of vehicular traffic generated by the proposed development would not in itself or as part of the wider allocation be harmful to the capacity of the local highway network.

#### Personal Injury Accident

10.10.12 Personal Injury Accident (PIA) data is included within the Transport Assessment and the data indicates that there has been a total of 28 collisions recorded within the search area (length of Milford Road between Ridgeway Lane/North Street Lymington and Everton Road Priority junction) over the last 5 years.

10.10.13 Of the collisions, 23 were recorded as 'slight' in nature and 3 as 'serious' and 2 fatal accidents were recorded. In reviewing the records for the previous 5 year period, all the recorded incidents occurred at different locations, were not in similar time periods and with different contributing factors. Moreover, it is noted that the majority of accidents recorded were attributed to factors such as loss of control and poor driver judgement/error rather than any identified deficiency in the road layout itself.

10.10.14 Representations from the residents with regard to the difficulty of turning right from side roads onto the A337 Milford Road are noted. However, the injury accident record has been reviewed and does not identify accidents that are directly linked with this problem and there is no pattern, common cause or cluster of accidents that would warrant casualty reduction measures at present. Therefore, it is

not considered the difficulty of right turning to be a major safety concern for Milford Road although it may cause inconvenience to drivers.

10.10.15 In summary, the PIA records, in the most recent five year period indicate that all the recorded incidents occurred at different locations, were not in similar time periods and had different contributing factors. The records do not, therefore, contain any patterns that might suggest any areas of highway concern within the search area. The Highway Authority has confirmed this position.

#### Bus stops

10.10.16 The nearest bus stops to the site are located on either side of Milford Road, adjacent to the proposed site access. The bus stops are served by the X1, which runs between Lymington and Bournemouth providing an hourly service between 06:36 and 17:40 and the local 119 bus service between Lymington and New Milton. Bus service X2 is also accessible from the Fox Pond bus stops (Pennington shops) which provide a connection between Lymington and Bournemouth. Both X1 and X2 services operate Monday to Saturday/Sunday at regular intervals. The X2 also provides connectivity to mainline rail services at New Milton.

10.10.17 As part of the highway works proposed along Milford Road, the existing bus stop on the southern side will be moved further west just beyond the access to New Milton Sand and Ballast and recycling centre. This would make the walking distances from the site within 400 metres, which is considered to be an acceptable distance.

10.10.18 Given the scale of the proposed development and location to existing bus facilities, it is not proposed to alter or provide changes to existing services. This is reasonable and such a requirement has not been requested by the Highway Authority who have confirmed that the current level of bus services is adequate to serve the demand arising from the proposed development.

#### The Site Access onto Milford Road

10.10.19 Vehicular access is proposed to be taken from the A337, approximately 50 metres to the east of the access serving the New Milton Sand and Ballast (NMSB) and Household Waste Recycling Centre (HWRC). The proposed access has been designed in the form of a ghost island priority junction with a right turn from the north east bound side of the A337. Additionally, a right turn by to NMSB and HWRC is also proposed. Pedestrian/ cycle crossing points in the form of a refuge island are also proposed across the A337, together with a 3 metre wide off-road cycle way to Harford Close. The proposed access alterations have been subject to a Road Safety Audit.

10.10.20 Based upon the speed surveys carried out, visibility splays of 2.4m x 55m in both directions would be provided. Pedestrian visibility is also shown to be provided at the crossing points. The Highway Authority raise no objection to the methodology used and acceptability of the visibility splays. Planning conditions can be imposed to ensure that any vegetation/ trees are removed to ensure that all visibility splays are provided prior to use and maintained at all times.

10.10.21 Swept path analysis plans have been submitted showing large vehicles using the proposed junction along Milford Road. The Highway Authority's advice is that there are no fundamental concerns with the access arrangements for all vehicle types entering and leaving the site from a highway safety perspective.

10.10.22 In relation to crossing points, comments have been made why a signalised crossing point isn't proposed. In response, the proposal does provide a crossing point in the form of a refuge island. The provision of a new crossing on the A337 near the site has been discussed at length with the Highway Authority and the applicant. HCC requested evidence that the proposed refuge crossing accorded with relevant guidance. In response, the applicant provided a Walking, Cycling and Horse-Riding Assessment Review (WCHAR), which set out the suitability of the proposed crossing with reference to the relevant guidance and this has been endorsed by HCC. The Highway Authority has clearly stated that there is no justification for signalised crossing given that it is located about 500 metres from any services (e.g. shops and schools) therefore the crossing demand level is likely to be low and would not meet their criteria for signal controlled crossing.

10.10.23 Comments have been received requesting that consideration be given to the junction design, using either traffic signals or a roundabout which could also serve the HWRC access road. These comments have been assessed by the Highway Authority and they have confirmed that these works are neither necessary nor feasible. In particular, the Highway Authority specifically state that there are several reasons why a roundabout or signalised junction is not appropriate for the site. Firstly, there is not sufficient highway land for either a roundabout or signalised junction at this location. The applicant has carried out the junction assessment which shows that the proposed junction and nearby junction would operate within capacity. Roundabout can be hazardous for cyclists on the circulatory carriageway and a new traffic signal junction would require ongoing maintenance costs and energy requirements. Moreover, both roundabout and signalised junction will increase carbon emissions which is contrary to the policy of Local Transport Plan. Furthermore, based upon the traffic flows on the A337 and those at the site access, the applicant's Highway Consultant states that this falls outside the flow range where roundabouts or traffic signals should be considered. Accordingly, the highway technical advice given is that the proposal is well within the range where a ghost island right turn lane would be appropriate.

10.10.24 The flow of traffic is just one consideration in junction selection. It is also important to ensure that the design of accesses and junctions are not unattractive, and provide good movement functions. It is considered that both roundabouts and traffic signals are not attractive features, do not make a positive enhancement to the character of the area and do not provide good movement functions. As such, this is a further reason that a roundabout or traffic signals are not appropriate for the proposed development. Furthermore, the access arrangements propose a comprehensive scheme to also improve access serving the New Milton Sand and Ballast (NMSB) and Household Waste Recycling Centre (HWRC).

10.10.25 Further concern has been expressed that the A337 is heavily trafficked and access from side roads and driveways is already extremely difficult, particularly when it involves crossing a line of traffic. With over half of the traffic from the development turning right to go towards the town centre, the concerns raised state that drivers will have to try to cross an almost continuous line of vehicles travelling westwards as well as finding a gap in the heavy eastbound traffic.

10.10.26 In response, the Transport Assessment shows that right turns out of the site will be limited to around one every two minutes in the busiest hour of the day and the associated junction capacity modelling shows these vehicles will not be subject to any significant delay. Furthermore, Road Safety has been carefully considered in the design of the proposed access and has been subject to an Independent Road Safety Audit, in which no safety concerns have been raised. This has been endorsed by the Highway Authority.



10.10.27 For comparison, the nearby junction of Haglane Copse has been assessed using Personal Injury Accident data from Hampshire Constabulary and the data shows that there has not been accidents at this junction in the last 3 years. Accordingly, there is no evidence that the proposed access will cause delay, frustration, or accidents. The Transport Assessment shows that the proposed junction serving the site will experience no queuing and very little delay – the maximum delay at the busiest time of day being just 20 seconds.

10.10.28 In summary, having regard to survey data and the design details that have been put forward, the Highway Authority are satisfied that the proposed access point onto A337 would have acceptable visibility splays, and would enable all vehicles (and other users) to enter and leave the site in a safe and acceptable manner.

#### Relationship of the proposed Site Access onto Milford Road and its relationship with the remainder of site allocation

10.10.29 Although this application site can come forward for development independently from the remainder of the site allocation, it is important that the design of the proposed access to serve the development does not prejudice the deliverability of any future planning applications on land to the north of the A337, with particular regard to access, crossing points and footpaths.

10.10.30 Further highway technical work and access plans have been prepared between Hampshire County Council, the applicant for the current application and the applicant for the land to the north of the A337.

10.10.31 Whilst this is not a matter to be assessed as part of this application, the Highway Authority consider that the current proposals do not prejudice any future access proposals for the wider strategic site allocation.

#### The need to ensure that the internal road within the development connects to the immediate land to the south of the site allocated for development (identified as Phase 2)

10.10.32 It is important that this application does not prevent any developer of the land to the south of the site being able (subject to agreement between the landowners) to connect their development to the road infrastructure that is provided as part of the current application.

10.10.33 The applicant has confirmed that the development can be delivered so as to accommodate connection points to enable a connecting road to be delivered should landowners determine to do so. This can be secured by way of a Section 106 Agreement. Matters of access rights and any easements across the connecting road will have to be resolved between the landowners.

#### Car parking

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

10.10.35 The Council uses its Car parking standards SPD to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and other local policy seeking a shift away from cars to more sustainable forms of transport.

10.10.36 The applicant's Transport Assessment suggests that both car and cycle parking would be provided in accordance with the Council's parking standards, as set out in the Parking Standards Supplementary Planning Document. This would be appropriate. The detailed arrangements, however, will need to be considered at reserved matters stage as part of a detailed layout. It will be important that the parking is well designed.

#### Access for Cyclists and Pedestrians

10.10.37 The provision of safe cycling and walking opportunities within and outside the new development is critical to ensuring that the vision of creating a sustainable new community is achieved and there are good connections to the existing footpath network and public right of ways.

10.10.38 Lying to the south west of Pennington, it is important that there are good cycle and footpath connections to all facilities including the schools, recreation, amenities and shops along Milford Road and Pennington centre. Lymington town centre offers the full range of facilities, but is situated approximately 2km walk, which is further away than the facilities and school in Pennington.

Pennington shops, including local convenient store along Milford Road are situated within 800 metres from the site, which is around a 10 minute walking distance from the application site. The proposed access alterations to the site and Milford Road would entail a crossing point for pedestrian and cyclists (a generous refuge island) to the north side of the road and from that point there is a continuous footpath with street lights to the shops. There are a further group of shops at Pennington village located 1250 metres from the site, which is around a 15 minute walk and can be accessed with a good range of footpaths through Harford Close, Haglane Copse and Widbury Road. The proposed access works also entail an off road cycleway to Harford Close.

10.10.39 Overall, there are a good range of footpaths, uncontrolled crossings and drop kerbs within the local area to facilitate access to the local centre. General guidance on acceptable walking distances to local facilities suggests preferred maximum walking distances of 2km and the application site is well within this threshold.

10.10.40 In relation to access to schools, Priestlands School is located 1450 metres from the site, which is just less than a 20 minute walk and is therefore within the 'Acceptable' walking distance as set out within 'Providing for Journeys on Foot'. Similar to the access to the shops at Pennington, there are existing footpaths along Milford Road or through Harford Close via Haglane Copse and Widbury Road which are street lit. The latter route would be a preferred route for cyclists.

10.10.41 Pennington Infant and Junior School, which are located close to Pennington Village are situated just under a mile from the site, which is just within a 20 minute walk. Again, as stated above the route through Pennington Harford Close via Haglane Copse and Widbury Road is the preferred route.

### Off-Site Highways Works

10.10.42 A Non-Motorised User (NMU) Audit / WCHAR assessment was carried out by the applicant at the request of the Highway Authority to review any existing issues with pedestrian and cyclist routes to key destinations from the application site. The following improvement works have been sought by the Highway Authority as a result:

- A 3 metre wide shared use foot/cycleway on the eastern side of the site access road;
- A pedestrian/cycle crossing refuge island with dropped kerbs and tactile paving on Milford Road;
- A 3 metre wide off-road cycle/footway on the northern side of Milford Road to connect to Harford Close; and
- Cycle facilities (staggered barriers) for cyclists to slow cyclists on the approach to Milford Road.
- The provision of a dropped kerb and tactile paving across the Widbury Road / Southlands junctions;
- A new dropped kerb and tactile paved crossing of Widbury Road to access the pedestrian path to Meadow Road.

10.10.43 All of these off-site works would need to be secured through a Section 278 Agreement with the Highway Authority. Provided these various works are secured in this way, then it is considered that the development's impacts would be appropriately mitigated in respect of pedestrian and cycle infrastructure.

### Impacts on Public Rights of Way

10.10.44 There are several Public Rights of Way (PROWs) in the vicinity of the site, including Footpath 84a which crosses the western part of the site and Footpath 81 which runs along the southern boundary of the site (outside the application site). Maximising the use of the existing Public Rights of Way is important to gain access to the countryside and any footpath links within the development need to align/ link with other off site PROWs. The Concept Masterplan illustrates the key links/ crossing points with PROWs.

10.10.45 It is noted that the definitive route of Footpath 84a differs from the grassed path on the ground. There are no proposals to alter the definitive route and this is represented in the applicant illustrative plans. In essence, the proposal would entail the walked alignment of FP84a being subtly amended such that it aligns with HCC's designated route.

10.10.46 The proposals include providing an enhanced footpath, with new surfacing and landscaping including replacement trees to create an attractive route through the site. Whilst the submitted landscape plans indicate that the type of surface will be hoggin, the exact details of the type of material to be used can be dealt with by condition.

10.10.47 The existing PROWs to the south of the site provide good walking routes to Keyhaven, Lower Pennington and Lymington Salt Marshes. The illustrative internal layout of the development provides footpath connections to the existing PROWs to the south of the site.

10.10.48 Overall, it is considered that a new attractive surface provided in a Green corridor will provide benefits through enhancement works to the footpath, but incorporating the footpath into the Public Open Space will enable a long term solution for the management and maintenance of this route.

## Travel Plan

10.10.49 One of the most effective ways of achieving a modal shift away from single occupancy car journeys and encouraging journeys by foot, cycle, and public transport, is through the implementation of a Travel Plan.

10.10.50 A Framework Travel Plan, as required by policy, accompanies the application, in order to encourage future occupants of the development to travel by modes other than single occupancy car use. Having regard to the advice of Hampshire County Council, the principles set out in the Framework Travel Plan are considered to be acceptable. However, there will be a need to secure a Full Travel Plan, together with appropriate monitoring requirements through planning conditions and a Section 106 legal agreement.

## **10.11 Nature Conservation**

10.11.1 The site is not located in a sensitive area and there are no International, National or local designations on the site that need specific consideration. There are however a number of designations within the vicinity of the site.

10.11.2 In relation to European designated sites, Solent and Southampton Water Ramsar and Special Protection Area (SPA) are approximately 800 metres south of the site, the New Forest Special Area of Conservation (SAC), approximately 1.3km north west, Solent Maritime Special Area of Conservation (SAC), approximately 1.4km south, The Isle of Wight Lagoons approximately 1.4 km east; and The New Forest Ramsar and SPA, approximately 3.8km north.

10.11.3 There are a number of Sites of Special Scientific Interest (SSSI) within 10km of the Site, the closest being the Hurst Castle and Lymington River Estuary SSSI approximately 0.7km south, and the New Forest SSSI approximately 0.8km north. The closest Local Nature Reserve (LNR) to the Site is the Lymington-Keyhaven marshes, approximately 1.5km south.

10.11.4 Crewkerne Copse lies to the north of the site and is a Habitat of Principle Importance as a Lowland Mixed Deciduous Woodland.

## Ecology: Mitigation of Recreational Impacts

10.11.5 In accordance with the Habitat Regulations, the Council's Local Plan policies require that the recreational impact of new residential development on European designated nature conservation sites within the New Forest be mitigated. For larger Strategic Sites, the most significant element of such mitigation is expected to be the provision of Alternative Natural Recreation Greenspace (ANRG).

## ANRG (Alternative Natural Recreational Green Space) provision

10.11.6 Policy ENV1 of the Local Plan specifically requires that at least 8 hectares of natural recreational greenspace per 1000 population be provided on Strategic Development sites in order to mitigate the recreational impacts of development on designated New Forest European sites.

10.11.7 The applicant will provide on-site Alternative Natural Recreational Greenspace (ANRG) and habitat mitigation areas under Local Plan Policy ENV1. These ANRG areas are necessary particularly in relation to dog walkers (but also the general new resident population created) to reduce the number of trips into the sensitive sites. ANRG provided on site is therefore a mechanism to deflect additional visits which might affect European protected areas within the Park areas and those

listed above.

10.11.8 Because of the outline nature of the application, and because the precise dwelling mix is not yet agreed, it is not possible to specify precisely what quantum of ANRG land needs to be provided. However, using the Council's ANRG calculator (which assumes a mix that is in accordance Figure 6.1 of the Local Plan), the proposal for up to 110 dwellings would generate an ANRG requirement of around 2.31 hectares, which is based on an estimated population of 289 people.

10.11.9 The ANRG land that is defined by the applicant's parameter plan measures 2.32 hectares. This is just in excess of the quantum that would be needed if a policy compliant housing mix were to be provided. It should be noted that the applicant has provided a indicative housing mix which shows a higher proportion of smaller homes and should this be proposed at the reserved matters stage, this would result in a considerable reduction of the estimated population and therefore would result in a smaller area of ANRG required.

10.11.10 The ANRG land is shown to be located across the south west of the site and to the east of the site, with these two areas being connected by a Green Link. The ANRG land is shown to be located and connected to the development and public open space that is proposed, and within easy walking distance of the main residential dwellings. The landscape and ANRG framework plan help to demonstrate how the ANRG will be designed and function. This shows incorporation of circular walks, links to existing Public Rights of Way and opportunities for off lead dog walking and semi natural habitats, that are also designed to provide biodiversity benefits.

10.11.11 It is important to note that the 120m radius area cannot be achieved for the mitigation land, as set out in the Mitigation for Recreational Impacts SPD. Whilst this radius cannot be achieved, there is no reason why the full radius cannot be achieved when the development for Phase 2 comes forward, in which the ANRG for that scheme can be sited adjacent to the ANRG proposed within this current application.

10.11.12 The approach to mitigation in the New Forest District involves the provision of a network of natural greenspaces located close to people's doorsteps. This will provide a realistic alternative to visiting the natural habitats of the New Forest and Southampton Water and Solent Coast European Sites for recreational purposes, including dog walking (as well as providing attractive and healthy places to live).

10.11.13 The Urban Design team have referred to the way in which the ANRG is designed on the ground and essentially says that it is not completely in line with guidance – principally because of the circular circumference of the main area being smaller than that required in the guidance as stated above. The Urban Design team have stated that the quality of the ANRG however is good as it contains a large open area to enable dogs to be left off their leads. In assessing the quality of any ANRG area it is also necessary to consider that this area of ANRG needs to be read in context with other areas of ANRG provided on the remainder of Site 5 which lies adjacent to the application site and is anticipated to come forward soon.

10.11.14 In addition to the ANRG, the site itself also contains another 0.7 ha of POS and a walking route through the preserved habitat which is also available to those wishing to exercise their dogs. Taken as a quantum whole, the amount of ANRG is in excess of that required, added to POS which is available and taking into consideration the new improved linkages to the Public Rights of Way and other ANRG areas to be provided at a later stage on Site 5. The Council are in this respect

the competent authority in which to carry out this judgement as to whether or not the ANRG area provided is acceptable. In this case the judgement made for the reasons set out above is that the ANRG provided is acceptable and in line with Policy ENV1.

10.11.15 Normally, surface water attenuation features would be discounted from counting towards the ANRG land, however, these will be predominately dry basins, gently contouring and appearing as wet meadows contributing to a variety of meadow grass mixes. Importantly they will be accessible to the public. As such, these features are not discounted towards the overall quantum of ANRG Land.

10.11.16 A critical aspect of providing ANRG is their future maintenance and management. There is a need for a detailed management and maintenance plan to be submitted with ongoing monitoring to ensure that the space is managed to achieve the planning outcomes needed to deliver sustainable development and that there is no significant impact on the European sites resulting from this development. These are all matters that will be secured through the Section 106 legal agreement.

10.11.17 Overall, through the provision of the ANRG on the development, it is considered that the scheme will not have an adverse impact upon protected environments. Therefore, the proposal meets the requirements of the Habitats Regulations. As such, the broad design principles for the ANRG is considered appropriate and reasonable, although detailed landscape designs for these areas will need to be secured through planning conditions and a Section 106 Agreement to include a future management and maintenance plan.

#### Other measures required to mitigate impacts in New Forest sites

10.11.18 Policy requires that all development involving additional dwellings contributes towards New Forest Access Management Costs per dwelling (the New Forest People and Wildlife Ranger service). This contribution will be secured within a Section 106 Agreement.

10.11.19 Policy also requires that all additional dwellings make a contribution towards monitoring the recreational impacts of development on the New Forest European sites. This contribution is currently sought at a rate of £63 per dwelling, which would generate a total contribution of £6,300. This contribution will be secured within a Section 106 legal agreement.

10.11.20 A further contribution that is now required through the newly adopted Local Plan is a contribution towards monitoring and mitigating air quality impacts on the New Forest European sites. This contribution is sought at a rate of £85 per dwelling, and again would generate a total contribution of £8,500 in respect of the District Council's area of jurisdiction. This contribution will be secured within a Section 106 legal agreement.

10.11.21 As the development is within 5.6km of the Solent and Southampton Water European Sites, policy requires that mitigation contributions be paid towards the Solent Recreation Mitigation Partnership (SRMP) Mitigation Strategy (Bird Aware). The development is immediately adjacent to the Solent and Southampton Water European sites, this contribution requirement evidently applies. The actual contribution is dependent on bedroom numbers within the development, and so cannot be determined precisely at this outline planning application stage, as the suggested mix is not absolutely fixed.

## **Nitrates and Achieving Nutrient Neutrality**

10.11.22 Natural England have provided guidance to the Council that increased development is resulting in higher levels of nitrogen input into the water environment of the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites, thereby potentially adversely affecting the integrity of these sites. Natural England's guidance is reflected in the policies of the Council's Local Plan, which stipulates that where new residential development involving additional dwellings would drain or discharge wastewater into the Solent and Southampton Water, then such development must achieve nutrient neutrality in respect of nitrogen / nitrates.

10.11.23 The site lies within the catchment of the Lymington and Beaulieu Rivers which drains into the Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC. Recent studies have identified that an increase in nitrogen discharge as a result of new wastewater generated from new residential development has an in-combination effect upon the SPA/Ramsar site and SAC.

10.11.24 The applicant has submitted a nitrogen budget which concludes that the proposed development would result in a decrease in nitrogen load. This is based on the existing land use which comprises over 1 hectare of the site currently being used as a poultry farm, together with the number of dwellings proposed, area of site including's open space and ANRG. The applicant concludes that because the proposal would result in a decrease in TN (Total Nitrogen) in the Solent, there is no potential for an adverse effect on the integrity of the Solent European sites for nature conservation alone or in-combination.

10.11.25 Clearly there is uncertainty associated with predicting occupancy levels and water use for each household in perpetuity and identifying current land / farm types and the associated nutrient inputs is based on best-available evidence, research and professional judgement. Natural England's advice note states that the practical methodology to calculating how nutrient neutrality can be achieved is based on best available scientific knowledge, and will be subject to revision as further evidence is obtained. Advice given to local planning authorities is to take a precautionary approach in line with existing legislation and case-law when addressing uncertainty and calculating nutrient budgets.

10.11.26 Natural England have since issued updated guidance in March 2022. This includes a number of changes to the calculation of nutrient budgets, including additional layers of precaution, for example an assumption of higher water consumption. The applicant has provided an updated assessment using the latest calculator, based on the previous assumptions of land use, occupancy etc. This shows that following best available evidence, the development will achieve a net reduction in total nitrogen. It therefore still avoids any adverse effect on the integrity of the Solent and Southampton Water SPA or Solent Maritime SAC. The applicants nitrogen budget has been robustly assessed and it can be confirmed that the proposed development is nitrate neutral based upon the latest guidance.

## **On Site Biodiversity**

### **Habitats of Principle Importance**

10.11.27 The presence of Habitats of Principle Importance has been identified on the site and this is set out in detail within the applicant Ecological Report. Approximately 1.32 hectares has been identified and this includes Lowland Fen (0.27 hectares), Lowland Meadow (0.67 hectares) and Coastal and Floodplain Grazing Marsh (0.38 hectares).

10.11.28 This survey has identified the Lowland Fen and Lowland Meadow as being 'irreplaceable habitats' (as defined in the NPPF) and are considered as characteristic of unimproved and semi-improved meadows which conform to the HBIC SINC criteria and have been identified as being of County importance.

10.11.28 In assessing the loss of this priority habitat/irreplaceable habitat, there is a statutory duty to have regard to conserving biodiversity as part of policy or decision making (section 40 of the Natural Environment and Rural Communities Act 2006). In addition, both local and national policy (Paragraph 180 of the NPPF) is clear when determining applications, which is the loss of a 'irreplaceable habitats' should be refused, unless there are wholly exceptional reasons and adequate compensation strategy in place.

10.11.29 This position is echoed in Saved Policy DM2 of the Local Plan which states that 'Development which would result in damage to or loss of a site of biodiversity or habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity'.

10.11.30 It is important to note that the original proposal would have resulted in the total loss of the lowland meadow and partial loss of the coastal and floodplain grazing marsh and lowland fen. Approximately 75% of these higher value habitats would have been lost. The revised and redesigned scheme retains the vast majority of the irreplaceable habitats on-site (all but 0.05ha of lowland meadow and all but 0.02ha of lowland fen) and these will be bought into active positive management.

10.11.31 In assessing Paragraph 180 of the NPPF, which states that the loss of a 'irreplaceable habitats should be refused, it is important to note that the actual loss of the irreplaceable habitat is very small and the loss equates to around 4% of the total habitat. As such, given the scheme now seeks to retain this habitat, the proposal would not be contrary to Paragraph 180 of the NPPF.

10.11.32 It is also important to note that there is no statutory requirement to maintain an existing Priority Habitat or any obligation on a private landowner to manage the area. It is a local designation and its selection and designation is mainly to raise awareness of the importance of a site for wildlife or grassland species, particularly with regard to planning and land management decision making. As such, the site could deteriorate over time through poor management or change in land use practices such as grazing or mowing etc.

10.11.33 In this case, through the revised design, the proposal would secure the long term appropriate management of the site. A management and landscaping plan can be secured through the planning permission to protect this habitat in the long term. The Councils Ecologist fully endorses the proposals to retain a significant amount of the priority habitat on the site as part of the Green Infrastructure.

10.11.34 Whilst it is unfortunate that the proposal would result in the loss of part of the Coastal and Floodplain Grazing Marsh habitat, the submitted Landscaping and Ecological enhancement scheme proposes to create a mosaic modified grassland and other grassland on part of the ANRG land to the south west of the site. This area is currently used as a poultry farm.

10.11.35 In summary, the retained areas of Lowland Fen and Coastal and Floodplain Grazing will be subject to positive ecological management as part of their inclusion within the Green Infrastructure. Whilst these enhancements still result in a deficit in BNG, which is set out in more detail below, the proposal to create new



grassland habitat on the site is a positive benefits and the further off site mitigation and compensation would also be required to be secured off site to ensure the 10% BNG is achieved.

### Fauna

10.11.36 Detailed protected species surveys have been completed for the following species, bats, wintering birds, badgers, water vole, otters, great crested newts, hazel Dormice and reptiles. Records of birds on site during the breeding season have also been made. The Councils Ecologist considers that the methodology used and the survey work carried out is acceptable.

#### Great Crested Newts, Otter, Badger and Hazel Dormice

10.11.37 No evidence of Dormice, GCN, Badgers, Otter or Water Vole has been recorded on the site. The applicants targeted Hazel Dormouse surveys undertaken on site did not record any evidence of Hazel Dormice using the site. It is concluded that Hazel Dormice are absent from the site and no further action is required.

10.11.38 In relation to Otter the applicants Ecological Consultant states that the on-site watercourse on the eastern boundary of the site has limited aquatic vegetation and does not provide suitable foraging or breeding habitat for otter. The ditch flows southwards off site along the edge of roads, gardens and cultivated in sections and as such the habitat on the site is unsuitable for Otter. Equally, whilst the eastern watercourse could provide a suitable habitat for Water Vole, no evidence of this species was found and for similar reasons for Otter, and lack of connectivity, Water Vole are considered absent from the site.

10.11.39 No badger setts were recorded within the site. Whilst the site contains a number of areas suitable for badgers, no setts were found during surveys, other than a badger latrine and associated footprints to the north of the site. Given the outcome from the surveys undertaken, the site is considered to be no more than site value for badger.

10.11.40 The Councils Ecologist has no reason to disagree with this assessment and conclusion in the applicants submitted ecological report.

#### Common Reptiles

10.11.41 The reptile survey recorded a high population of slow worm and a low population of grass snake present within the site. Land to the north west and parts of the south of the site held the largest numbers of slow worm. Both grass snake and slow worm are widespread and common in Hampshire and Dorset.

### Bats

10.11.42 The application site has been assessed as being of local importance for foraging and commuting bats. The submitted Ecological Report concludes that the surveys indicated no direct evidence of bats within the existing buildings on the site and that they were found to have negligible bat roost potential. The trees identified as having bat roosting potential will be retained and buffered within the site.

10.11.43 Annexe II bat species were recorded on-site, which included barbastelle, but the numbers were low. A total of eight species of bat foraging and commuting at the site was found from the surveys. The semi-rural setting of the site and, its surroundings, together with Crewkerne Copse to the north and marshy grassland, trees and hedgerows offer moderate suitability for foraging and commuting bats.

10.11.44 The Councils Ecologist agrees with the survey work carried out and the majority of the key bat commuting and foraging areas are retained. In addition, the Councils Ecologist considers that it will be essential that a sensitive lighting strategy be designed and this can be secured by condition.

### Birds

10.11.45 The site supports woodland and scrub habitat with the potential to support a range of common garden and woodland bird species.

10.11.46 The applicants Wintering birds survey indicated that only low numbers of wintering birds were recorded across the site typical of the habitats present. No waders or over wintering wildfowl were recorded during the survey work.

10.11.47 The assessment of a planning application must consider the implications of the proposal for habitat types and species found outside the boundaries of the designated sites, where the implications are liable to affect the conservation objectives of the site.

10.11.48 Whilst the grassland on the site is suitable for water birds that may use the Solent and Southampton Water SPA and RAMSAR site, the applicants Ecological Consultant states that known their Consultancy has knowledge of this area suggest that wintering water birds have a preference for areas beyond 500 metres south of the site rather than the area covered by the proposed development site.

10.11.49 The Solent Wader and Brent Goose Strategy partnership has also surveyed the area extensively and have taken the view not to include these fields within their survey work. Furthermore, the fields within the site are relatively well enclosed and small making them less suitable for wintering wildfowl and waders, which prefer more open fields and landscape.

10.11.50 Peregrine Falco peregrinus, black-headed gull and Mediterranean gull were recorded flying over the site. Given their presence for Heathland habitat, the species for which the New Forest SPA is designated are highly unlikely to utilise the site.

10.11.51 In summary, and based upon the Ecological Consultants report, which is agreed by the Councils Ecologist and Officers, is considered sufficient to demonstrate that the site's habitats do not represent supporting habitat of the Southampton Water SPA and RAMSAR and New Forest SPA.

10.11.52 Comments have been received in relation to the presence of breeding Tawny Owl within Crewkerne Copse, located adjacent to the north of the site. In response, the applicants Ecological Consultant states that the presence of breeding tawny owl within the adjacent Crewkerne Copse suggests that the species may use the site for foraging and commuting. The applicant's Ecological Consultant goes onto state that the trees within the site boundary do not provide suitable breeding opportunities for the species given that they lack suitably sized cavities for tawny owl nests. The Councils Ecologist concurs with these comments.

### Assessment of impacts

10.11.53 Without mitigation, compensation and enhancement, the Ecological Impact Assessment recognises that the development would have a negative ecological impact. As such, several key mitigation and compensation proposals are

put forward. These include protection measures during construction and the creation of species rich wild flower meadow habitat within parts of the ANRG land / public open space; significant new tree and hedgerow planting, the wildlife pond/ SUDs.

10.11.54 The retained areas of semi-improved neutral grassland, Lowland Fen and Coastal and Floodplain Grazing Marsh will be subject to positive ecological management. The south west of the site currently associated with the poultry farm will be developed as a mosaic modified grassland and other neutral grassland.

10.11.55 In relation to reptiles, given their presence on the site, it will be necessary that these animals are not harmed during the ground clearance works and as such it will be necessary to undertake a capture and translocation exercise to move animals away from construction zones. A receptor site will be created within the northern area of marsh grassland.

10.11.56 The Council's ecologist considers that bat boxes/bricks, bird boxes and bee bricks opportunities and enhancements need to be specified in full and this is capable of being addressed through planning condition, in which the final details are submitted in accordance with the enhancement measures outlined in the applicant Ecological appraisal.

10.11.56 Overall, with the mitigation and compensation measures that are proposed, it is considered that the ecological interests of the site would be adequately safeguarded and negative impacts would be adequately mitigated. However, future management will be critical to securing long-term benefits and this can be secured through conditions.

#### Achieving Net Biodiversity Gain

10.11.57 Members will be aware that the recent Royal Assent of the 2021 Environment Act formally requires new developments to provide for biodiversity net gain for all housing developments (not just major schemes). Whilst secondary legislation is not yet in place it is considered that policy STR1 of the Development Plan can require a 10% improvement in biodiversity post development. This is compared to pre-development and that this improvement should be secured over a minimum 30-year time horizon which will then be subject to Secretary of State extension of that time period potentially subject to regulations. Accordingly, the Council's policy position is clear that new development requires a 10% improvement in biodiversity.

10.11.58 The applicant has accepted this position that the proposed development requires a 10% improvement in Biodiversity and the submitted application is supported by a 'Biodiversity Metric Assessment'. The report sets out whether the proposals will be able to deliver measurable net gain in biodiversity through using a recognised biodiversity metric to calculate the value of the site before and after the development. The principle of additionality has been applied within the calculations. Essentially the report sets out the various proposed measures that will help to deliver Biodiversity Net Gain, which include those mitigation measures along with other enhancement measures including extensive areas of new planting.

10.11.59 The applicant's BNG assessment and report shows that as a result of the existing biodiversity value of the site and the scale of the development proposed there would be a net loss of biodiversity as a result. The proposals will result in loss of 18.78 habitat units (-32.77%). Notwithstanding the retention of the irreplaceable habitat, and the incorporation of new grassland features, the proposal will still result in a deficit, because the site is undeveloped at present and is predominately open grassland which has allowed its biodiversity value to increase over time.

10.11.60 In recognising that the proposed development would result in a deficit in biodiversity, the applicant has confirmed that they are prepared to make a 10% gain off site. It is important to note that national guidance recognises that not all sites will be able to make the 10% increase on site in Biodiversity and off site compensation schemes would be acceptable.

10.11.61 The Council can accept off-site scheme is acceptable where BNG cannot be achieved on site. The applicant has the ability to enhance or create habitat at another area of land, which they already own or that they acquire outside of the development boundary. Alternatively, Biodiversity offsetting could be an option and this is where the applicant provides BNG off-site, through a third party provider.

10.11.62 However, to date, no effective BNG offset schemes has been identified, although the Council does expect this position to be resolved later this summer. Accordingly, unless an offset mitigation scheme is available or there is certainty of a mitigation scheme coming forward, in which it can be demonstrated that the applicant can deliver the 10% uplift in biodiversity, the proposed development would be contrary to local plan policy.

10.11.63 The applicant has confirmed that they are actively seeking to find a solution whether this would be land that they acquire or BNG off-setting in which they purchase credits. Accordingly, Officers recommendation is one of approval subject to a mitigation strategy being secured with one of the two options stated above. It is important that the mitigation scheme is a located project in or around the New Forest area. No decision will be reached on the application until the above is met and this is a matter which can be delegated to the Executive Head for Planning, Regeneration and Economy.

## **10.12 Flooding**

10.12.1 The key issue to consider is whether the proposed development would be safe in terms of flood risk, having regard to the mitigation measures and drainage strategy that is proposed, and whether those mitigation measures would be appropriate and sustainable.

10.12.2 As part of the development design process for the planning application, the risk of flooding has been recognised and accounted for within the proposals. This is to ensure that no built development would be located within the floodplain of the watercourse flowing along the north and east of the application site that could increase river flood risk elsewhere now and in the future through the effects of climate change. This is in order to comply with the requirements of local and national flood risk planning policy but also to provide an appropriate design for future occupants of the proposed properties

10.12.3 Along the eastern boundary of the site in an unnamed watercourse which flows south. Field ditches are also present along the northern, western and southern boundary. The site in its greenfield form drains via natural infiltration and through overland runoff directed to the watercourse to the east.

10.12.4 Based upon the Environment Agency Flooding Maps, most of the site is located in Flood Zone 1, which is land outside the 1 in 1000 year probability of fluvial flooding and at low risk. A strip of land on the eastern boundary associated with the watercourse, which flows south is susceptible to fluvial flooding, and is categorised as Flood Zones 2 and 3. Flooding from the watercourse occurs when flows exceed the capacity of the channel or where a restrictive structure is encountered, which leads to water overtopping the banks into the floodplain.

10.12.5 The application is accompanied by a detailed Flood Risk Assessment (FRA), which considers in detail the flood risk to the development and key protective measures are proposed to ensure that the development does not flood (during a relevant flood event).

10.12.6 To ensure an accurate representation of the flooding constraints and theoretical risk of river flooding to the development on the site, the applicant carried out hydraulic flood modelling to establish the potential extent and depth of river flooding, which identifies the areas of risk as required by the Environment Agency. The work carried out also factored in the impact of climate change. The applicant's Flooding Consultant considers that this bespoke flood model is robust information to assess the impact of flooding.

10.12.7 The results from the applicants flood model confirm that the site is partially located within the floodplain of the watercourse flowing along the eastern boundary. The Environment Agency fully endorse the applicants flood risk assessment and modelling.

10.12.8 It is also important to note that whilst the risk of river flooding to the site is high, the comparison of flood levels to ground levels on site and the modelling floodplain demonstrate risk to the development and housing proposed is low.

10.12.9 The FRA sets out several mitigation measures that will be adopted to ensure the risk of flooding on the site and potential risk of flooding elsewhere will not increase and that surface water drainage from the development will accord with Sustainable Drainage Systems (SuDS) principles in compliance with current national and local standards.

10.12.10 The proposed mitigation measures set out in the FRA would sequentially develop the site, which means that the developable area (roads and houses) and surface water attenuation areas (SuDS) will be directed to Flood Zone 1 and therefore outside the areas at risk of fluvial and surface water flooding. This is in line with the NPPF' guidance and sequential test. In essence, this means that no built development or surface water attenuation features are proposed within the areas at risk from flooding (Flood Zones 2 and 3), based upon the applicant's site specific flood modelling.

10.12.11 The applicant's FRA suggests that this risk would be satisfactorily attenuated by the on-site drainage and flood attenuation features that are to be provided as part of the development. It is also proposed that finished floor levels will (where possible) be set a minimum of 600mm above the 100 year plus climate change flood levels applicable through the site. Furthermore, the proposed vehicular access junctions will be located within Flood Zone 1 and will provide safe access and egress for motorised and non-motorised vehicles to the A337 and the public road network.

10.12.12 Through the incorporation of flood mitigation measures and a sustainable drainage system, the proposed development would further reduce any risk from watercourse and surface water flooding. It should be noted that as the application site is an allocated one and because the Sequential Test in respect of flood risk was applied through the Local Plan process, there is no requirement to carry out a further Sequential Test as part of this outline planning application, as is made clear in Paragraph 166 of the NPPF.

10.12.13 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the applicants strategic flood mitigation and drainage strategy demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national policy and guidance.

However, more detailed drainage proposals will need to be agreed through planning conditions and at Reserved Matters stage when detailed development proposals come forward.

### **Drainage Strategy**

10.12.14 The provision of a sustainable surface water drainage strategy, incorporating SuDS features such as attenuation basins and swales is an essential requirement of new development.

10.12.15 Because this is an outline application, the full surface water drainage details will form part of the Reserved Matters Application. However, the outline application requires a strategy as to how surface water drainage for the site will be dealt with. This includes technical information with the necessary drainage calculations and indicative drainage layout and design to demonstrate the effectiveness of the SUDs and the exact area of land required to accommodate the drainage system.

10.12.16 The ground investigations carried out on the site confirm high levels of ground water are present throughout the site which therefore precludes the use of soakaways as a form of surface water discharge. As a result, the proposed surface water drainage strategy is designed in which the surface water runoff from the application site will be managed through two systems.

10.12.17 One of the systems will drain into a detention basin and a treatment swale which will discharge into the watercourse on the southern site boundary. The other system will drain into a detention basin and a treatment swale which will drain into the watercourse on the eastern site boundary. The controlled outflow will be managed by a series of hydraulic controls, limiting peak rates of discharge to the site's existing greenfield runoff rates (i.e those prior to development).

10.12.18 Although the submitted plans are indicative, the basin along the south west corner of the site is designed to be shallow at around 0.7 metres deep. The basin on the eastern boundary will be shown to be smaller in size but would be deeper. Other than small areas within the basin which will contain permanent water, the basins and swales will be generally dry features, other than in an extreme event or during very heavy rainfall.

10.12.19 It is important to note that the attenuation features will be sized to accommodate runoff in up to the 100 year return period with 40% allowance for climate change and 10% allowance for urban creep to the domestic catchment.

10.12.20 Hampshire County Council's Flood and Water Management team have confirmed that the applicant's drainage strategy is acceptable in principle, having regard to the underlying geology. However, more detailed drainage proposals will need to be agreed through planning conditions and at Reserved Matters stage when detailed development proposals come forward. However, with regards to the comments of the Lead Local Flood Authority, the clear conclusion that can be reached is that the flood risk associated with the development would be acceptable and that an appropriate and sustainable drainage system could be delivered.

10.12.21 It is acknowledged that areas of the application site are liable to waterlogging, in part due to the high water table and level of groundwater present. The surface water drainage strategy has been produced in view of this knowledge and intrusive ground investigations undertaken.

10.12.22 The strategy has been produced to comply with local and national planning policy and industry best practice concerning the inclusion of sustainable drainage storage techniques. This will prevent an increase in the runoff rate of surface water to the watercourse by restricting the runoff rate to the annual average, reflective of the application site greenfield conditions. By doing so it will provide a betterment to the receiving watercourse catchment area, adjacent and downstream land by holding back flows of runoff from a variety of magnitude storm events, which would ordinarily be able to discharge runoff uncontrolled to the watercourse.

10.12.23 Areas of waterlogging that may occur now would not do so once the proposed development is constructed through the installation of a formalised drainage network that would intercept and control surface water runoff generated.

10.12.24 Overall, the Flood Risk Assessment demonstrates that the proposed development would be operated within minimal risk from flooding and would not increase flood risk elsewhere and through the implementation of mitigation measures and a surface water drainage strategy, it can be concluded that the flood risk associated with the new development would be acceptable.

#### Foul drainage

10.12.25 The application states that the developments waste water will be discharged to the public sewerage network owned and operated by Southern Water (the Sewerage Undertaker). There is an existing foul sewer pipe which runs along the western boundary of the site and Southern Water have confirmed that this could serve an acceptable point of connection for foul flows from the development. Moreover, Southern Water has not raised any concerns that the capacity of the existing waste water treatment plant at Pennington cannot accommodate the additional foul water from the proposed development.

10.12.26 The applicants have confirmed that an on site pumping station will be required to discharge foul water into the existing public sewer network. The pumping station will lift the foul drainage from the north of the site to discharge it to the existing public foul sewer located beneath the existing access at the north of the site which falls by gravity to the east. Stand-off distances between the pumping station and proposed units will be between 5m-15m and will be dependent on the overall size of the pumping station. This will be determined at Reserved Matters.

10.12.27 Concerns have been raised in relation to a pumping station on the site and its close proximity to existing residential properties. In response, the submitted illustrative plan is only for indicative purposes and as such, the specific siting of the pumping station will be a matter to consider at reserved matters stage and consideration given to its design, siting and relationship from any noise or odour at that time.

#### **10.13 Public Open Space**

10.13.1 The Council's policies require that new residential development makes provision towards public open space, with the expectation for larger developments being that this public open space should be on site. Public Open Space provision is additional to the requirement for ANRG provision and should be provided at a rate of 3.5 hectares of public open space per 1000 population, including all of the following elements:

- 2.05 hectares on Informal Public Open Space per 1000 population
- 0.2 hectares on Children's play space per 1000 population
- 1.25 hectares of formal Public Open Space per 1000 population

### Informal Public Open Space

10.13.2 The local plan policy objectives for the site, as illustrated in the Concept Masterplan seek to create a broad area of green recreational space along part of the east boundary of the site and along the central north-south spine, together with a central pocket of open space to the northern section of the site.

10.13.3 As with the ANRG provision, the exact amount of informal public open space that needs to be provided will be dependent on the final mix of dwellings and at this stage, the exact amount of open space is unknown. However, based on the Council's calculator that assumes a mix of dwellings that reflects Figure 6.1 of the Local Plan, a minimum of 0.57 hectares of informal public open space should be provided on the application site.

10.13.4 The actual area of proposed informal public open space as defined by the applicant's parameter plans is around 0.76 hectares. This would be in excess of the minimum policy requirement. The open space is shown to be provided along the western boundary and the central part of the site, immediately adjacent to the housing. In addition to the open space, the proposed layout retains around 1 hectare of the Priority Habitat and whilst this is not an area of play, an informal footpath provides access through the grassland and can be enjoyed and experienced by the public.

10.13.5 The proposed landscape and open space strategy is set out in detail within the applicant's Landscape Framework. New wildflower and amenity grassland, scrub, hedgerow and tree planting will make a significant element of the Open Space. It is considered that such diversity of new planting and landscaping, will not only provide an attractive space for recreation, but has also been designed to blend into the existing landscape character. A hierarchy of footpaths would be provided within the open space providing good connections between the houses, open space and ANRG areas.

10.13.6 In summary, the proposed informal open space, in conjunction with the ANRG land, forms an extensive network of green infrastructure that would be well distributed across the site and offer an attractive amenity for the future residents of the proposed development. The areas of informal public open space and their future management would need to be secured through a Section 106 legal agreement, and their detailed layout and landscape design would need to be secured at Reserved Matter stage. In terms of this outline planning permission, however, what is proposed would be consistent with policy. (Management and biodiversity considerations are considered further in other sections of this report.)

### Children's Play Space

10.13.7 Assuming a mix of dwellings that reflects policy expectations, the development would be expected to deliver a minimum of 0.07 hectares of Children's Playspace, in the form of a Locally Areas of Play (LEAP), which is a medium sized area.

10.13.8 The submitted Landscape Strategy sets out an indicative play strategy for the site. A single LEAP is indicatively proposed within the central part of the site and will integrate a minimum of six pieces of play equipment and the full range of play experiences. To supplement the proposed LEAP, the play strategy indicatively proposes three (Local Areas of Play (LAPS), one to be located along the western boundary, one adjacent to the LEAP and one along the central spine.



10.13.9 The Council's Urban Design Officer has advised that the applicant's Play Strategy document is interesting and promotes natural play in a very positive way. The location of the play areas would be close to the houses to ensure good natural surveillance.

10.13.10 It should be noted that the applicant's plan is illustrative and therefore the children's play is fixed in this position, should the outline permission be granted. What it does show, is that sufficient children's play areas can be provided based on the minimum space criteria to serve the proposed development and that the broad play strategies appropriate in principle.

10.13.11 The full details of the Public Open Spaces, in respect of play provision, including the functions and roles of the different play spaces, the relationships between them, and the type of equipment and features to be provided, will form part of a play strategy within the Reserved Matters Application. It is necessary that the proposed children's play space provision be secured within a Section 106 legal agreement, how the land will be managed in the future has not been agreed at this stage.

#### Formal open space

10.13.12 Given the amount of green space to be provided on the site, there is no reason why formal public open space cannot be provided on the site. Based upon the proposed population to be generated from the development, this would equate to 0.35 hectares

10.13.13 The main recreational to the south west of the site could be laid as a small grass pitch. This does not deter this area being used as a multi sports and recreational space, but the laying out of a grassed surface will not only count towards formal open space but also enable all ages and abilities to use. Through the use of a landscape management plan secured by condition, this can set out a maintenance regime that this area is regularly cut (compared to the wild flower or meadows which require less cutting), this will ensure that this space is used for multi use recreation.

### **10.14 Amenity**

10.14.1 In terms of impact on residents, there are two main issues in this case. The first issue is, whether the proposal would have a significant impact on the living conditions of the adjoining neighbouring properties. The second issue is whether the future occupants of the development will have an acceptable living environment given the proximity of the application site to the A337 and the access road on the west boundary leading to New Milton Sand and Ballast, Pennington Wastewater treatment Plant and Pennington Household Waste Recycling Centre. Policy SS5 of the local plan had regard to such matters in allocating the site for development, and requires the need to consider and where required, mitigate the impact from these facilities.

10.14.2 Starting with the first issue, there will inevitably be some impact arising from a development of this scale on the amenities of existing neighbouring properties. The most likely impact would be because of additional noise and disturbance resulting from the proposed development. However, the site forms part of the SS5 allocation for a development in excess of 185 dwellings. Approximately 140 dwellings of which are anticipated to be delivered on land to the south of the A337. There is an expectation as a consequence that such development will have an impact on amenity and this has to be balanced against the benefits the proposal

would create.

10.14.3 There are several existing residential properties with garden boundaries that abut the application site: properties in Grafton Gardens, Clausen Way and Newbridge Way. There are also several residential properties along the south side of the A337 which either back onto or in close proximity to the application site: 95 to 111 and Southerwood the A337. It is also noted that there are glasshouses adjacent to the site associated with a nursery. Dwellings to the north side of Milford Road will also be affected and this includes Robins Copse, Dene Lodge, Little Dene and Havenhurst Road.

10.14.4 As this is an outline planning application, with matters of detail reserved for future determination, except access, the precise position of dwellings and other infrastructure is not known. However, the submitted Parameter Plans show the arrangement of proposed uses, including for residential and Green Infrastructure. In addition, the point of access into the site from the A337 is fixed as part of the application.

10.14.5 The Parameter Plans show Green Infrastructure proposed along the eastern boundary of the site, which would immediately abut the residential properties along Grafton Gardens, Clausen Way and Newbridge Way. Given the extent of Green Infrastructure on the eastern part of the site and the distances between the proposed residential development and the neighbouring properties in Grafton Gardens, Clausen Way and Newbridge Way, it is not considered that the proposals would be materially harmful to the amenities of these properties by way of overlooking and loss of light/ outlook. Moreover, it is considered that the activity associated with use of the Green Infrastructure land would not be materially harmful to the amenities of these properties.

10.14.6 The proposed access onto the A337 will face onto the rear boundary of Dene Lodge. Along their rear boundary is a high hedge and dense vegetation and the property is situated back from the A337. Whilst there will be some harm to that neighbour caused by additional noise and disturbance, and light spillage from vehicles, it will not be so severe or adverse to refuse permission

10.14.7 In relation to No's 107, 109 and 111 Milford Road, these neighbouring properties lie to the south of the A337 and the application site immediately abuts the side and rear boundaries. The actual position, scale and relationship of the proposed development is unknown at this stage, but the submitted Parameter Plans do show development will be located close to the boundaries of these properties. As such, the arrangement and layout of buildings, windows, roads and car parking will need to be carefully considered as part of any future reserved matters application.

10.14.8 Overall, based upon the details submitted, it is considered that should outline planning permission be granted, there is no reason why an acceptable layout cannot be designed at the reserved matters stage that achieves an acceptable relationship to the neighbouring properties.

#### Noise

10.14.9 The application is accompanied by an environmental noise assessment which measures the existing noise climate of the proposed development site and the potential impact the existing noise climate may have on the end users of the site. The submitted report focuses on noise from the road traffic using the A337 and the haulage road to the west of the site, noise operations at nearby New Milton Sand and Ballast, Pennington Wastewater Treatment Plant and Efford Household Waste Recycling Centre.

10.14.10 In terms of context, New Milton Sand and Ballast is a waste recycling site and is located to the south of the site at a distance of at least 200 metres. Pennington Wastewater Treatment Plant is located 760 metres to the south and Efford Household Waste Recycling Centre is located 475 metres to the south. The submitted Parameter Plan shows that there will be a 60 metre buffer within the site and there is a substantial earth bund between the closest noise receptor New Milton Sand and Ballast.

10.14.11 The applicant's noise report concludes that noise operations at New Milton Sand and Ballast, Pennington Wastewater Treatment Plant and Efford Road Household Waste Recycling Centre should not create any adverse noise impact on the application site. The application site will be affected by noise from the A337. Indeed, the noise report concluded that the noise was dominated throughout by road traffic accessing the household waste recycling depot and the A337.

10.14.12 The noise report considers that road traffic could be mitigated by a combination of site layout, design and masterplanning, and if necessary, through acoustically rating glazing and alternative means of ventilation. With these measures in place, it is considered that noise levels inside and out of the proposed dwellings will fall within the acceptable noise limits. It is noted that the Parameter plans and illustrative layout plan supporting the application show the front aspects of dwellings predominately facing these main sources, which is the correct design response. This is because the buildings can be designed with good noise insulation (such as window design) to mitigate noise, whereas outside private amenity space is more difficult to mitigate against noise sources.

10.14.13 It is also important to note that the noise report confirms that noise from New Milton Sand and Ballast was barely audible during the surveys and the results of the survey stated that the southern boundary was dominated by noise from road traffic. Moreover, NMSB operations are restricted by virtue of limits by a planning condition which include noise levels and time restrictions.

10.14.14 The Council's Environmental Health Officer has considered this noise assessment and agrees with its conclusions, namely that the noise impacts associated with the development would be acceptable subject to adherence to a number of detailed mitigation measures, all of which can reasonably be secured through planning conditions.

10.14.15 It is proposed to impose several specific mitigation conditions to ensure the noise impacts associated with the development are acceptable. These include a requirement to adhere to an agreed Noise Management Plan and a Construction Environment Management Plan, a requirement to restrict construction working hours (to normal working hours), and a requirement to ensure the noise levels within dwellings and their gardens do not exceed national minimum standards, having regard to the site's location. Subject to these conditions, it is considered the development can be provided without there being material harm to the amenities of existing and future residents.

#### Odour impacts

10.14.16 The application is accompanied by an odour assessment which analyses the potential odour impact from the existing waste water treatment works and two waste recycling centres on the end users of the site. It should be noted that the prevention of nuisance, of which odour could be classed, is a material consideration and guidance on odour assessment is provided by the Institute for Air Quality Management (IAQM). This guidance provides an overview of the varying types of odour assessment, odour assessment criteria and methods for drawing significance

from predicted and / or observed impacts.

10.14.17 The applicants report concludes that Efford Household Recycling Centre is not a significant source of odour which could reasonably affect the site, due to there being no known complaints from the facility; its distance to the development (750m); and no detectable odour during the sniffing test within the site. Moreover, the report confirms that no odour was detected from the construction waste management site, this includes within the site.

10.14.18 Pennington Wastewater Treatment Works is located approximately 475 metres south west of the application boundary. The results from each of the olfactory surveys are consistent, finding the strongest sewage-like odours when in close proximity to Pennington WwTW. Intermittent sewage-like odours offensive in nature were barely detectable within the application site boundary, with a 'Slight Adverse' effect concluded.

10.14.19 An odour dispersion model has been developed Maximum odour contours were produced the 98th percentile hourly mean concentrations were predicted by the model. The contour shows that the modelled C98, 1-hour concentrations are within the 0.5 to 1.5 OUE/m<sup>3</sup> contour across the application site. High sensitivity receptors exposed to these concentrations would indicate a 'Slight Adverse' effect, which is not significant.

10.14.20 It is important to note that from the complaints record provided by New Forest District Council, it is evident that no identifiable odours were detected and 'No Nuisance' was concluded as a result of council monitoring in response to complaints. It is also important to note that there have been no complaints made to the council since 2015.

10.14.21 The Council sought an independent consultant to assess the applicant's odour assessment and provide an independent assessment report to the Council. The Council's assessor advised that a full assessment has been made in accordance with relevant guidance and has concluded that 'intermittent sewage like odours were detected within the application site boundary, but worst-case impact is 'Slight Adverse' within the site, based on the findings of olfactory surveys.'

10.14.22 In summary, the methodology and assessment criteria applied in this assessment is acceptable and the conclusions reached, that the impact on the proposed residents of this proposal is not expected to be considered significant adverse impact, which has been agreed with the councils Environmental Health Officer.

## **10.15 Air quality**

10.15.1 The impact of the proposed developments on air quality is an important environmental consideration that has been considered in detail in the applicants Air Quality Report. As expected the report shows that the proposals will generate emissions during both the construction and operational phases of the development.

10.15.2 The Council's Environmental Health Officer agrees with the conclusions of the assessment and the methodology that has been used. As such, with respect to construction related activities, it is considered that the dust impact of the development would not be significant provided appropriate dust mitigation measures are implemented throughout the construction of the development, and this is something that can reasonably be secured through a planning condition requiring the submission and approval of a Dust Management Plan (DMP) as part of a wider Construction Environment Management Plan (CEMP).

10.15.3 The Council's Environmental Health Officer also agrees with the conclusions of the applicant's air quality assessment insofar as there should be a negligible impact on air quality as a result of vehicle movements associated with the development. On the basis of this, it can be reasonably concluded that the development is capable of being provided without significantly harming air quality, or without there being adverse air quality impacts on future residents.

### **10.16 Affordable housing**

10.16.1 The District Council's adopted policies in respect of affordable housing require that at least 50% of the dwellings within the development be for affordable housing. They also require that the affordable housing mix be comprised of 70% dwellings for rent, split equally between social and affordable rent, and 30% intermediate or affordable home ownership tenures including shared ownership.

10.16.2 The application has been submitted on the basis that a policy compliant number and mix of affordable housing dwellings will be provided. Because the application is in outline, the actual housing mix (i.e 1, 2, 3 or 4 bedroom houses/flats), distribution of affordable housing across the site and types of housing is unknown and is not a matter to be considered at this stage.

10.16.3 The proposed scheme seeks to deliver a policy compliant level and mix of affordable housing. Therefore, subject to securing these requirements through a Section 106 legal agreement, the proposed development would be consistent and in accordance with the Council's affordable housing policies.

### **10.17 Contamination**

10.17.1 Ground conditions and contamination have been assessed in detail in the submitted Desk Study Report and Ground Investigation Report dated October 2020 and a further update submitted in March 2022. Although the site is mainly used for agriculture, including a chicken farm, a former horticultural nursery was located in the north of the site, where there are some overgrown, derelict and partially collapsed structures. Historical landfills lie directly adjacent to the site's south west and western boundaries

10.17.2 The report concludes that a low to moderate risk is associated with the site, which means that there are some potential contaminated land risk identified, but the risk are not likely to affect the entire site, preclude development and remediation is considered to be feasible.

10.17.3 The report recommends ground gas monitoring and a Phase 2 site investigation to include the chicken farm and confirmation that the removal of the existing structure on site has not impacted the ground conditions with asbestos are still required. The relevant consultee (The Council's Environmental Health Officer) does not have any major objection to the proposed development, but as stated above, further investigation and assessment is considered necessary.

10.17.4 It is considered that through the imposition of appropriate conditions and more detailed consideration of contamination at reserved matters stage, that existing site contamination can be adequately dealt with and the ground made safe, so as to ensure there are no adverse effects on human health or the environment.

### **10.18 Minerals**

10.18.1 The site lies within Minerals Safeguarding Area and therefore, any

development that could potentially sterilise this reserve is therefore a material consideration. A Mineral Assessment has been submitted to support this application, which states that whilst the applicants may be able to re-use some minerals for the construction of the development, full extraction on the site is not feasible given the significantly high groundwater table and the potential risk of mineral extraction on the site which could damage the land to the extent that development may not be deliverable on the site. In addition, part of the site has been found to have an 'area of unimproved grassland (irreplaceable habitat/priority habitat)' meaning that it should not be disturbed. As such, only a small section of the northern mineral area is proposed to be sterilised by built development and it makes prior extraction unlikely to be viable.

10.18.2 In assessing the policy position, Local Plan Policy STR9 states that for development on and within a Minerals Safeguarding Area or Minerals Consultation Area, viable mineral resources should not needlessly be sterilised by development and should be phased around the appropriate prior extraction of minerals. The policy states that appropriate extraction will depend on a) The scale and quality of mineral resource; b) Ground water levels if they would adversely impact on future re-use of the land; c) Amenity, environmental and other relevant considerations; and d) The need to ensure the timely provision of new homes and other development. Where there is a viable resource, minerals re-use on site for construction is encouraged.

10.18.3 In addition to Local Plan Policy STR9, Hampshire County Council, has also adopted a strategy of requiring the mineral to be extracted prior to the development. Policy 15 of Hampshire Minerals & Waste Plan states: Development without prior extraction can be permitted in exceptional circumstances if extraction is inappropriate.

10.18.4 In assessing the case put forward, Hampshire County Council Minerals Officer fully accepts the case put forward by the applicant that because of the high ground water levels on the site, this would be an exceptional circumstance that overrides the need for prior extraction. Officers do not disagree with this view, or the results from the technical reports which clearly demonstrate high ground water on the site, which if disturbed for prior extraction, could adversely damage the ground conditions and as such, compromise development being delivered on this site. Importantly, Hampshire County Council Officers has requested that as a minimum, that minerals on site are re-used for the construction of the development. This would be reasonable and can be dealt with by way of an informative note.

## **10.19 Archaeology**

10.19.1 The archaeological potential of the site is considered within the submitted Desk-Based Heritage Assessment including the Geophysical Survey Report and Heritage Statement.

10.19.2 The Council's archaeologist has confirmed that the submitted reports are all fit for purpose. However, the Council's archaeologist recommends that an archaeological trenched evaluation be undertaken to determine the nature, survival and significance of the results within the geophysical survey, including evaluation trenching to ensure the 'blank areas are really devoid of interest. The archaeologist also recommends that targeted trenches should be considered across the rest of the application site on those areas significantly impacted by built development. These are all matters that can reasonably be secured through a condition requiring the submission and approval of a Programme of Archaeological Work, i.e. a Written Scheme of Investigation. Subject to such a condition (and related conditions), it is

considered that the archaeological interest of the site would be appropriately recorded and safeguarded.

10.19.3 To satisfactorily mitigate the development's impact on potential archaeological remains, and in accordance with the advice of the Council's archaeologist, it is considered reasonable to impose conditions requiring the submission, agreement and implementation of a Written Scheme of Investigation. Provided such conditions are imposed, it is considered that the proposed development could be implemented without adversely affecting archaeology.

### **10.20 Education Provision**

10.20.1 Hampshire County Council (HCC), as the Local Education Authority, has advised that the site falls within Pennington Primary catchment area. HCC, has advised that Pennington Infant and Junior Schools both have surplus accommodation. HCC, has also advised that, although Priestlands Secondary School is full, it is only at capacity owing to out catchment recruitment. This means the pupil yield from this development will, over time, be able to access a place at Priestlands Secondary School as it admits less out county pupils. Consequently HCC have stated that they will not be seeking a contribution towards the expansion of any of the Pennington Schools.

### **10.21 Sustainable Design**

10.21.1 The application is accompanied by a Sustainability Statement which sets out how the development will achieve sustainability objectives in a number of key areas, including measures to reduce emissions and promote sustainability. The incorporation of detailed design features into the development will need to be considered through the use of planning condition which secure the delivery and implementation of these features. The applicants have noted the specific requirements of Local Plan Policy IMPL2 and have confirmed that their proposals will provide:

- Improved energy efficiency
- A higher water use efficiency standard of 110 litres per day;
- Accessibility in accordance with Visitable Dwellings standards;
- The provision (where practicable) of a high speed fibre broadband connection to the property threshold;
- Provision to enable the convenient installation of charging points for electric vehicles.

10.21.2 It is important to note that in December 2021 the Government confirmed that new Building Regulations will come into effect in June 2022 in the form of amendments to Approved Document L 'Conservation of Fuel & Power' that will require new homes to produce around 30% less CO2 than the current standards. These requirements are enforced through the Building Regulations which the applicant will be required to adhere to.

10.21.3 In essence, all new dwellings will be constructed to secure a reduction in carbon emissions, reduce energy usage and minimise energy loss (e.g. through enhanced building fabric). A range of technologies and products will be drawn on to achieve this, for instance solar photovoltaics (PV), air source heat pumps, battery storage and waste water heat recovery. Under the new regulations, CO2 emissions from new build homes must be around 30% lower than current standards and emissions from other new buildings, including offices and shops, must be reduced by 27%.

10.21.4 Heating and powering buildings currently makes up 40% of the UK's total energy use. Installing low carbon technology, such as solar panels and heat pumps, and using materials in a more energy efficient way to keep in heat will help cut emissions – lowering the cost of energy bills for families and helping deliver the UK's climate change ambitions.

## **10.22 Appropriate Assessment**

10.22.1 As required by the Habitats Regulations, the Local Planning Authority (as the Competent Authority) has carried out an Appropriate Assessment.

10.22.2 The Appropriate Assessment concludes that subject to relevant mitigation measures, the development would have no adverse impact on the integrity of the affected European sites.

## **10.23 Other matters raised by representees**

Why do the proposals not include a roundabout to facilitate the two allocated sites (Land to north and South of Milford Road and existing access to the recycling centre)

10.22.1 Representations have been made that the proposed site access arrangements should have been designed in the form of a roundabout junction to include the existing access into NMSB and HWRC together with both proposed accesses. In response, both the applicants and the Highway Authority have discounted any proposal to create a roundabout for several reasons. In particular, the proposed access arrangements has been designed in accordance with Manual for Streets design standards, which states the following:

*'Conventional roundabouts are not generally appropriate for residential developments. Their capacity advantages are not usually relevant, they can have a negative impact on vulnerable road users, and they often do little for the street scene'.*

10.22.2 Moreover, the associated traffic capacity modelling shows that the proposed priority junction has ample capacity to safely accommodate the development traffic , and the proposed access is in line with many other accesses long this section of Milford Road. As such, the comments made that a roundabout should be considered to provide the access are noted, however, both the applicants Transport Consultant and the Highway Authority consider that a roundabout is not appropriate or feasible.

10.22.3 It should also be noted that the provision of a roundabout would appear visually discordant and 'urban' on the approach to Lymington from the west. The proposed design of the access would appear less intrusive and more sympathetic to its surroundings.

## **Transportation matters and accuracy of traffic surveys**

10.22.4 In response to the concerns raised that the Traffic data collected is out of date and was carried out during Covid 19 Lockdown and therefore does not provide an accurate representation of the traffic flows and impact, it is important to make the following comment. The initial Transport Assessment submitted as part of the planning application, presented a suite of baseline traffic count data that was used for the purposes of traffic impact analysis, and this recognised that the traffic surveys were carried out a few years ago. As such, the applicant carried out an evidence base methodology using future traffic growth to provide a more accurate representative of the current base line traffic. This is set out in the Transport



## Assessment.

10.22.5 At the request of Officers, and to confirm the accuracy of the traffic data, the applicant carried out further traffic surveys in October 2020 and this is set out in the Transport Addendum. The results show that the additional data captured was comparable to that utilised to undertake the traffic impact analysis within the submitted Transport Assessment with no significant magnitude of difference in link flows at either of the surveyed junctions recorded. The data utilised for traffic impact analysis purposes within the Transport Assessment therefore remained representative of 'typical traffic volumes on the local highway network and the conclusions of the Transport Assessment remained valid

10.22.6 Accordingly, Officers and the Highway Authority have robustly assessed the applicant Transport Assessment and are content with the methodology of the surveys and modelling that has been carried out to assess the transport impact of the proposal on the highway network and key junctions.

### Impact on local infrastructure

10.22.7 Concerns has been expressed that the development would give rise to unacceptable pressures on other local infrastructure (health facilities, schools, emergency services etc). In response, and as set out above, the proposed development will not need to make a contribution towards local schools. In relation to health facilities, whilst it is recognised that the proposals would add to pressures on health services, the upgrading existing facilities or additional doctors/ nurses are funded/ contributed from central government and there is no evidence to suggest that the development either alone or as part of the wider allocation would put unacceptable pressure on local health or indeed other community related infrastructure.

### Impact on existing businesses and operations

10.22.8 NMSB are extremely concerned the proposed dwellings will be adversely affected by noise from the adjacent haulage road and their operations, which may subsequently impact on the ongoing business that currently handles, sorts, separates, crushed and screens incoming commercial waste.

10.22.9 This is highlighted in Paragraph 187 of NPPF which states "...Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities and existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed".

10.22.10 In response and as set out in the Noise Report, these issues have been accounted for in which the haulage road is the main noise source. The conclusion of the Noise Report states that through the layout of the site and the design of the building, this will ensure that future residents will be mitigated from the noise. At this stage, as the layout and design of the dwelling is unknown, the full details can be provided at reserved matters stage. Moreover, the revised plans show that the proposed dwellings would be moved further away from the haul/service road and the majority of the dwellings would have their windows and building facade facing the noise source which can enable better protection and mitigation from noise.

Submitted noise report was carried out during Covid19 times and is not reflective of current conditions

10.22.11 In response to the concerns that all surveys should be representative of 'normal conditions', outside national lockdown times, the noise surveys were undertaken in September 2020 which at that time was not under any restrictions. In addition, it is understood that NMSB was operational during the surveys. Accordingly, Officers consider that this has been robustly assessed in the applicants noise report and are content with the methodology of the surveys and modelling that has been carried out to assess the noise impact of the proposal on the proposed development.

The air quality report hasn't addressed the dust and impact on air quality from the service road leading to the recycling centres on future residents

10.22.12 In response, the air quality assessment has addressed the potential impacts of potential poor air quality from the vehicles using the service road and the operations themselves on future occupiers. The conclusion is that there would not be any significant harm and this is supported by the Councils Environmental Health Officer. Indeed, receptor tubes were installed near the site entrance along the A337 which concluded that there would be no significant harm and the A337 generates significantly more traffic than the service road.

Odour assessment was carried out on one day which is not an accurate representative

10.22.13 In response to the concerns raised, a revised odour assessment was carried out to address the concerns from the Councils Environmental Health Officer. The revised assessment provided further details in relation to a review of complaints data, results from further olfactory surveys (2 additional odour surveys conducted) and results from a detailed atmospheric dispersions modelling assessment.

Are there any plans for the long term maintenance of ditches

10.22.14 The long term maintenance of the river, watercourses or ditches are the responsibility of the riparian landowner. As such, should the function of these watercourses be affected by silt or vegetation, the responsibility falls within the landowner. Action can be taken by the Environment Agency in the case of a main river to remedy.

10.22.15 In this case, most of the stream falls within the control of the applicant and as such, will be responsible for the management and maintenance of the stream. As part of the wider landscape enhancements for the site, the stream form an integral part of the Green Infrastructure with new planting and a detailed long term management plan will be required and this will be secured by condition and Section 106 Agreement as part of the planning permission.

## **11 CONCLUSION AND PLANNING BALANCE**

11.1 The site is allocated for development under policy SS5 of the Local Plan which establishes the principle of development on this Greenfield site. The above assessment has highlighted how the proposed development would deliver a range of significant, economic, social and environmental benefits. The proposed development would significantly change a greenfield site on the edge of Lymington into a large housing development including many affordable homes for local people, as well as significant new areas of open space and habitat would be created, resulting in a more connected landscape that would benefit both people and biodiversity.

11.2 Inevitably, as with any large scale development, what is proposed is not without its environmental impacts, which in this case are given greater significance by virtue of the highly sensitive designated landscapes, features and habitats that are located and surround the site. It is necessary to be satisfied that any potential adverse impacts have been satisfactorily mitigated, and that where adverse or negative effects have been identified that the schemes benefits outweigh these effects.

11.3 One key area of balance that must be considered is in relation to the harm to the setting of Listed Buildings at Manor Farm. In applying this balance, it must be noted (as per paragraph 190 of the NPPF) that the significance of the Heritage Asset at Manor Farm is particularly high.

11.4 Paragraph 199 of the NPPF makes it clear that when considering any harm to a heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 200 of the NPPF makes it clear that any harm to a heritage asset requires clear and convincing justification, whilst Paragraph 202 of the NPPF advises that in the case of less than substantial harm, the harm should be weighed against the public benefits of the proposal. No harm is identified and therefore these policies are not engaged

11.5 Notwithstanding this, the benefits of developing the site would provide significant boost in housing supply, together with 55 new affordable dwellings. The proposal would provide social and economic benefits including employment for construction workers and increased spending in local shops.

11.6 As such, it is considered that the relevant tests of the NPPF (notably paragraphs 194 and 196 are satisfied) and special regard has been be paid to the desirability of preserving the setting of the Listed Building as set out Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.7 What considerably assists the setting of this development is the significant and generally well-considered green infrastructure that would be provided. This green infrastructure would not only mitigate the development's impact on protected nature conservation sites, but it would also provide important health and well-being benefits for the occupants of the development and beyond. Around 65% of the site would form the Green Infrastructure which will be publicly accessible with a network of walking routes connecting to the existing public rights of way. This is considered to be a significant positive which weighs in favour of the development

11.8 Understandably, there are local concerns with flooding on and off the site, however, the detailed technical reports demonstrate that both flooding and surface water drainage will be adequately dealt with through the delivery of a comprehensive surface water drainage strategy incorporating features , which will reduce the risk of flooding, taking account of future climate change, improve water quality and support biodiversity. Hampshire County Council, as Local Lead Flood Authority and the Environment Agency have endorsed the proposals.

11.9 Overall, the proposed development is considered to be one that meets the three key objectives of sustainable development, it would meet social objectives, by creating a safe, vibrant and healthy new community; and it would meet environmental objectives by securing a high quality built environment and by protecting and enhancing the natural environment. It is considered that the proposed development would satisfy all of the relevant requirements of Policy Strategic Site 5, as well meeting other relevant local and national planning policy requirements.

11.10 As such, it is considered appropriate to grant outline planning permission subject to a detailed Section 106 legal agreement, subject to an extensive list of conditions as described below,

11.11 Lastly, and to confirm the position and recommendation, a planning permission can and will not be issued until the Council is satisfied that there is an off-site mitigation project that is capable of being delivered that will enable the required 10% gain in biodiversity to be achieved in an acceptable manner. Delegation to the Executive Head for Planning, Regeneration and Economy is recommended.

### **Conditions and Section 106 legal agreement**

Those matters that need to be secured through the Section 106 legal agreement include all of the following:

#### **Affordable Housing**

- There will be a requirement to secure 50% of the proposed dwellings as Affordable Housing, in which the affordable housing mix be comprised of 70% dwellings for affordable social and rent (split equally) and 30% intermediate/shared ownership.

#### **Public Open Space**

- There will be a requirement to secure the on-site public open space within the development to an approved design.
- There is a requirement to secure the long term management and maintenance of the POS.
- There will be a requirement to secure a policy compliant level of children's playspace within the development to an approved design, together with its long term management and maintenance.

#### **ANRG Mitigation Land**

- There will be a requirement to secure the on-site ANRG land to an approved design, and to secure permanent public access to these areas in an appropriate phased manner.
- There is a requirement to secure the long term management and maintenance of the ANRG.
- There will be a requirement for a detailed management plan and contribution to future monitoring of the ANRG. The ANRG must be laid out as agreed together with a Habitat Mitigation Scheme and made available for use prior to first occupation of any Dwelling on the land.

#### **Other Mitigation Contributions and Measures**

- There will be a requirement to secure the New Forest Access and Visitor Management Contribution, Solent Recreation Mitigation Contribution, and the New Forest Air Quality Monitoring Contributions in full.

#### **Biodiversity net gain (BNG)**

- There is a requirement to secure the long term management/maintenance plan to achieve Bio-diversity net gain. The way the BNG will be managed and monitored will be secure through the S106 together with monitoring charges.

There will be a requirement for a minimum of 30 years for BNG on site.

### Transport

- There will be a requirement to secure and carry out the provision of the access, junction and associated highway works onto and along Milford Road including crossing, bus stop relocation and cycle path to Harford Close. through reference to the applicant entering into a Section 278 agreement with HCC Highways
- There will be a requirement to construct a vehicle access road within the site between Milford Road and to the point of the boundary of 'Phase 2'
- There will be a requirement to secure a contribution of £41,920, towards transportation improvements towards the A337/North Street/ Ridgeway Lane roundabout.
- Cycle facilities (staggered barriers) for cyclist to slow cyclist on the approach to Milford Road.
- There will be a requirement to pay the Travel Plan approval and monitoring fees, and a need to provide a surety mechanism to ensure implementation of the travel plan.
- The provision of a dropped kerb and tactile paving across the Widbury Road / Southlands junction;
- A new dropped kerb and tactile paved crossing of Widbury Road to access the pedestrian path to Meadow Road.

### Drainage

- There is a requirement for the developer to provide and complete the surface water drainage scheme on site. The details shall include the setting up of a private management company/ statutory undertaker to manage and maintain the surface water drainage.

### Priority Habitat

- There will be a need to secure a long term landscape management plan for the future maintenance and maintenance of the Priority Habitat.

It is to be noted that some of the finer details of these obligations are still the subject of ongoing discussion with the applicants, and would need to be resolved after this Committee meeting

Those matters that need to be secured through conditions are set out in the detailed schedule of conditions below.

It is to be noted that some of the finer details of these obligations are still the subject of ongoing discussion with the applicants, and would need to be resolved after this Committee meeting

Those matters that need to be secured through conditions are set out in the detailed schedule of conditions below.

## **12 OTHER CONSIDERATIONS**

### Crime and Disorder

12.1 The proposed development has been designed so as to have good natural surveillance, thereby helping to minimise potential crime and disorder. The streets and public spaces are considered to be well designed and safe, although more

detailed designs would need to be agreed through the submission of applications for reserved matters.

### Local Finance

12.2 If this development is granted permission, the Council will receive the New Homes Bonus amounting to £ in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Tables setting out all contributions are at the end of this report.

The CIL liability associated with this development can only be determined at Reserved Matters stage.

### Equality

12.3 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### Human Rights

12.4 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 13 RECOMMENDATION

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

- i) being satisfied that there is an off-site mitigation project capable of being delivered that will enable the required 10% gain in biodiversity to be achieved in perpetuity.
- ii) the completion by end of 2022, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits
  - **Affordable Housing (AH)** – 50% of the proposed dwellings as Affordable Housing, in which the affordable housing mix be comprised of 70% dwellings for affordable social and rent (split equally) and 30% intermediate/shared ownership.
  - **Biodiversity net gain (BNG).**
  - **ANRG provision and maintenance** and monitoring
  - **Habitat mitigation for recreational impact** – non infrastructure access and management contributions per dwelling as per standard formula
  - **Solent Recreation Mitigation Contribution**
  - **POS provision and maintenance including play spaces** – triggers for implementation, management arrangements to ensure long term public access and proper management and maintenance of those areas.
  - **Provision and management of on-site drainage**
  - **Air quality assessment** monitoring contribution of £9,350 in line with Local Plan policy.
  - **On and Off-site highway works** -There will be a requirement to secure and carry out the provision of the access, junction and associated highway works onto and along Milford Road including crossing, bus stop relocation and cycle path to Harford Close, to construct a vehicle access road within the site between Milford Road and to the point of the boundary of 'Phase 2', to secure a contribution of £41,920, towards transportation improvements towards the A337/North Street/ Ridgeway Lane roundabout, Cycle facilities (staggered barriers)for cyclist to slow cyclist on the approach to Milford Road, dropped kerb and tactile paving across the Widbury Road / Southlands junction, A new dropped kerb and tactile paved crossing of Widbury Road to access the pedestrian path to Meadow Road.
  - **Provision of a full Travel Plan** with bond, monitoring fees and approval fees.
  - **Monitoring contributions**
  - **Priority Habitat** -There will be a need to secure a long term landscape management plan for the future maintenance and maintenance of the Priority Habitat.
- iii) Delegated authority be given to the Executive Head of Planning, Regeneration and Economy to include the conditions as set out in this report together with any further additions, and amendments to conditions as appropriate

**Proposed Conditions:**

1. **Condition 1 – Time Limit for Approval of Reserved Matters**

The first application for the approval of reserved matters shall be made within a period of three years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 3 years from the date of the approval of the first reserved matters application.

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

2. **Condition 2 – Time Limit for Commencement of Development**

The development shall be begun no later than two years from the final approval of the last of the reserved matters to be approved.

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

3. **Condition 3 – Reserved Matters Details**

In respect of each phase of development, no development shall commence until the layout, scale and appearance of the development, and the landscaping of the site (herein referred to as the “reserved matters”), insofar as they relate to that phase of development, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

4. **Condition 4 – Parameter Plans**

The reserved matters shall fully accord with the Development Parameter Plans comprising:

- Site Framework Parameter Plan Drawing No 21.026.010
- Land Use Parameter Plan Drawing No 21.026.011
- Land Use Massing Parameter Plan Drawing No 21.026.013
- Analysis Parameter Plan Drawing No 21.026.012

Reason: To ensure high standards of Urban Design are achieved and maintained; to ensure that there is a coordinated and harmonious integration of land uses, built-form and spaces, reflecting the scale and nature of development; and to ensure that the development is responsive to its context



5. **Condition 5 - Phasing**

Prior to the commencement of any part of the development, a scheme detailing the phasing of the development, including all infrastructure (green infrastructure, drainage works, highway works, services), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is provided in an appropriate and comprehensive phased manner.

6. **Condition 6 - Landscape & ANRG Framework**

The layout and landscape details to be submitted in accordance with condition no. 3 above shall be broadly consistent with the design principles and strategy that are illustrated on the illustrative Landscape & ANRG Framework Plan by Fabrik dated February 2022, or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority.

Reason: To ensure the delivery of an appropriate landscape framework that will provide a high quality setting for the development, and which will provide suitable recreational opportunities that will help mitigate the development's impact on European sites.

7. **Condition 7 - Dwelling Numbers & Development Mix**

The development hereby permitted shall not exceed 110 dwellings. The detailed designs for the approved development shall substantially accord with the following residential mix, or as otherwise may be agreed through the approval of reserved matters:

1 & 2 bedroom units: 60-70% of all Affordable Rental Homes, 55-65% of all affordable homes ownership, and 30-40% of all market homes  
3 bedroom units: 25-30% of all Affordable Rental Homes, 30-35% of all affordable homes ownership, and 40-45% of all market homes  
4 bedroom units: 5-10% of all Affordable Rental Homes, 5-10% of all affordable homes ownership, and 20-25% of all market homes

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

8. **Condition 8 - Site Levels**

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

only proceed in accordance with the approved details.

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

9. **Condition 9 - Archaeology: A Programme of Archaeological Work**

Prior to the commencement of development within each residential phase of development, a programme of archaeological work in respect of that phase, including a Written Scheme of Investigation, shall have been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure the archaeological interest of the site is investigated and assessed.

10. **Condition 10 - Archaeology: Implementation of Written Scheme of Investigation**

No development (other than demolition) shall take place other than in accordance with the Written Scheme of Investigation approved under condition 9.

Reason: To ensure the archaeological interest of the site is adequately investigated.

11. **Condition 11 - Archaeology: Completion and Archive Deposition**

No dwelling within a phase of residential development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the archaeological interest of the site is adequately investigated and recorded.

12. **Condition 12 - Protection of Trees: Adherence to Approved Arboricultural Statement**

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 Tree Protection Plan reference HDA 969.1/03b and Tree Survey Report and Arboricultural Impact Assessment dated March 2022 - Ref: 969.1, or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority

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

**13. Condition 13 - Protection of Trees: Submission of additional details**

No development shall take place within each phase of development until the following information has been submitted to and approved in writing by the Local Planning Authority:

- A plan showing the location of service routes, including the position of soakaways;
- A plan showing the location of site compound and mixing areas;
- A plan showing the location and details of all footpaths and roads within the root protection areas of retained trees;

Development shall thereafter be carried out in accordance with these approved details.

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

**14. Condition 14 - Protection of Trees: Footpaths and walkways**

No development shall take place within each phase of development until a method statement and engineering drawings for footpaths and walkways within that phase, where within the root protection areas of retained trees of the approved development, have been submitted to and approved in writing by the Local Planning Authority.

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

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

**15. Condition 15 - Protection of Trees: Pre-commencement Site Meeting**

Prior to the commencement of works within each phase of development, 3 working days' notice shall be given to the Local Planning Authority Tree Officer to inspect the tree protection measures as specified within the submitted Tree Survey Report and Arboricultural Impact Assessment (HDA, March 2022), unless otherwise agreed in writing by the Local Planning Authority.

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

16. **Condition 16 - Landscape & Ecological Enhancement, Mitigation and Management Plan**

Prior to the commencement of development within each phase of development, a detailed Landscape and Ecological Enhancement, Mitigation and Management Plan for that phase shall be submitted to and agreed in writing by the local planning authority. The Plan for that phase shall be broadly in accordance with the outline ecological mitigation and enhancement measures detailed within the Ecological Impact Assessment (ECOSA February 2022) and outline Biodiversity Mitigation and Enhancement Plan (ECOSA February 2022) or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority. The Plan shall include (but not be limited to):

- details of all habitat and species-related avoidance and mitigation measures (e.g. timings, methods, responsibilities);
- plans of, and details describing, all habitat impacts and measures to compensate impacts (e.g. location, methods of establishment, responsibilities, care and maintenance);
- plans and details of all habitat and species-related enhancement measures (e.g. location, methods, responsibilities, care and maintenance);
- a programme of ongoing ecological monitoring and management.

The development shall be implemented and thereafter maintained and managed in accordance with the approved details.

Reason: To ensure that the landscape and ecological interest of the development site is maintained, enhanced, and managed in a way that will secure long-term landscape and ecological benefits.

17. **Condition 17 - Ecological Measures (Opportunities for Birds / Bats / Invertebrates)**

A minimum of 1 in 4 of the dwellings / development plots hereby approved shall incorporate either a bird nesting box (including nesting opportunities for swifts and house sparrows), a bat box or bat roosting provision, or enhancements for invertebrates such as bee bricks, the precise details of which shall be submitted with each Reserved Matters application where new buildings are proposed. The submitted details shall comprise a mix of these measures and shall be provided in accordance with the approved details before the house / plot where the measures are to be incorporated is first occupied.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered.

18. **Condition 18 – Net Biodiversity Gain:**

The first residential unit of the development hereby approved shall not be

occupied until details of a package of off-site Biodiversity Net Gain (BNG) has been submitted to, and approved in writing by, the Local Planning Authority. This package should secure the identified 10% BNG arising from the development and include: (i) a calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric 2.0 Calculation Tool (Beta) (2019); (ii) details of the BNG project including its location; (iii) a timetable for the provision of the BNG project; (iv) details of the management of the BNG project (v) details of the future monitoring of the BNG project in perpetuity. The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such.

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

**19. Condition 19 - Finished Floor Levels**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (by Cotswold Transport Planning Ltd, ref CTP-21-0559, dated October 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 600mm above the 100 year flood event plus climate change (35% allowance), as stated in paragraph 5.4 of the FRA.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change

**20. Condition 20 - Connectivity to the Wider Strategic Site**

Notwithstanding the submitted plans and illustrative material, no development shall take place until a plan showing the locations where pedestrian connections will be made/secured to the immediately adjacent land to the south (identified as Phase 2) that is allocated for development through Policy Strategic Site 1 of the Local Plan 2016-2036 Part One: Planning Strategy. The approved connection / pedestrian access points shall thereafter be provided to the boundary of the site and made available either before occupation of the penultimate dwelling or such other timescale as may be approved in writing with the Local Planning Authority. Any fencing installed at the boundary of the site or at the end of the pedestrian access/connections, shall remain in situ until Occupation of the first dwelling on land identified as Phase 2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application site forms one part of a Strategic Site allocation, and in the interests of securing accessible and joined-up green infrastructure it is essential that there is appropriate connectivity between the different parts of the Strategic Site.

## 21. **Condition 21 - Lighting**

Prior to the erection of any external lighting on the site in connection with each development phase (but excluding lighting associated with the construction phase of the development), a Lighting Scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with Guidance Note 08/18 "Bats and Artificial Lighting in the UK" prepared by the Bat Conservation Trust / the Institution of Lighting Professionals guidance, and shall:

- Set out details of all proposed operational external lighting;
- Include timings of lighting operation;
- Include a lighting plan showing locations and specifications of all proposed lighting;
- Demonstrate that vertical illuminance into adjacent habitats has been minimised and avoided.

The scheme shall be implemented as approved.

Reason: To ensure that the level of lighting within the development is acceptably minimised, having regard to ecological interests and the site's rural edge context.

## 22. **Condition 22 - Surface Water Drainage Details**

Prior to the commencement of residential development within each phase of development, a detailed surface water drainage scheme for that phase, based on the principles within the Flood Risk Assessment & Drainage Strategy by Cotswold Transport Planning dated October 2021 and Reuby and Stagg Ltd 10621 dated February 2022, shall be submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- A technical summary highlighting changes to the design from that within the approved Flood Risk Assessment.
- Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
- Detailed hydraulic calculations for all rainfall events, which should take into account the connectivity of the entire drainage features including the discharge locations. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and a summary of critical results by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the submitted drainage layout.
- Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
- Confirmation on how impacts of high groundwater will be managed in

the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.

- Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Development shall only proceed in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

### 23. **Condition 23 - Surface Water Drainage: Maintenance**

Prior to occupation of the development within a development phase, a scheme relating to the management and maintenance of the Surface Water Drainage System (including all SuDS features) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the following:

- (i) a detailed maintenance schedule in respect of the repair and maintenance of each drainage feature type (the Maintenance Scheme);
- (ii) details of intended ownership, and a management regime which shall set out the responsibility for the maintenance of the SuDS in accordance with the approved Maintenance Scheme, following their provision;
- (iii) details of protection measures;
- (iv) details of a monitoring and review scheme.

The approved drainage features shall thereafter be maintained in accordance with the approved scheme.

Reason: To ensure the satisfactory maintenance of the drainage system in accordance with national and local planning policies.

### 24. **Condition 24 - Noise Levels**

Prior to the commencement of development within each phase of development, a scheme including necessary mitigation to ensure that internal noise levels within each dwelling shall not exceed the minimum standards stated in BS 82233:2014 (paragraph 7.7.2 [Table 4]). External noise levels should, where feasible, not exceed the maximum value set out in paragraph 7.7.3.2. The appropriate details shall be submitted to and approved in writing by the Local Planning Authority. Development in the respective phase shall thereafter be carried out in full accordance with the approved scheme.

Reason: To safeguard residential amenities and to ensure that future residents have an acceptable noise environment.

### 25. **Condition 25 - Construction Environmental Management Plan**

Prior to the commencement of development within each phase of development, 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.
- A public communication strategy, including a complaints procedure.
- A Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- A Noise Management Plan with noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Any use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures.
- Measures to control light spill and glare from any floodlighting or security lighting that is installed.
- Details of storage and disposal of waste on site.
- A construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site.
- Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The construction of the development in each respective phase shall thereafter be carried out in full accordance with the approved details.

Reason: To safeguard the amenities of existing and proposed (post occupation) residential properties.

**26. Condition 26 - Construction: Hours of Operation**

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

Reason: To safeguard residential amenities.

**27. Condition 27 - Construction Traffic Management Plan**

Before the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority. The Construction Traffic Management Plan shall include the following details: construction traffic routes; the provision to be made on site for the parking and turning of contractors' / construction related vehicles; measures to prevent mud from being deposited on the highway; and a programme for construction. The agreed measures and details shall be put



into place (as appropriate) before the development is commenced and shall thereafter be adhered to / retained throughout the duration of construction.

Reason: In the interests of highway safety.

**28. Condition 28 - Nitrates: Water Efficiency**

The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with the Building Regulations 2021.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

**29. Condition 29 - Car & Cycle Parking**

For each reserved matters application, details of the car and cycle parking that is to be provided in association with that phase of development shall be submitted to the Local Planning Authority for its written approval, and, prior to the occupation of each dwelling the approved car and cycle parking arrangements for that plot shall have been provided in accordance with the approved plans, and thereafter retained for their intended purpose at all times.

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

**30. Condition 30 - Electric Vehicle Charging Points**

For each reserved matters application where buildings or car parking spaces are proposed, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve that part of the development, shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details.

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

**31. Condition 31 - High Speed Fibre Broadband**

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

Reason: In the interests of sustainable development, in accordance with

local and national planning policy.

**32. Condition 32 - Travel Plan**

Prior to the construction above damp proof course level of each phase of the development, a Full Travel Plan based on the principles set out in the Framework Travel Plan (Ref: i-Transport Residential Travel Plan: SJ/BB/SG/ITB11397-008A) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling shall be occupied until the approved Full Travel Plan has been implemented unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that sustainable modes of travel are duly promoted.

**33. Condition 33 - Waste Collection Strategy**

All applications for the approval of reserved matters relating to occupiable buildings shall be accompanied by a waste collection strategy in relation to the relevant phase. The development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory form of development.

**34. Condition 34 - Visibility Splays**

Prior to the occupation of any dwelling, the accesses and visibility splays shall be provided in accordance with submitted drawing ITB11397-GA-018 Rev E with dimensions of 2.4 metres x 55 metres to the west and 2.4 metres x 55 metres to the east as measured from the centre of the access along the carriageway edge. Prior to the occupation of any dwelling, the pedestrian crossing visibility splays shall be provided in accordance with submitted drawing ITB11397-GA-018 Rev E.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. The vehicular and pedestrian visibility splays shall be retained free from any obstruction at all times thereafter.

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

**35. Condition 35 – Contamination General**

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 36 to 38 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 39 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

### 36. **Condition 36 Contaminated Land Site Contamination**

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. This is to include the completion of ongoing ground gas monitoring. 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and

Development Management).

37. **Condition 37 Contaminated Land Submission of Remediation**

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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

38. **Condition 38 – Implementation of remediation**

Where a remediation scheme has been approved in accordance with condition 37, 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

39. **Condition 39 Contaminated land - unexpected contamination**

If unexpected contamination is found after development has begun,

development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

#### 40. **Condition 40 - Approved Plans**

##### Plans for Detailed Approval

Site Location Plan: Drawing No. 21.026.001  
Site Framework Parameter Plan Drawing No 21.026.010  
Land Use Parameter Plan Drawing No 21.026.011  
Land Use Massing Parameter Plan Drawing No 21.026.013  
Analysis Parameter Plan Drawing No 21.026.012  
Access Strategy - ITB11397-GA-018 Rev E

#### 41. **Condition 41 - Implementation of access and crossing points**

No occupancy of any of the dwellings shall take place until the proposed accesses and highway works including crossing points as shown on drawing No ITB11397-GA-018 Rev E or in accordance with any final plans that may be agreed are completed to the required standard.

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.

**Further Information:**

Richard Natt

Telephone: 023 8028 5448



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

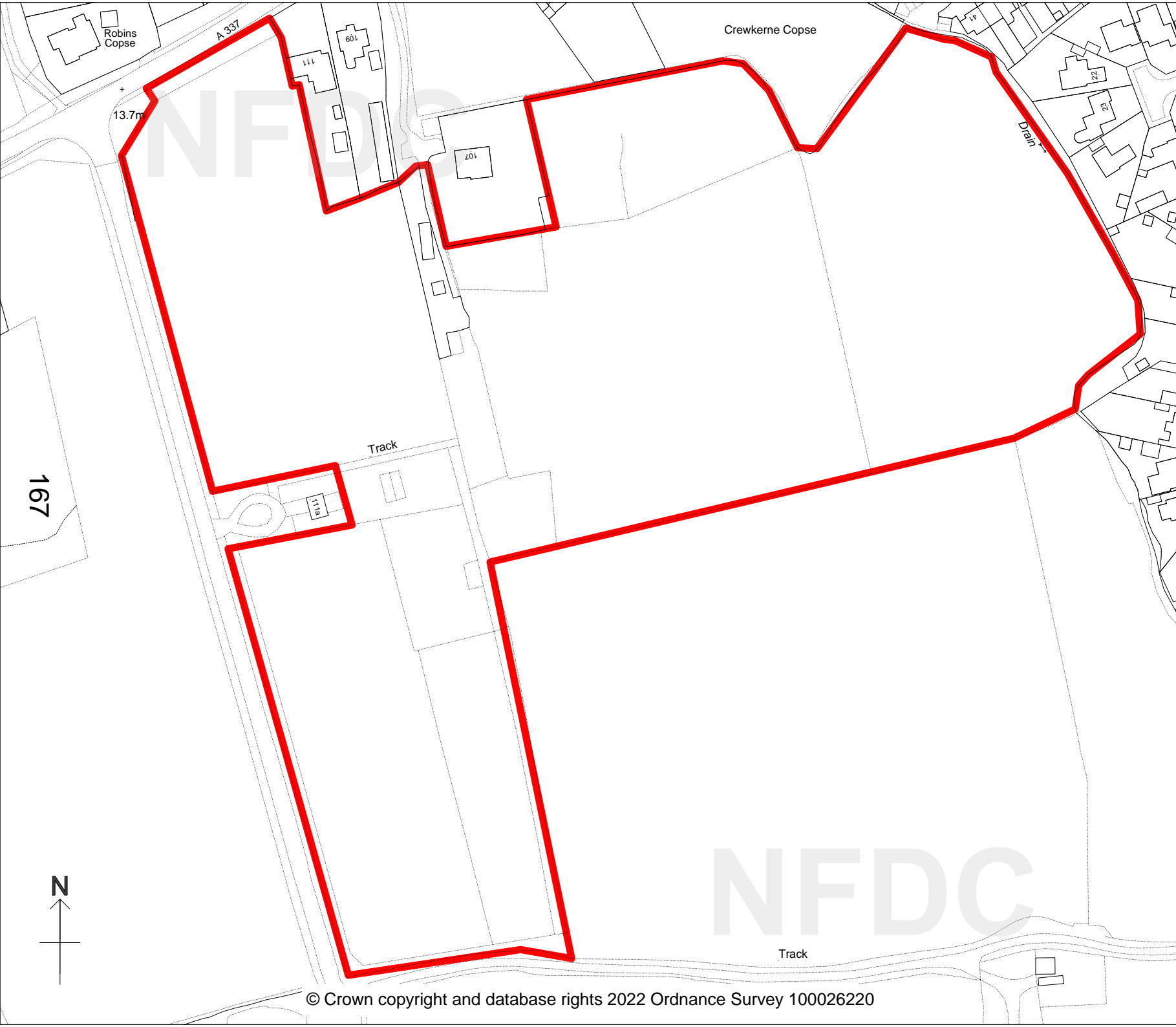
## PLANNING COMMITTEE

May 2022

LAND SOUTH OF, MILFORD ROAD  
PENNINGTON  
SO41 8DP  
20/11192

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Planning Committee 11 May 2022

**Application Number:** 21/11036 Full Planning Permission

**Site:** COURTVALE FARM, COURT HILL, DAMERHAM,  
FORDINGBRIDGE SP6 3HL

**Development:** Proposed erection of a 2m high close boarded fence; part change of use of land to civil engineering depot; landscaping

**Applicant:** D R Smith Properties Ltd

**Agent:** Jerry Davies Planning Consultancy

**Target Date:** 07/09/2021

**Case Officer:** Jim Bennett

**Extension Date:** 10/12/2021

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Planning history of the site
- 3) Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion, disturbance and privacy
- 4) Impact on the character and appearance of the area, including the countryside, AONB and protected trees
- 5) Impact on biodiversity and protected species
- 6) Impact on provision of employment land and economic development
- 7) Potential for Contamination

This application is to be considered by Committee as the recommendation is contrary to the view of Damerham Parish Council.

## 2 SITE DESCRIPTION

The site at Court Vale Farm comprises a variety of buildings including a single storey building used as an office and a detached industrial type structure to the rear used as a workshop. There are also areas of open storage and car parking for staff. The site has been operating as a civil engineering business for at least 25 years.. The site is within the countryside, within the Area of Outstanding Natural Beauty (AONB) and impacts a Site of Interest for Nature Conservation (SINC) and area (TPO) Woodland.

## 3 PROPOSED DEVELOPMENT

The land is currently used by a civil engineering business that was originally approved in 1993 The site is used/occupied by an office, covered stores, open storage and vehicle parking.

The site area has been extended to the north east into adjoining woodland designated as a SINC and TPO, in breach of condition nos.1 and no. 4 of the varied planning permission ref: 17/10510. In addition material has been deposited on the site and ground levels have been raised, which constitute an engineering operation and change of use for which planning permission is required.

This proposal seeks to regularise changes to the boundaries of the site and engineering operations.. The application proposes to define the northern boundary of the site with a close boarded acoustic fence..

It is also proposed to implement tree planting on the site to compensate for removed and damaged specimens and to address visual impacts.

The application is supported by plans, tree management proposals, a Design Access and Planning Statement and an Acoustic Report Review.

#### 4 PLANNING HISTORY

| Proposal  | Decision Date | Decision Description          |
|---|---------------|-------------------------------|
| 17/10510 Removal of Condition 1 of Planning Permission 92/50671 to allow use for civil engineering business including ancillary office, covered stores, open storage and vehicle parking, workshop without any personal restriction | 26/05/2017    | Granted Subject to Conditions |
| 14/10517 Retention of single storey office extension - Granted on the 28th May 2014   | 27/05/2014    | Granted Subject to Conditions |
| 92/NFDC/50671 Use of land & bldgs as head office/workshop/storage/parking   | 20/04/1993    | Granted Subject to Conditions |

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy ECON1: Employment land and development  
 Policy ECON2: Retention of employment sites and consideration of alternative uses  
 Policy ENV3: Design quality and local distinctiveness  
 Policy ENV4: Landscape character and quality  
 Policy STR1: Achieving Sustainable Development  
 Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
 Policy STR3: The strategy for locating new development

##### Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity  
 DM22: Employment development in the countryside

##### Relevant Advice

NPPF Chap 6: Building a strong competitive economy  
 NPPF Chap 12: Achieving well designed places

##### Plan Policy Designations and Constraints

Countryside  
 SINC - Higher Court Wood  
 Footpath FP4 Damerham  
 Cranborne Chase Area of Outstanding Natural Beauty  
 Tree Preservation Order: 10/99/W1  
 Avon Catchment Area

## 6 PARISH / TOWN COUNCIL COMMENTS

**Damerham Parish Council** - PAR4 recommendation as the application seeks to regularise possible previous breaches of planning and encroachment in to woodland so therefore fails Policy STR2 as unacceptable impact on the AONB and protection of the countryside.

## 7 COUNCILLOR COMMENTS

**Cllr E Heron** - The application seeks to enlarge the extent of the site encroaching into land designated as countryside, contrary to policies STR2 and DM22. Insufficient evidence is provided to establish that any deviation from the 1992 consented development boundary has been in continuous use for 10 years and therefore any assertion as to existing lawfulness within the supporting documentation is ill-founded.

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Environmental Health (Pollution)** - This site has been the subject of noise complaint due to the operations on site, particularly over the last 2 years or so. The application is for a boundary fence, which is now also intended to be used as an acoustic fence, although this is very much a secondary benefit as detailed in the Design and Access Statement. Although the fence is detailed as a close boarded fence, there is no detail to the quality or mass of this, which will have an impact on the effectiveness as an acoustic fence. In addition, a barrier will have the most benefit situated either adjacent to the noise source(s) or adjacent to the receptor(s). The actual location of the fence on the site boundary will limit its effectiveness, and may not resolve concerns regarding noise impact from the existing/extended uses on its own. It is suggested that this application is accompanied by a noise impact assessment from the applicant to assess the impact, particularly considering the change of use of parts of the site to the north and north west of the site and to include the expected mitigation provided by the proposed fence.

**Environmental Health (Contaminated Land)** - The EA's Wessex Waste team did attend site in April 2021 after reports were received from NFDC regarding potential waste deposits. No offences were found, but they found that there were stockpiles of product, not waste, within the yard that belongs to a civil engineering company. It is likely that there is some contamination on the site from its use a civil engineering business, but unless ground invasive works are included in the application to effectively mobilise potential contaminants, the site is suitable for its current/proposed use.

**Environment Agency** - no comments received

**NFDC Tree Officer** - Object. This site is adjacent to protected woodland protected by TPO. The yard appears to have expanded into this woodland, with materials and storage beyond the area defined by the original consent, resulting in loss and damage to trees. The proposal is to erect 2m perimeter fence and moving the boundary of this site into the woodland. The applicant has submitted a tree report, which addresses the incursion into the woodland and giving possible mitigation for the damage that has occurred. The report also specifies the removal of materials/machinery within the woodland, but does not include any specification on the installation of the 2m fence. This will require excavation within the root protection areas of the protected woodland trees so this will have an impact. The yard should

be limited to its original size and all encroachment must be removed with new woodland edge tree planting established to mitigate damage.

**NFDC Ecologist** - Encroachment over the years on the woodland is disappointing, being a SINC, designated under Criteria 1A – Ancient Semi-Natural Woodlands. The woodland is also on the ancient woodland inventory and is subject to a TPO. Ancient woodland is irreplaceable. Should this application have come in via more conventional means on ecological grounds I would have recommended it for refusal, supported by national planning policy.

Two lighting columns are shown on the woodland edge. It is not clear if these are proposed or existing. If proposed, I would strongly object to this. Woodlands, in particular ancient woodlands are of significant value to bats and in the New Forest context often to rare Annex II bats species including Barbastelle and Bechstein. No study or assessment of the use of the woodland by bats has been undertaken and in any case having lamp columns right on the woodland edge is unlikely to be acceptable and would compound impacts already experienced.

The Tree Team should advise whether impacts could be expected with construction of the fence itself. Ancient woodland given its importance is normally well buffered. Whilst I am keen to stop any further encroachment on the woodland and a fence would help achieve this, I feel this should be offset from the woodland.

Limited tree planting is proposed, whilst welcomed this is wholly insufficient given the encroachment that has occurred into an irreplaceable habitat, ancient woodland.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- This application represents the wrong approach to the continuing and serious breaches of planning control at Courtvale Farm.
- The lack of enforcement action by NFDC is criticised, which should have been taken prior to considering the current retrospective application.
- The lawfulness of various aspects is queried, in respect of what is unlawful and susceptible to enforcement, and what is unlawful but possibly immune from enforcement, before even trying to take a view on the application. It is clear that a lot of the encroachment has occurred since 2017, supported by aerial photographs dated 2017, 2018 and 2020, which show very recent additional encroachments and protected tree felling.
- While the 1993 permission is acknowledged, the land use is in the wrong place. A civil engineering compound should not be located in a quiet rural area, causing harm to the AONB and woodland, and close to a house, causing operational noise which cannot be avoided.
- The encroachments which the application seeks to regularise cannot guard against unacceptable levels of operational noise. In recent months an acoustic consultant has undertaken measurements of noise and the report by Hayes McKenzie has been submitted.
- The EHO is asked whether or not there is an existing statutory noise nuisance and whether an Abatement Notice should be served.
- The encroachments and ground level changes have an impact on visual amenity from a garden and from the public footpath to the south west within the AONB that no tree planting will effectively mitigate. Only the restoration of the unlawfully felled woodland and removal of the dumped material which enabled most of the encroachments, will restore the visual amenity of the area.

- A new permission could not secure the removal of the fill which has encroached upon a watercourse. Whilst it is not a main river, it is fed from a spring and is in a non statutory water source inner protection zone 1.
- The Council has already determined a breach of condition 2 of the 1993 permission, which specifies that the workshop (since extended and retrospectively consented) shall only be used for the maintenance and repair of vehicles plant and machinery used for the authorised business. Condition 4, in respect of which a breach has also been determined, prohibits any fabrication, construction or industrial activity. Condition 6 prohibits the use of land outside the site for the business. This is the (determined) breach the current application seeks to address and does not address the other acknowledged breaches.
- The increased volume of traffic on an otherwise quiet rural road with no footpath will create greater noise and increased danger to other road users.
- Dust, dirt and noise from the onsite equipment operating is noisy and detrimental to the local environment and the ANOB.
- We reject what is said on page 3 of the DAS about the planning unit. The 2014 permission for retrospective consent for a workshop extension could not have expanded the planning unit represented by the area of the 1992 permission.
- Material tipped on the site to raise the ground level in the SW corner was contaminated waste from other sites and has been illegally disposed of here.

The objector has also highlighted what they consider to be errors within the application documents as follows:

- The description of the development needs redrafting in relation to change of use of part of the land
- Application Form S6: the storage and use of diesel oil on the land needs to be addressed, together with bunding requirements.
- Application Form S9 is incorrect. It is clear that the unapproved works for which retrospective planning is being sought increases parking.
- Application Form S10 is incorrect, especially when considering the trees which have already been felled.
- Application Form S11 is wrong as there is a watercourse within 5m. How will surface water flows be addressed?
- Whether under Application Form S12 or elsewhere the presence of deciduous trees in an ancient woodland should be noted as well as the presence of bats.
- Application Form S13 needs an answer in an area without mains foul drains.
- Application Form S18 states there are no employees on the site, this is incorrect.
- Application Form S22 is wrong as the site and the activities upon it, can be seen from a public footpath to the south west as a result of the ground level being raised by tipped waste material.
- Within the biodiversity checklist the answers to section 3.2 (streams and ponds) and 3.4 (scrub etc because of bats) are queried.
- The aerial images in the DAS are annotated with incorrect boundary information in respect of Land Registry (HP78867) information.

The objector has also stated that if permission is granted the following conditions/limitations should be imposed:

- The description of the development should list the permitted uses or alternatively be conditioned. At present activities include the movement of vehicles with reversing beepers, the grinding and cutting of metal, picking up and dropping of large plant machinery metal buckets, pressure washing, movement of tracked plant and equipment which causes vibration. Some or all of these uses may be lawful if within the 1992 permitted area which itself makes that consent next to a house a serious error. It makes it all the more necessary to clearly define permitted uses so as to prevent use creep.

- Hours of work should be restricted to 0800 - 1700 on Mondays to Fridays and 0800 - 1200 on Saturdays with no Sunday or public holiday working.
- The number of vehicle movements to and from the site should be restricted, as defined in the 1992 consent.
- The ability to control noise satisfactorily of the encroachments is queried. An acoustic fence may be of benefit, and a fence for visual reasons would be welcome, but must be as specified following expert advice.
- Details of a noise management plan.
- Tree planting and landscaping.

For: 0

Against: 5

## 10 PLANNING ASSESSMENT

### Principle of Development

The site benefits from an extant planning permission granted in 1993 for use as a civil engineering business. Therefore, the principle of the main site's usage for this purpose is established. The main considerations here are whether it is acceptable to enlarge the site from the boundary agreed in 1993, the impacts of the fence and operational development and whether it would be beneficial to physically define the extent of the site boundary to prevent further encroachment, which are considered below.

### Planning history of the site

When planning permission was originally granted in 1993, under planning ref. 50671, a planning condition was imposed which restricted the use of the site to C J Lee and Sons ( Damerham) Ltd only. A subsequent planning application in 2017 granted removal of the condition to allow the use of the site for a civil engineering business including ancillary office, covered stores, open storage, vehicles parking, workshop without any personal restriction. In 2014 planning permission was granted for retention of single storey office extension on the site.

As the site benefits from a planning consent. members are not being asked to consider the principle of a Civil Engineering business in this location. What is open to consideration is the encroachment of the compound and raised land, which goes beyond the extant permissions.

Objectors have queried the lawfulness of the change of use/ engineering operations, which this application seeks to formalise. They consider insufficient evidence has been provided by the applicant to support their assertion that any deviation from the 1992 consented development boundary has been in continuous use for 10 years.

When assessing whether an unauthorised development has become 'lawful' through the expiry of time, relevant test is applied by Section 171B of the Town and Country Planning Act. This states that 'where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed'. On review of the aerial photographs

submitted by both the applicant and notified parties and particularly the image from 6th July 2018, it would appear that Areas 1 and 2 are beyond the blue line of the 1992 consent, have been built up quite recently and have not been in continuous use as part of the civil engineering compound for a period of 4 years or more. Use of Area 3 has been ongoing for a longer period and does not appear to have been subject to engineering operations, being utilised for the storage of plant. Without undergoing a forensic exercise to establish the lawfulness of the encroachment, it appears to officers that were the applicant to apply for a lawful development certificate for an existing use, then that would likely be refused, at least for Areas 1 and 2.

Notwithstanding the lawfulness of the operational development undertaken, the applicant has applied for planning permission, seeking to formalise the works. Consideration of the encroachment, change of use and engineering operations undertaken are assessed on their own merits, as outlined below.

#### Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion, disturbance and privacy

Policy ENV3 of the Local Plan Part 1 seeks to ensure that new development shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon the residential amenity of existing and future occupiers.

The site directly adjoins the boundary of the nearest dwelling (Court Vale) to the south. It is separated from the boundary of the next nearest dwelling (Yafflewood) to the north by 10m, through deciduous woodland. It is acknowledged that the intensity of use of the site has increased since 2017, when the site was occupied by a new tenant. This is evidenced by the comments of notified parties and Environmental Health, who confirm that the site has been the subject of noise complaint, particularly over the last 2 years, although no abatement notice has been served as no statutory noise nuisance has been identified.

It is clear that operation of the civil engineering yard involving the movement of large vehicles, plant and associated operations causes noise, which can be heard from neighbouring properties. The neighbour to the north has requested imposition of a condition to restrict the site's operations to between 0800 - 1700 on Mondays to Fridays and 0800 - 1200 on Saturdays with no Sunday or public holiday working. The existing planning permission places restrictions only on the maintenance and repair of 'the applicant's' equipment plant or vehicles on the site between the hours of 7am and 7pm Mondays to Fridays and 7am to 1:00pm on Saturdays and not at all on Sundays and recognised Public Holidays to safeguard the amenities of nearby residential properties. These conditions apply only to the maintenance and repair of the applicant's vehicles, not to their movement or other operations on the site it would not be reasonable to reduce the hours relation to the approved site. It would not be feasible to impose, monitor and enforce operational conditions only upon the encroached upon land. As such, the amenity related conditions from the 2017 planning permission are re-imposed here.

An Acoustic Report Review was provided by the applicant in response to a Noise Investigation provided by a notified party. Both documents conclude that there is occasionally, a significant adverse impact, with machinery being audible and intrusive within the garden of Yafflewood. It is accepted that noise from an engineering depot would be audible at an immediately adjacent property in a rural locality. The land use is consented within the boundary of the 1993 permission and therefore it is necessary to assess whether the subsequent encroachment of the yard area lead to significantly greater noise disturbance than consented. It is considered that the extent of the enlarged compound area, particularly as amended

is not large enough to result in any significant increase dust, dirt and noise from the operation of the site. However, the operator should follow best practical means to minimise the noise impacts and how often they occur, which can be controlled through the proposed hours of operation conditions.

The erection of a 2m high fence on the northern boundary would have little effect on low frequency noise, but there may be some small benefit for high frequency noise sources (such as sawing). Details of a 2m close boarded fence were submitted, but it is considered that this must be a robust fence, in light of the nature of use of the site by heavy machinery, which might readily damage a lightweight structure. Further details relating to the materials, quality and mass of the fence will be required by condition. In addition it was requested that the boundary of the site was brought in from the north along a less irregular line, with the areas currently encroached upon re-planted with woodland trees.

With the exception of Area 3, the applicant has amended the original submission to define the boundary of the site between 2m and 13m away from the 1993 boundary. While a robust fence and movement of the boundary to the south would not remove noise in its entirety, they would have the benefit of providing a definitive boundary to prevent encroachment in future and provide a marginal acoustic benefit.

Whilst the applicant would retain some of the previously encroached upon land within their compound, the boundary of the site will be moved slightly to the south. It should be noted that the applicant could fall-back on the area of the 1993 permission and there would be no requirement for a fence. This would clearly be a disbenefit in identifying the operational area of the site and future encroachment would be very difficult to control. A pragmatic stance needs to be taken in bringing this matter to a conclusion and officers consider that the proposal is acceptable on the basis that it will clearly define the boundary of the site with a robust fence line in order to prevent future encroachment, as well as provide marginal noise attenuation benefits.

The proposal does not have any significant adverse impacts on privacy, light or outlook of adjoining occupiers and the proposal is in line with Policy ENV3.

#### Impact on the character and appearance of the area, including the countryside, AONB and protected trees

Policies ENV3 and ENV4 require new development to respect the character, identity and context of the countryside and seek to ensure that all new development is appropriate and sympathetic to its setting. Policy STR2 is relevant as the site is within an area designated as AONB. Policy DM22 requires development to be of an appropriate design, scale and appearance in keeping with the rural character of the area.

The only aspects of the proposal which would impact upon the character and visual amenity of the site are the fence, raised ground and the openly stored plant and equipment within the land which has encroached into the woodland. It is unfortunate that trees appear to have been removed or damaged as a result of the incremental encroachment.

The issue of lost or damaged trees has been raised by the Tree Officer, who notes that the yard appears to have expanded into the woodland, with materials and storage beyond the area defined by the original consent, resulting in loss and damage to trees, which is objected to. The Tree Officer notes that the applicant's tree report addresses the incursion into the woodland, giving possible mitigation for the damage that has occurred, but does not include any specification on the



installation of the 2m fence, which will require excavation within the root protection areas of the protected woodland trees. Drawing the site boundary to the south, away from the woodland boundary will assist in this regard, but a condition is recommended requiring a scheme for the protection of trees on and adjoining the site, in relation to the installation of the fence to be submitted for approval prior to its installation and requiring it to be erected in accordance with the approved details.

The applicant proposes implementation of landscaping to soften the appearance of the compound and fence in the landscape and to compensate for lost trees. The application outlines rudimentary details of additional planting to compensate for loss and to assist with screening the site from wider views. To this end it would be appropriate to plant native tree species along the south western boundary of the compound, to screen from views from FP4 Damerham and within Areas 1 and 2, full details of which will be required by condition.

Subject to full implementation of the landscaping scheme, the proposal does not pose any significant adverse impacts on the character and appearance of the area or landscape in accordance with Policies ENV3, ENV4, STR2 and DM22.

#### Impact on biodiversity and protected species

The Council's Ecologist expresses disappointment over the encroachment of the compound into the woodland, being a SINCE, on the ancient woodland inventory and subject to a TPO. A query is raised over the two lighting columns on the woodland edge, not being clear if these are proposed or existing. The lighting columns are existing, although the applicant offers to relocate them for a more sensitive, alternative arrangement, on the basis that this would enhance the woodland edge as a habitat and foraging environment for bats. The Ecologist is keen to stop any further encroachment on the woodland and the fence, offset from the woodland would help achieve this. It may well be the case that replacing the two lighting columns, with 2 no. fence mounted lights would offer a marginal benefit from an ecological perspective, as this would shield the woodland from light spillage, which will be ensured by condition.

The limited tree planting is welcomed, but is considered insufficient given the encroachment that has occurred into an irreplaceable ancient woodland habitat. Nevertheless full details of tree planting, their number, species, size and location will be required by condition. Planting will be expected to be of native species, which will adapt to the ground conditions and enhance biodiversity, details of which will be addressed by condition.

#### Impact on provision of employment land and economic development

The Council's saved and adopted local planning Policies CS21 and DM22 support employment related developments that help sustain the rural economy but not harm the countryside. Specifically Policy DM22 states that development should be of appropriate design, scale and appearance and should not be harmful to the rural character of the area.

The site generates local employment opportunities and makes a contribution toward the local economy. It is important that existing and successful businesses in the New Forest are given the opportunity to expand and grow their workforce, but not to the detriment of the adjoining amenity or appearance of the countryside. The applicant has accepted the amendments to the proposal in the interests of adjoining amenity, character of the area, trees and ecology.

Overall the amended proposal is consistent with Policies CS21 and DM22 which seek to promote the re-use of existing permanent rural buildings for employment purposes and to promote economic development.

### Potential for Contamination

It is suggested that material tipped on the site to raise the ground level in the SW corner was contaminated waste from other sites and has been illegally disposed of here. The Council's Contaminated Land Section acknowledge that it is likely that there is some contamination on the site from its use as a civil engineering business, but unless significant invasive ground works are included in the application to effectively mobilise potential contaminants, the site is suitable for its the proposed use. It is uncertain what material has been used to make up the land levels, but the view of the Contaminated Land Team is that as long as it is not disturbed it will cause no problems. It is understood that the Environment Agency are aware of activity on the site and have previously investigated, but that no offences were found to have taken place. The Environment Agency has not directly responded to the Council's consultation on this application, but have been prompted for comment on this matter. Any comments received from the Agency will be reported to Members.

### Other Matters

In respect of the comments of notified parties, not addressed above it is standard practice not to take formal enforcement action if a planning application has been submitted and is under consideration by the Local Planning Authority. Enforcement action can rightly be undertaken following refusal of any application, otherwise the planning application process can be utilised to formalise the works, subject to amendments or not.

There is a watercourse between 0m and 25m away from the toe of the tipped material at the western and south western extent of the site, but from a site inspection, the watercourse does not appear to have been encroached upon, its flow uninterrupted to the south. The Environment Agency is the body responsible for watercourses and are aware of activity on the site and have previously investigated, but no offences were found to have taken place. The Agency have been prompted for comment on whether there has been encroachment upon the watercourse.

The extent of the enlarged compound area, particularly as amended, is not large enough to result in any significant increase in traffic volume accessing the site or detriment to highway safety.

It is requested that the description of the development should list the permitted uses or alternatively be conditioned, pointing out that existing activity includes the movement of vehicles with beepers, grinding and cutting of metal, picking up and dropping of large plant machinery metal buckets, pressure washing and movement of tracked plant and equipment. These are all activities that might reasonably take place within a civil engineering compound and are acceptable within the terms of the 1993 permission. A civil engineering compound does not fall into any specific use class, being sui generis.

## **11 CONCLUSION**

It is unfortunate that the applicant has expanded the operational area of the compound, without first seeking planning consent, however the amended proposal is consistent with adopted policies which seek to enhance opportunities for rural employment development, where it is limited to ensure the development remains of a scale and character appropriate to its rural setting. To define a clear boundary

through the erection of a robust fence, which will prevent some noise breakout from the site, is a pragmatic solution to prevent future encroachment and best protect adjoining amenity, character of the area, protected woodland and ecology. Accordingly it is recommended for approval, subject to conditions.

## 12 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: Tree Management Proposals by Barrell dated 7th July 2021, Design Access and Planning Statement by Jerry Davies Planning Consultancy, 1:1250 Site Location Plan, Drawing number JDPC.CVF.020 - Proposed Site Plan, Drawing number JDPC.CVF.021 - Close Boarded Fence and an Acoustic Report Review by Venta Acoustics dated 27th August 2021.

Reason: To ensure satisfactory provision of the development.

2. The workshop shall only be used for the maintenance and repair of vehicles plant and equipment used ancillary to the use of the site as a civil engineering depot and for no other purposes.

Reason: To safeguard the amenities of nearby residential properties 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.

3. The maintenance and repair of any equipment plant or vehicles shall only be undertaken on the site between the hours of 7am and 7pm Mondays to Fridays and 7am to 1:00pm on Saturdays and not at all on Sundays and recognised Public Holidays.

Reason: To safeguard the amenities of nearby residential properties 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. No industrial constructional or fabrication work shall be undertaken on the site other than that necessary in connection with the maintenance or repair of the applicant's vehicles plant and equipment.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

5. No more than three heavy good vehicles, as defined by the Transport Act 1968 (as amended), shall use and operate from the site.

Reason: To safeguard the amenities of nearby residential properties 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.

6. The areas shown on the approved plan for the parking, loading and unloading of vehicles shall be made available and reserved for that purpose at all times.

Reason: To ensure adequate parking provision is made 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 a scheme of landscaping and boundary treatment 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) means of enclosure, including precise details of the height, materials and construction of the boundary fence;
- (d) details of proposed external lighting

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 external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3, ENV4 and STR2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. Before development commences on the boundary fence (including site clearance and any other preparatory works) a scheme for the protection of trees on and adjoining the site, in relation to the installation of the fence shall be submitted to and approved in writing by the Local Planning Authority. Within three months of the date of this consent, the boundary fence shall be erected in accordance with the approved details and retained in perpetuity in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and avoid damage during construction 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. During installation of the fence no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, 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.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5443



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

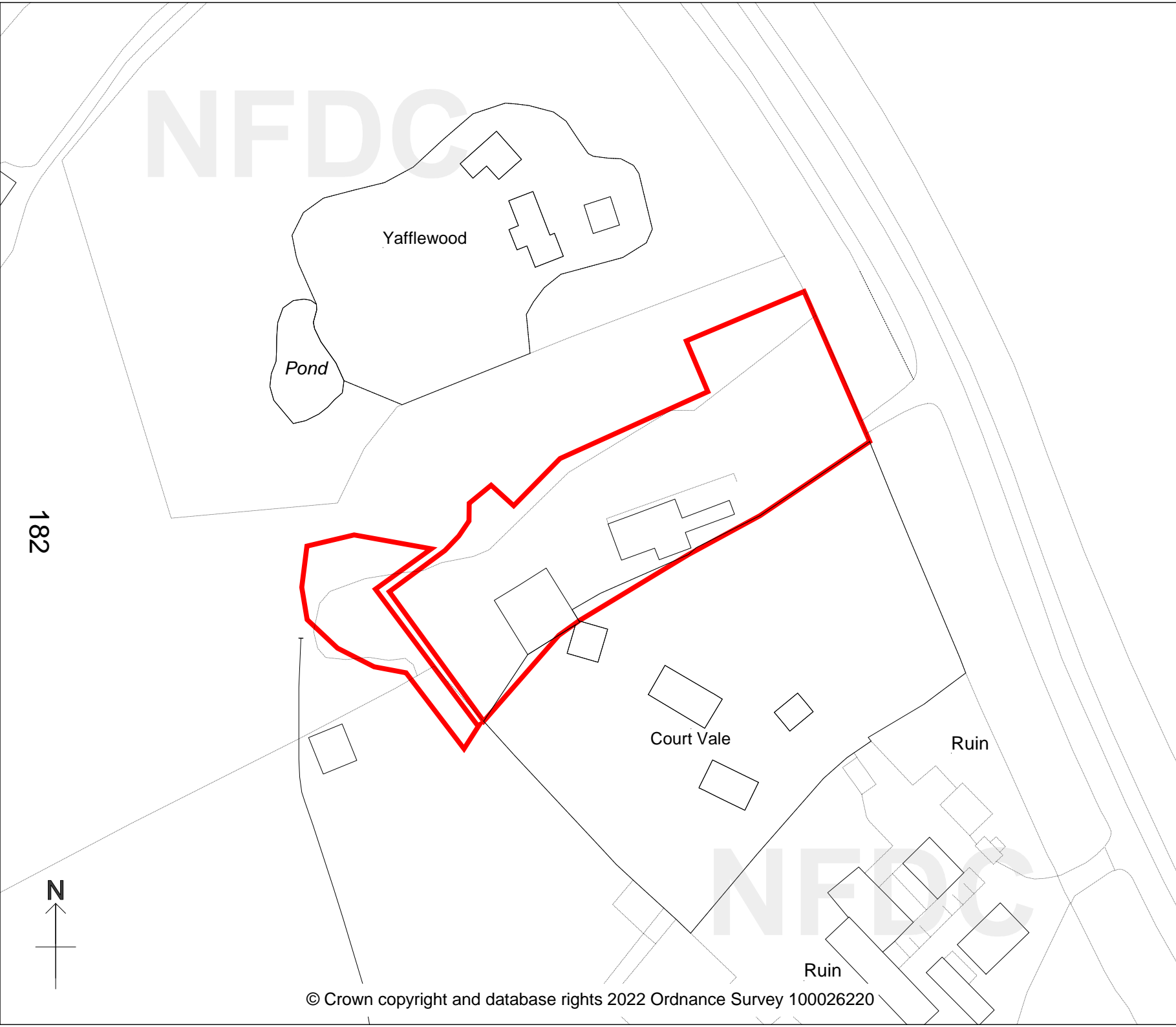
## PLANNING COMMITTEE

May 2022

COURTVALE FARM, COURT HILL  
DAMERHAM  
FORDINGBRIDGE SP6 3HL  
21/11036

Scale 1:1250

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



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Planning Committee 11 May 2022

**Application Number:** 19/11321 Variation / Removal of Condition

**Site:** PLOT 1, GORDLETON INDUSTRIAL PARK, HANNAH WAY,  
PENNINGTON, LYMINGTON SO41 8JD

(NB: PROPOSED LEGAL AGREEMENT)

**Development:** Variation of condition 19 of Planning Permission 16/10885 - not able to achieve BREEAM "Excellent" rating due to various constraints

**Applicant:** Temple Bar Development (Hampshire) Ltd

**Agent:** Simpson Hilder Associates

**Target Date:** 23/01/2020

**Case Officer:** Jim Bennett

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## 1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) The Principle of Development
- 2) Consideration of development standards
- 3) Delivery of measures to be secured by Section 106 agreement

This matter is before Committee as the BREEAM standards and terms of the Section 106 agreement originally secured under ref. 13/11033 differ from those agreed by Committee on 12th February 2014. Members are therefore requested to support the revised BREEAM standard and consider the proposed changes to the previous S106, as outlined below.

## 2 THE SITE

The site is a 3.5 hectare area of flat and relatively open grassland to the south of Gordleton Industrial Estate, separated from the existing industrial buildings by a landscaped bund. A bund is also in situ along the southern boundary of the site, which lies within an area of open countryside designated as Green Belt. The site is unallocated, but benefits from outline and reserved matters planning approvals to construct industrial buildings on the land. The applicant has recently completed development on Plot 1, following receipt of the requisite approvals.

## 3 THE PROPOSED DEVELOPMENT

The purpose of the current application is to seek variation of condition number 19 applied to the outline approval under ref. 16/10885, in order to allow the development to achieve a 'very good' BREEAM standard rather than 'excellent'.

It should be noted that Plot 1 approved under ref. 16/10885 and previously under 13/11033 has been implemented and occupied following approval of reserved matters under ref. 19/10565.

This application also provides the Local Planning Authority with the opportunity to revisit the requirements that were included within the existing Section 106 agreement.

#### 4 PLANNING HISTORY

| Proposal   | Decision Date | Decision Description                  | Status                 |
|--|---------------|---------------------------------------|------------------------|
| 19/10786 Construct 3 buildings for industrial, storage and business use (Use Classes B1, B2, & B8) (Details of appearance development granted by Outline Permission 13/11033) and varied by 16/10885 |               |                                       | Application registered |
| 19/10565 Construct buildings for industrial, storage and business use (classes B1,B2,B8) (Details of Appearance development granted by Outline Permission 13/11033 and varied by 16/10885)           | 29/08/2019    | Granted Subject to Decided Conditions |                        |
| 19/10226 Variation of condition 2 of Planning Permission 13/11033 to allow amended plan 6421.157A to allow amended cladding and door/window positions  | 16/04/2019    | Withdrawn by Applicant                | Withdrawn              |
| 16/10885 Variation of Condition 2, 12, 17 & 19 of Planning Permission 13/11033 to allow new wording in order to commence work on roads & landscaping   | 19/09/2016    | Granted Subject to Decided Conditions |                        |
| 13/11033 Construct buildings for industrial, storage and business use (Use Classes B1, B2, & B8) (Outline Application with details only of access, layout and scale)                                 | 13/06/2014    | Granted Subject to Decided Conditions |                        |

#### 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

##### **Local Plan Part 1**

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ECON1: Employment land and development

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

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

None

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

Hampshire County Council's Transport Contributions Policy (Oct 2007)



## **Constraints**

Planning Agreement  
Plan Area

## **Plan Policy Designations**

Green Belt  
Countryside

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Advice**

NPPF Chap 6 - Building a strong, competitive economy  
NPPF Chap 12: Achieving well designed places  
NPPF Chap 13 - Protecting Green Belt Land

## **7 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council** - PAR1: Recommend Permission.

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

The following is a summary of the representations received:

New Forest National Park Authority - No objections

Southern Water - No objections

HCC Highways - No objections

Southern Gas Networks - Give informatives

*Comments in full are available on website.*

## **10 REPRESENTATIONS RECEIVED**

None

## **11 OFFICER COMMENTS**

### **Introduction**

The purpose of the current application is to seek variation of condition number 19 applied to the outline approval under ref. 16/10885, in order to allow the development to achieve a 'very good' BREEAM standard rather than 'excellent'. It also presents an opportunity to secure measures identified by the Section 106 agreement in 2014, which were omitted from the 2016 Section 73 (variation) application.

## **Relevant Considerations**

### The Principle of Development

It should be noted that Plot 1 approved under outline ref. 16/10885 and previously under 13/11033 has been implemented and occupied following approval of reserved matters under ref. 19/10565. The principle of the form of development proposed is therefore acceptable.

The only matters for consideration now are whether it is acceptable for the development to achieve BREEAM 'very good' rather than 'excellent' and whether the full terms of the Section 106 agreement associated with outline ref. 13/11033 are still necessary and reasonable.

### Consideration of development standards

Condition no. 19 of outline planning permission 16/10885 requires the development to meet BREEAM excellent standard, as then required by Policy CS4 of the Core Strategy and Policy IMPL2 of the Local Plan Part 1. These policies require new commercial developments over 1000 sq.m to achieve BREEAM 'excellent' standard. A BREEAM Pre-assessment Report has been submitted with the application which indicates that the buildings would achieve a 'very good' rating (62%), rather than the 'excellent' standard (70%).

The Pre-Assessment states that the requirements for a BREEAM Excellent rating cannot be achieved by the proposed development, largely down to the timing that the credits need to be actioned, the opportunity for which has passed. Other factors include the location of the development and disproportionate costs associated with achieving credits for a development of this nature, ie portal framed industrial buildings. From the Local Planning Authority's perspective, it is acknowledged that achieving the 'Excellent' standard in portal framed buildings, intended for industrial purposes has proved problematic in the past, although each case must be considered on its own merits. In this instance the design team have demonstrated that a significant number of credits amounting to 62.3% can be achieved, equating to a comfortable 'very good' BREEAM rating. The LPA concurs with the conclusions of the BREEAM statement, which states that the development can achieve 62.3%, where 'excellent' is 70%. The lower end of 'very good' is 55%, so the proposal makes a good effort at achieving excellent and is well above the lower end of 'very good'.

### Delivery of measures to be secured by Section 106 agreement

As a Section 73 variation application, if the Council is minded to approve the applicant's request, any approval will result in a new planning permission which will be subject to similar conditions as 16/10885. The proposal will also need to be subject to a revised Section 106 agreement to ensure that the benefits identified by the original outline approval are delivered.

The legal position is that when determining a s.73 application, the local planning authority is required to consider, amongst other things, whether it wishes to impose the same or different conditions and the same or different s.106 obligations to those imposed on the original consent. It is a matter for the planning authority to decide on the planning obligations to be imposed and the Council has the ability to amend these, provided they meet the tests listed within the legislation.

A s106 agreement was completed in respect of the original outline approval under ref. 13/11033, which secured the following measures:

- The land directly to the south of the proposal site to be transferred to New Forest District Council as an open area to be used only for purposes appropriate to the Green Belt, as defined by paragraph 89 of the National Planning Policy Framework.
- To secure mitigation measures in the form of off-site highway works to be delivered, the developer having first entered into a Section 278 Agreement with HCC. The S.278 highway works would be:
  - Footway link between the site access and bus stop on south side of Sway Road;
  - Sway Road/Ramley Road junction improvement shown on drawing no. 120393/A/08 Rev B;
  - Sway Road/Mount Pleasant Lane junction improvement shown on drawing no. 120393/A/03 Rev A;
  - Sway Road kerb re-alignment at Little Orchard Corner shown on drawing no. 120393/A/10.

A subsequent application to vary the original outline was made under ref. 16/10885, but unfortunately, the above measures were not secured by a Section 106 agreement. The development approved under 16/10885 was therefore able to come forward without delivering the benefits identified by the original s.106.

A second variation of the outline application was made under ref. 19/11321 (current application), primarily to address the BREEAM matter, but which also provided an opportunity to secure the highway works. The applicant has agreed to enter into a new s.106, but following extensive negotiations, there is an impasse over the land to the south of the development site.

The impasse relates to the condition of the land and in particular, the potential for the land to be contaminated and any future liability that may arise. The original agreement covenanted that the land would be transferred in a clean condition to the Council.

The applicant is seeking to alter the terms of the agreement and are proposing that the risk of contamination on the land be passed to the Council together with an indemnity policy for 5 years. The Council is advised that to take ownership and responsibility for the land, without confirmation that there is no contamination would not be acceptable.

The discussions around the transfer of the land has required officers to consider whether the gifting of the land to the Council is reasonable or necessary in order for the development to be brought forward. In this instance Section 122 of the Community Infrastructure Levy Regulations provides clear advice on the limitation of the use of planning obligations and identify the 3 relevant tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

The transfer of the land to the council was originally intended to assist with maintaining a strategic gap in the Green Belt, through Council ownership. This was not based upon any policy requirement, but was identified by the officer as a benefit that could be achieved. It is considered that this objective will still be

achieved as any further development would be the subject of a planning application and will be considered against all policies, including those specific to the Green Belt.

Most importantly the highway improvements, to make the industrial development on this site acceptable will be delivered in full, which is considered by officers to be of greatest importance here.

On balance, officers consider the highway improvements are necessary to make the development acceptable, but that the Council's control of the land to the south is not necessary. Consequently Members are requested to agree to variation of the s.106 agreement to exclude the land clause, but to retain the highway clause to allow those works to come forward.

If Members are minded to accept the recommendation, the varied s.106 agreement may be completed under delegated authority.

## **12 CONCLUSION ON THE PLANNING BALANCE**

The principle of industrial development has previously been established on this site by the outline permission, the only matters to consider are whether BREEAM excellent needs to be achieved and whether the s.106 can be varied.

On balance it is considered that sufficient evidence and information has been put forward by the applicant to demonstrate why BREEAM excellent cannot be achieved and that the development would make good use of available land to bring significant benefits to the local economy in terms of new employment opportunities and highway improvements, which weighs in its favour.

Furthermore, it is considered that the transfer of the land at the rear, into the ownership of the council is not necessary to make this development acceptable and therefore it would be unreasonable to require this through a legal agreement.

Accordingly the proposal is recommended for approval, subject to conditions.

## **13 RECOMMENDATION**

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

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure the highway improvements; and
- ii) the imposition of the conditions set out below.

### **Proposed Conditions:**

1. The development permitted shall be constructed and maintained in accordance with the following approved plans: 6421 101 (Site Location Plan), 6421.165A (Block Plan), 6421.CL1 (Concept Site Plan) and the BREEAM Report by Scott White and Hookins dated 18/10/2019

Reason: To ensure satisfactory provision of the development.

2. The development shall only be implemented in accordance with the agreed details of the means of disposal of surface water from the site outlined in the GTA Civils letter dated 20 December 2017 (ref 6105/2.7) previously agreed under ref.16/10885, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

3. The development shall only be implemented in accordance with the agreed details of the future maintenance of the drainage system approved under condition 5 above, being those previously agreed under ref.16/10885, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

4. If unexpected contamination is found, 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 7 (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 Part 1 for the New Forest District outside the National Park.

5. The development shall only be implemented in accordance with the investigation and risk assessment incorporated within the Ground Investigation Report dated July 2014 undertaken by Geo-Environmental, previously agreed under ref.16/10885, which establishes that the potential pollutant linkages have a low / negligible risk to human health or the environment for the proposed use of the site and therefore that a remediation scheme is not required.

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 Part 1 for the New Forest District outside the National Park.

6. Any approved remediation scheme must be carried out in accordance with its terms prior to occupation of each unit within the development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in any 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 Part 1 for the New Forest District outside the National Park.

7. 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, and where remediation is necessary a remediation scheme must be prepared, 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.

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 Part 1 for the New Forest District outside the National Park.

8. The development shall only be implemented in accordance with the street lighting layout shown on drawing no. 6421.120 and incorporating 6m high DW Windsor Kirium Pro lighting columns, to control light spillage from that part of the development, which was previously agreed under ref.16/10885. The scheme shall not exceed the obtrusive light limitations for Environmental Zone E2 as stated in the 'Institution of Lighting Engineers' Guidance Notes for the Reduction of Obtrusive Light' 2005.

Reason: To safeguard the visual amenities of the area / the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

9. No goods, plant, or machinery shall be stored in the open on the site and no work shall be undertaken outside the buildings without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

10. The level of noise emitted from the site as measured at the boundary of the closest residential properties in the specified direction shall not exceed the values in the table below:

|                                 | Plant Noise Limit Leq (dBA) |                  |                           |
|---------------------------------|-----------------------------|------------------|---------------------------|
|                                 | Daytime LAeq1hr             | Evening LAeq 1hr | Night LAeq 5mins Receptor |
| Dwellings to the west and north | 35                          | 33               | 30                        |
| Dwellings to the east           | 36                          | 31               | 30                        |

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

11. The development shall only be implemented in accordance with the method statement for ecological enhancement measures, as outlined in the Ecological Method Statement for Gordleton Industrial Park prepared by Lyndsay Carrington Ecological Services and dated October 2017, which was previously agreed under ref.16/10885.

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan Part 2 for the New Forest District outside the National Park.

12. The development shall only be implemented in accordance with the ecological mitigation scheme for protected species on and around the site, as outlined in the Ecological Method Statement for Gordleton Industrial Park prepared by Lyndsay Carrington Ecological Services and dated October 2017, previously agreed under ref.16/10885.

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan Part 2 for the New Forest District outside the National Park.

13. The development shall be implemented and thereafter operated in accordance with the Framework Travel Plan previously agreed under ref.16/10885.

Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access and in the interests of highway safety, in accordance with Policy CCC2 of the Local Plan Part 1 for the New Forest District outside the National Park.

14. With the exception of Plot 1 shown on drawing no. 6421.165A (Block Plan) no other individual unit within the development hereby approved shall exceed an internal floor area of 288 sq. m.
- Reason: In order to control heavy goods vehicle movements to and from the site, in the interests of highway safety, in accordance with Policy CCC2 of the Local Plan Part 1 for the New Forest District outside the National Park.
15. All buildings will be required to achieve a BREEAM 'very good' standard as outlined within the BREEAM Report by Scott White and Hookins dated 18/10/2019. Other than Plot 1, prior to the commencement of work on each building an interim certificate shall have been submitted to and approved in writing by the Local Planning Authority. Within six months of occupation of any building on the site, a final BREEAM certificate shall have been submitted to and approved in writing by the Local Planning Authority certifying that the buildings have achieved a BREEAM 'very good' standard.
- Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy IMPL2 of the Local Plan Part 2 for the New Forest District outside the National Park.
16. Deliveries shall only be permitted between the hours of 07:00 hours and 19:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturdays with no deliveries permitted on Sundays or Bank Holidays.
- Reason: In the interest of the amenity of surrounding neighbouring residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.
17. All external works (hard and soft landscape) shall be carried out in accordance with the approved scheme of landscaping outlined on drawing numbers L90 300, L90 301, L90 302, L90 303, L90 304, L90 305 and details (previously agreed under ref.16/10885). These works shall be carried out in the first planting and seeding seasons following the completion of each plot within the development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority. Any trees or plants within a plot which die, are removed or become seriously damaged or diseased within five years of the date of their planting, shall be replaced in the next planting season with others of similar size or species, unless the LPA gives written consent to any variation.
- Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5443



30.2m



# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

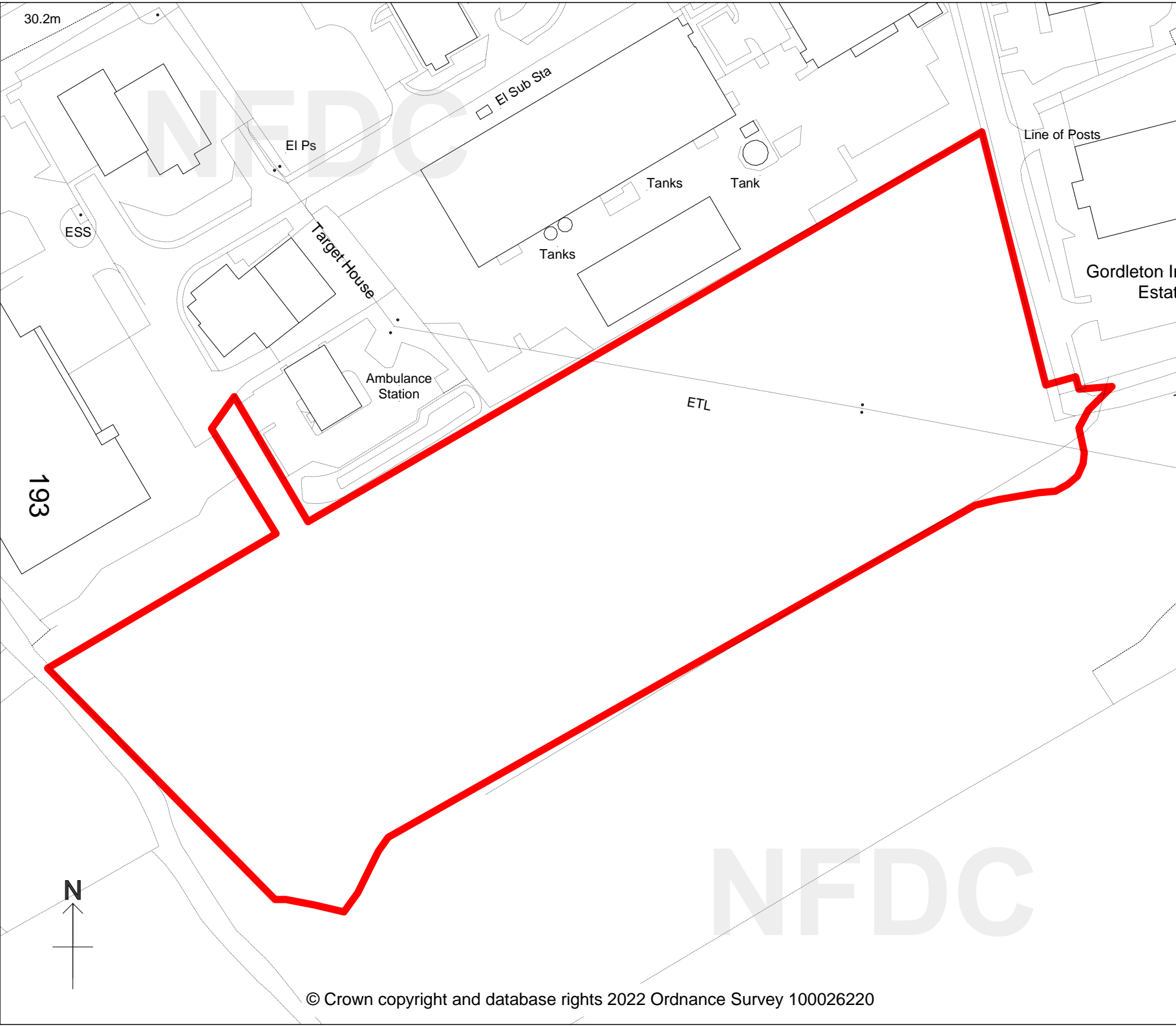
## PLANNING COMMITTEE

May 2022

GORDLETON INDUSTRIAL PARK  
HANNAH WAY, PENNINGTON  
LYMINGTON SO41 8JD  
19/11321

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NFDC

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Planning Committee 11 May 2022

**Application Number:** 22/10237 Full Planning Permission

**Site:** 1 MALWOOD ROAD, HYTHE SO45 5FB

**Development:** Detached garage

**Applicant:** Mr Collins

**Agent:** RS Studio

**Target Date:** 10/05/2022

**Case Officer:** Julie Parry

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the street scene and character of the area
- 2) Impact on neighbour amenity in terms of outlook and loss of light.

This application is to be considered by Committee because of a contrary view from Hythe and Dibden Parish Council.

## SITE DESCRIPTION

The property is a semi detached bungalow in a corner location within the built up area of Hythe. The pair of low level properties are angled towards the corner and are clearly visible when turning into Hollybank Crescent from the main Southampton Road. Number 1 has recently been extended with a two storey extension and a single storey addition following planning permission in 2020. Within the area there are a mixture of sizes and styles of properties including two storey houses to the north west along Malwood Road.

## 3 PROPOSED DEVELOPMENT

The application seeks planning permission for a detached garage within the front garden of the property.

## 4 PLANNING HISTORY

| Proposal  | Decision Date | Decision Description          | Status  |
|---|---------------|-------------------------------|---------|
| 21/11501 Single-storey garage (Lawful Development Certificate that permission is not required for proposal)               | 29/11/2021    | Was Not Lawful                | Decided |
| 20/11112 Porch; double storey side extension; single-storey rear extension; fenestration alterations: new driveway access | 02/02/2021    | Granted Subject to Conditions | Decided |
| XX/NFR/04363/1 Conservatory and garage.   | 29/02/1972    | Granted Subject to Conditions | Decided |

## **5 PLANNING POLICY AND GUIDANCE**

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

Policy ENV3: Design quality and local distinctiveness

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

DM2: Nature conservation, biodiversity and geodiversity

### **Plan Policy Designations**

Built-up Area

### **Neighbourhood Plan**

Hythe and Dibden

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

### **Hythe & Dibden Parish Council**

Comment: PAR 4 Recommend REFUSAL. The proposal is over-development of the site and out of keeping with the street.

## **7 COUNCILLOR COMMENTS**

Councillor Alex Wade supports the application as the impact on the street scene would be minimal and would have no impact on neighbouring properties, access or visibility. This location of the garage would be more sympathetic than the other side of the plot.

## **8 CONSULTEE COMMENTS**

No comments received

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 3

Against: 4

Two letters of support have been received from 1 Kelvin Close, owner of 67 Hollybank Crescent and 70 Hollybank Crescent for the following reasons:-

- More appropriate position for a garage than the alternative position (where there is currently a container).

Four letters of objection from 4, 9 & 12 Malwood Road and 69 Hollybank Crescent for the following reasons:-

- Outside of the building line
- Overdevelopment of the site
- Not in keeping in this area
- Would cause traffic problems
- Set a precedent for other garages to the front on Malwood Road

## 10 PLANNING ASSESSMENT

### Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality. The principle of the development is considered to be acceptable subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area and residential amenity.

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

Number 1 Malwood Road was built in the 1950's and being positioned on a corner the main entrance porch and front door fronted Malwood Road at an angle. This north east elevation is therefore considered to be the principle elevation and this was determined under a recent Lawful Development Certificate to erect a garage within the garden to the north east of the property which was considered to be not lawful under the Permitted Development Order 2015. The reason for this decision was that it would be to the front of the original principle elevation of the property and would not comply with the requirements for an outbuilding under Class E of the Permitted Development Order. By default this results in the south east elevation (which contains the new front door and porch) as being a side elevation and therefore positioning an outbuilding to the front of this wall would be permitted development.

The proposed garage would have an eaves height of 2.1 metres and is of a low overall height of 2.75 metres. It is appreciated that this built form would be to the front of the perceived building line along Malwood Road however number 1 is built at an angle and therefore does not fit in with the general character of development in Malwood Road. When considering the position of the garage given its low height and relatively small footprint it would have limited impact on the street scene as a whole and would not be considered an overdevelopment of the plot.. A garage in this location would not set a precedent as any further applications for outbuildings to the front of properties in this area would each need to be considered separately under their own merits.

The materials to be used would match the existing property in that they would be brick walls with a tiled roof. A condition will be applied to any approval to this effect to ensure an acceptable appearance of the resulting building.

As the property has already been extended with both single storey and two storey additions and should a garage be introduced within the front garden it would not be unreasonable to place a condition on any approval for permitted development rights to be removed for further extensions or outbuildings to ensure the property remains of an appropriate size in relation to the size of the plot and its location.

Whilst it is accepted that a garage in this location would be clearly visible within the street scene it would be of limited overall size and taking into consideration the "fall back" position under Permitted Development, which would allow a garage within the garden to the south east, a balanced view has been taken in determining this application. As such it is considered that the impact on the local area would not be to such a degree to be considered sufficiently harmful to warrant a refusal.

### Highway safety, access and parking

There is already vehicle access onto the site and whilst this would be moved to a more central position. As Malwood Road is an unclassified road and the access would be more than 10 metres from the junction there would not be an adverse impact on highway safety. Any alteration to the dropped kerb would need to comply with the requirements of Hampshire County Council Highway department and informal advice will be added to any planning approval to this effect.

Parking would be available within the new garage and within the garden to the front and side of the property along with on street parking.

### Residential amenity

The neighbour to the north west number 2 Malwood Road is a two storey detached dwelling set back on the plot in comparison to number 1. The proposed garage because of its low height and limited size, along with the degree of separation from the front of number 2 Malwood Road, would not have a significant impact on their outlook. Any shading caused by the additional built form would be limited to this neighbour's front garden and therefore would not cause an unacceptable adverse impact on their amenity.

### Ecology

Householder developments are not exempt from the requirement to deliver biodiversity net gain as part of development. However, in proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. Additional planting of native species of shrubs and trees and the addition of bird boxes should be considered as a proportionate measure to address biodiversity net gain.

## **11 CONCLUSION**

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained within the National Planning Policy Framework (2021) and other Local Plan policies. Permission is therefore recommended

## **12 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **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 received 9th February 2022

2239-10 Existing plans and elevations  
2239-11A Proposed plans and elevations  
2239-12 Site location and block plan

Reason: To ensure satisfactory provision of the development.

3. 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 or B 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 shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its plot size and location to comply with Policy ENV3: Design quality and local distinctiveness of the Local Plan Part 1.

4. The external facing materials shall match those used on the existing building.

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.

**Further Information:**

Julie Parry

Telephone: 023 8028 5436



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

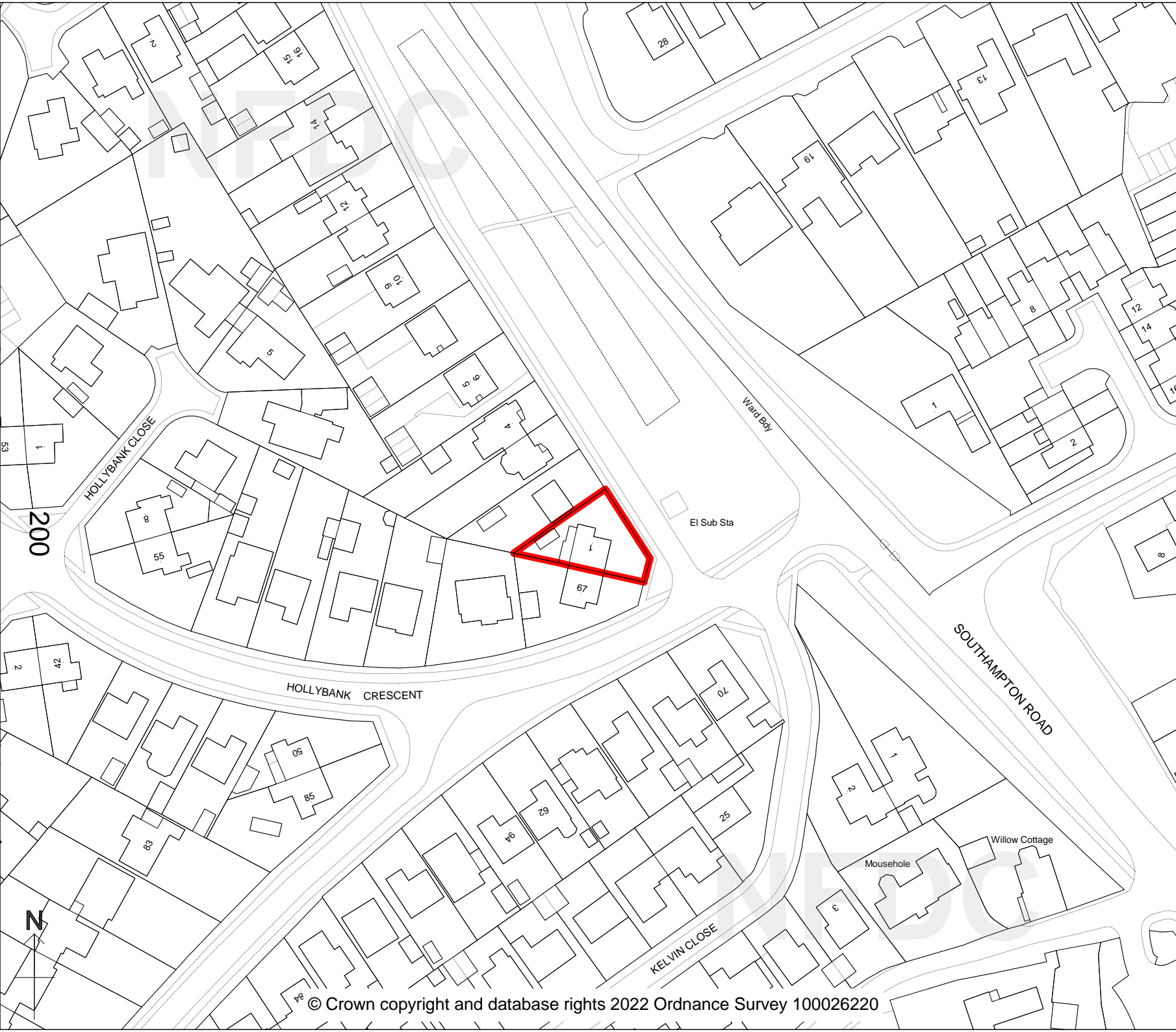
## PLANNING COMMITTEE

May 2022

1 MALWOOD ROAD  
HYTHE  
SO45 5FB  
22/10237

Scale 1:1250

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





Planning Committee 11 May 2022

**Application Number: 22/10218** Full Planning Permission

**Site:** 39 NEWBRIDGE WAY, PENNINGTON, LYMINGTON SO41 8BG

**Development:** Roof alterations to include raising ridge height, dormer windows and extension in association with new first floor; Single-storey rear extension; removal of existing

**Applicant:** Mr & Mrs Husband

**Agent:** RK Design Studio

**Target Date:** 22/04/2022

**Case Officer:** Andrew Sage

**Extension Date:** 18/05/2022

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the street scene and character of the area
- 2) Impact on neighbour amenity

This application is to be considered by Committee because the officer's recommendation is contrary to the view of Lyminster and Pennington Town Council

## 2 SITE DESCRIPTION

The existing dwelling is a single-storey bungalow with a pitched roof and front gable projection and rear extension situated in the built-up area of Pennington.

39 Newbridge Way occupies a slightly elevated position at the end of a residential cul-de-sac. The site is surrounded by similar development of detached bungalows set behind gardens along a quiet cul-de-sac with pavements and grass verges.

## 3 PROPOSED DEVELOPMENT

The proposal is for; roof alterations, to include raising the ridge height, front and rear dormer windows, in association with a new first floor extension with a hipped and half-hipped roof; and single-storey front and rear extensions.

## 4 PLANNING HISTORY

| Proposal   | Decision Date | Decision Description          | Status  |
|--|---------------|-------------------------------|---------|
| 16/10747 Single-storey rear extension                              | 05/09/2016    | Granted Subject to Conditions | Decided |
| 16/10718 Single-storey rear extension (Prior Approval Application) | 25/05/2016    | GPD Refused                   | Decided |

## 5 PLANNING POLICY AND GUIDANCE

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

ENV3: Design quality and local distinctiveness

### Supplementary Planning Guidance And Documents

Lymington local distinctiveness SPD

### Relevant Advice

Chap 12: Achieving well designed places

### Constraints

Plan Area

### Plan Policy Designations

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Lymington & Pennington Town Council**

Received on 17 March 2022

PAR4: Recommend Refusal.

- The Town Council wishes NFDC Planning Committee to consider the future development of Newbridge Way.

### **Lymington & Pennington Town Council, Town Hall**

Received on 14 April 2022

PAR4: Recommend Refusal.

- Overdevelopment; too large for the plot size.  
- Loss of privacy.  
- Out of character.  
- Inappropriate design.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### **Southern Water**

Comment Only

### **Ecologist**

Comment Only

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For:

- In keeping with neighbouring houses that have been extended.
- Does not result in overlooking
- Allows young family to remain in area

Against:

- Out of character with the adjoining properties
- Out of keeping with nearby extensions
- Overlooking of and loss of privacy of neighbouring properties
- Overdevelopment of the plot
- Overshadowing of neighbouring properties
- Surface water flooding concerns
- Impact on utilities to neighbouring properties
- Proposed development overhanging boundary of neighbouring properties
- Noise from proximity of extension

For: 9

Against: 16

## 10 PLANNING ASSESSMENT

The proposal is for; roof alterations, to include raising the ridge height, front and rear dormer windows, in association with a new first floor extension with a hipped and half-hipped roof; and single-storey front and rear extensions. The new work will be in brick to match the existing and all the exterior brick work will be painted an off-white colour. The roof will be of interlocking roof tiles to match the existing.

The principle of extending the house as proposed is acceptable, subject to compliance with policies.

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality through creating buildings and places that are sympathetic to their environment and context. Buildings and places that respect and enhance local distinctiveness, character, and identity, and avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading or other adverse impacts on local character or amenity.

During the course of the application, following concerns raised by officers, the proposal was amended to significantly reduce the scale and extent of the single storey rear and side extension.

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

Newbridge Way is a quiet residential cul de sac in the area defined as South Pennington within the Lymington local distinctiveness SPD. For much of its length Newbridge Way is characterised by single-storey dwellings of simple gabled forms, typically with ridge lines aligned with the street and subservient front and rear projections with a gable facing the street. Dwellings are set behind good sized front gardens with low front walls or hedges.

The application site occupies a slightly elevated position at the end of the cul de sac and overlooking the turning area. In this vicinity a number of dwellings have benefited from roof alterations and first floor extensions resulting in a greater

variation of forms than seen elsewhere within Newbridge Way. These extensions have increased the ridge heights and are of half-hipped with dormer window design. On account of their arrangement around the turning area the dwellings are set at varying distances (between c.5 and 12 metres) from the street. Whilst these properties show some variation from the established pattern of development seen elsewhere in Newbridge Way they have retained the modest eaves heights and vertical elevations identified as key characteristics of the South Pennington area.

The proposal will result in an increase in height and massing of the property with an increase in height of 1.7 metres over the new first floor extension, and an increase by 1.3 metres of the front elevation and existing main ridge. Whilst the proposed development occupies a more prominent location as a result of its slightly elevated position, the proposed increase in height and massing is comparable to other properties in the immediate vicinity that have benefitted from similar roof extensions and alterations; 2.4m in the case of No. 42 and 1.3m in the case of No.40. The proposed development will result in the footprint of the dwelling increasing by c.16.2m<sup>2</sup>.

The design for the proposed development, with a half-hipped and hipped first-floor extension over the front and rear projection, and new front and rear dormers, closely parallels the character of the three properties opposite (40, 42 and 43 Newbridge Way), and it is considered that by virtue of the scale and design of the proposed extensions and alterations, it will not appear out of keeping with the surrounding development, and as such the impact on the appearance of the street scene, property and character of the area are acceptable.

#### Residential amenity

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

By reason of its increase in height the proposed first floor extension will result in some additional shading of the rear of 37 Newbridge Way to the north, although the extent of this is minimised by the hipped roof design to the rear. As the proposed development is located to the south of the small rear garden of 37 Newbridge Way the greatest impact of the additional overshadowing will occur during the winter months when the garden is already substantially shaded by the existing development. There will be some additional shading during the early spring and autumn but throughout the spring and summer months, when the use and occupation of the garden will be concentrated, there will be no impact from overshadowing. Whilst the rear garden of No. 37 is significantly smaller than neighbouring properties it is considered that the level of additional overshadowing is not so significant as to be considered unacceptable in this case.

By virtue of its location and scale it is considered that the proposed rear extension will not cause unacceptable overshadowing or loss of light to the neighbouring property. Furthermore, any impact will be less than that which could be achieved under permitted development.

There is potential for overlooking of the properties to the rear of the application site from the proposed dormer windows on the rear elevation. However, one of these windows serves a bathroom, and would reasonably be expected to be obscure glazed, and the other is a secondary window to a bedroom and therefore it is considered reasonable and practicable to apply a condition that this window be obscure glazed in perpetuity. Several comments have been submitted indicating that overlooking of the rear of neighbouring properties could be achieved from the

proposed roof lights in the north and east elevations, however the bottom sill of these roof lights will be at 1.9 metres above floor level and therefore it is considered that no significant overlooking or loss of privacy will be achieved from these roof lights.

#### Highway safety, access and parking

No parking spaces will be lost from the site as a result of the proposed development and the recommended minimum on-site car parking spaces for a four-bed dwelling will be provided.

#### Ecology

Householder developments are not exempt from the requirement to deliver biodiversity net gain as part of development. In proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. In this instance the Council's Ecologist has indicated that the risk of significant ecological impact from the development is low and the provision of integrated biodiversity net gain of 2no swift nesting boxes and 1no insect hotel is considered appropriate and this will be secured by condition.

#### Flood Risk

A concern over flood risk was raised however the site is located in Flood Zone 1 where flooding is not considered a risk and it is considered that given its location and the limited increase in footprint the proposed development will not impact on or be impacted by flood risk in the area.

#### Other matters

**Utilities.** Whilst it is not uncommon for utilities to cross neighbouring properties this is a civil matter and not a planning consideration

**Noise and trespass matters.** Representations were also received with regards additional noise as a result of the proximity of the single-storey rear extension, and the overhanging of guttering on the proposed extension. Whilst neither are planning considerations in both cases it is considered that the concerns raised have been negated by the amendments to the application.

## 11 CONCLUSION

The proposal would create a development which would be acceptable within the street scene. It is considered that the proposal raises no significant concerns in respect of highway safety, visual amenity, ecology, or residential amenity. Overall it is considered that the proposal is acceptable and is recommended for approval.

## 12 RECOMMENDATION

### **Grant Subject to Conditions**

#### **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:
- Dwg no. 2107\_001 Rev A Site location plan, as submitted to NFDC on 25 February 2022
  - Dwg no. 2107\_005 Rev C Site block plan, as submitted to NFDC on 24 March 2022
  - Dwg no. 2107\_025 Rev C Proposed ground floor and first floor plans, as submitted to NFDC on 24 March 2022
  - Dwg no. 2107\_030 Rev C Proposed roof plan, as submitted to NFDC on 24 March 2022
  - Dwg no. 2107\_035 Rev C Proposed elevations, as submitted to NFDC on 24 March 2022
  - Dwg no. 2107\_036 Rev C Proposed elevations, as submitted to NFDC on 24 March 2022
  - Dwg no. 2107\_045 Rev A Proposed ecological enhancement measures, as submitted to NFDC on 31 March 2022.

Reason: To ensure satisfactory provision of the development.

3. The first floor bedroom and bathroom windows on the east elevation and the window serving the stairs on the north elevation of the approved extension shall be:
- (i) obscurely glazed, and
  - (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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. The works hereby approved shall be undertaken in strict accordance with the Ecological Enhancement Measures and details (Dwg no. 2107\_045) as submitted to NFDC on 31 March 2022 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species 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).

**Further Information:**

Andrew Sage

Telephone: 023 8028 5780



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

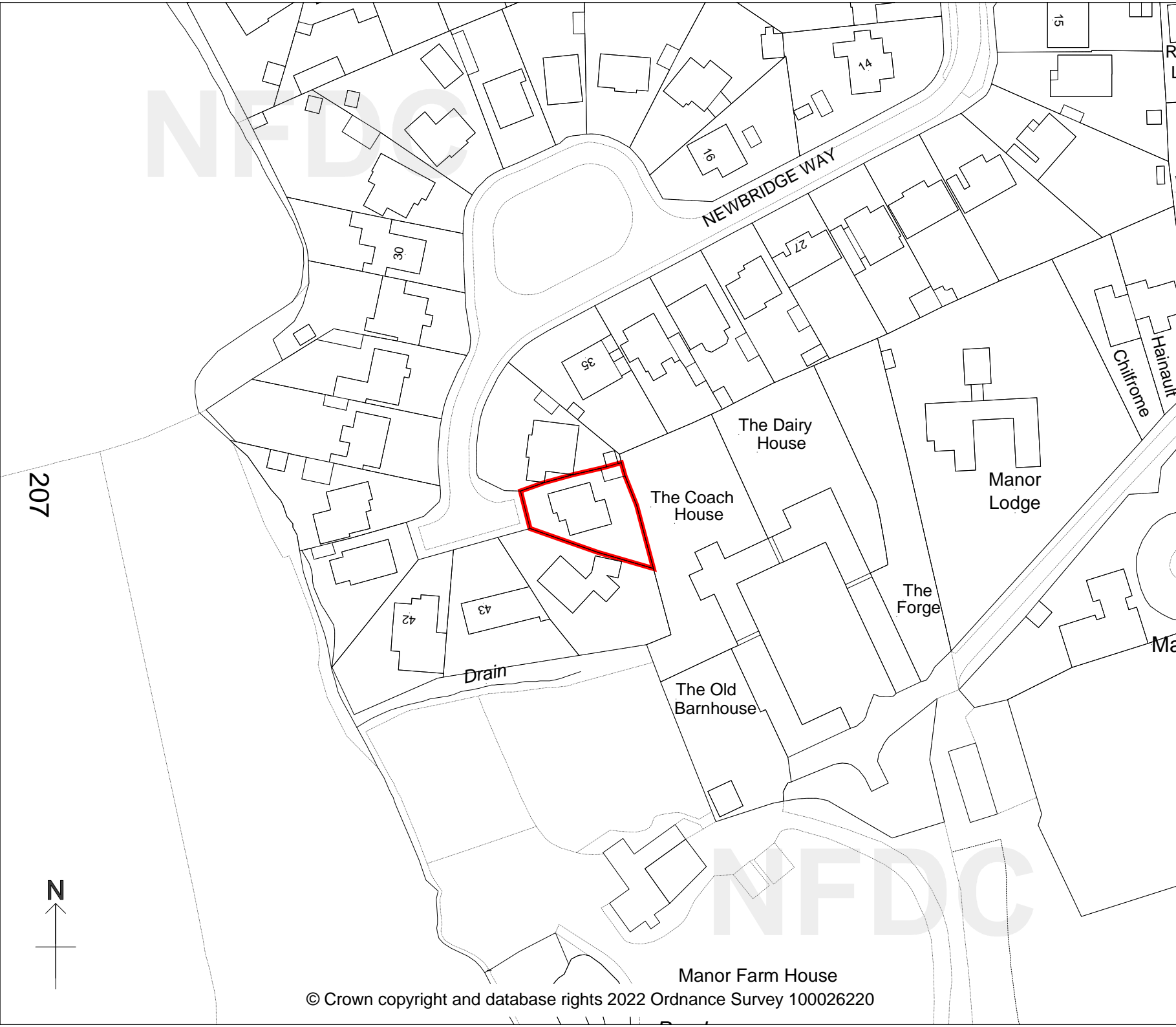
## PLANNING COMMITTEE

May 2022

39 NEWBRIDGE WAY  
PENNINGTON  
LYMINGTON SO41 8BG  
22/10218

Scale 1:1250

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