

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 14 DECEMBER 2022, AT 9.00 AM*

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

Enquiries to: Email: 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

Claire Upton-Brown
Executive Head Planning, Regeneration and Economy

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

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It can also be made available on audio tape, in Braille and large print.

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 9 November 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) **SS9: Land East of, Everton Road, Hordle (Application 21/11731) (Pages 5 - 64)**

Residential development of site for 97 dwellings, open space, Alternative Natural Recreational Greenspace (ANRG), vehicular access via Everton Road

RECOMMENDED:

Delegated Authority be given to the Executive Head for 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 contributions (subject to indexation) set out in the report and other benefits: and
- ii) Delegated authority be given to the Executive Head of Planning Regeneration and Economy to include the conditions as set out in the report, together with any further additions, and amendments to conditions as appropriate.

(b) **Land to the East of Brockhills Lane, New Milton (SS10) (Application 21/11179) (Pages 65 - 142)**

Phased residential development for 164 dwellings; new vehicular access onto Brockhills Lane and other associated works including landscaping, ANRG and open space

RECOMMENDED:

Delegated Authority be given to the Executive Head for Planning, Regeneration and Economy to **GRANT PERMISSION subject to the completion of the Section 106 Agreement and any associated Agreement to secure the delivery of off site formal open space provision and the conditions set out in the report:**

- i) The completion by the end of 30th December 2023, of a planning obligation entered into by way of a Section 106 Agreement to secure the contributions set out in the report and other benefits; 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

(c) **Little Testwood Farm, Salisbury Road, Calmore, Totton (Application 22/10714) (Pages 143 - 164)**

Development of a Class E foodstore (1,890sqm); associated access; car parking and landscaping; Class B2/B8 employment unit (1,848sqm) with

parking and landscaping

RECOMMENDED:

Grant subject to conditions

(d) **Hill View Farm, North End Lane, Harbridge, Ellingham, Harbridge and Ibsley (Application 21/11058) (Pages 165 - 176)**

Agricultural dwelling

RECOMMENDED:

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

- i) The completion and provision of a planning obligation entered into by way of a Unilateral Undertaking in accordance with Section 106 to secure the contributions set out in the report; and
- ii) The imposition of the conditions set out in the report

(e) **Redbrook Barn, Ringwood Road, Fordingbridge (Application 20/11403) (Pages 177 - 194)**

Use of existing redundant agricultural barn to four dwellings with associated car parking, new access and landscaping

RECOMMENDED:

Grant subject to conditions

(f) **25-27 Southampton Road, Ringwood (Application 19/11369) (Pages 195 - 212)**

Convert first-storey to residential use; add two additional storeys to create six residential apartments; Improvements to front and rear elevations; Improvements to rear service yard including demolition of existing cold store and rebuild to form new cold store, bicycle and bin store with associated planting

RECOMMENDED:

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

- i) The completion by 28 April 2023, of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitat mitigation measures, and air quality monitoring contributions: and
- ii) The imposition of the conditions set out in the report

(g) **Pheasants Walk, Poplar Lane, Bransgore (Application 22/11065) (Pages 213 - 218)**

Bay window extension; porch; canopy to the front; boundary fence to the rear

RECOMMENDED:

Grant subject to conditions

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

- 4. UPDATE ON OUTLINE PLANNING APPLICATION 19/10581: SITE OF FAWLEY POWER STATION, FAWLEY ROAD, FAWLEY, SO45 1TW (Pages 219 - 224)**
- 5. APPEAL DECISION UPDATE FORMER LYMINGTON POLICE STATION, SOUTHAMPTON ROAD SO41 9GH 21/10938 (Pages 225 - 260)**
- 6. 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

Planning Committee 14 December 2022

Application Number: 21/11731 Full Planning Permission

Site: SS9: LAND EAST OF, EVERTON ROAD, HORDLE
(PROPOSED LEGAL AGREEMENT)

Development: Residential development of site for 97 dwellings, open space, Alternative Natural Recreational Greenspace (ANRG), vehicular access via Everton Road

Applicant: Bargate Homes & Vivid Homes

Agent: Turley

Target Date: 08/04/2022

Case Officer: Warren Simmonds

Extension Date: 11/11/2022

1 SUMMARY OF THE MAIN ISSUES

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

The key issues are:

- 1) Principle of development - having regard to Local and National Planning Policy including 5-year land supply
- 2) Character – the site layout, design of dwellings, and impact on the character and appearance of the area including matters relating to hard and soft landscaping
- 3) The quantum and quality of green infrastructure (including ANRG land, Public Open Space and play areas)
- 4) Access and highway safety considerations – including trip generation and local road capacity, sustainable transport opportunities and car parking provision, 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
- 5) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG), achieving Nutrient neutrality and impact on protected species
- 6) Impact on trees

- 7) Drainage – including flood risk, surface and foul water drainage
- 8) Archaeology and heritage considerations
- 9) Affordable housing provision - 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
- 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) S106 legal agreement contributions and Heads of Terms in the event of an approval.

2 SITE DESCRIPTION

2.1 The application site occupies land identified within The New Forest District Council Local Plan 2016-2036 as Strategic Site 9 (SS9) - Land to the East of Everton Road, Hordle.

2.2 The site is identified by policy SS9 for residential development of at least 100 homes depending on the housing mix provided and open space.

2.3 The village of Hordle sits between New Milton to the west, Lymington to the east and south-west of the New Forest National Park. The settlement of Hordle comprises two parts, each located to the north and south of Green Belt. The site falls within the northern area of Green Belt. The Local Plan allocation has removed the SS9 site from its Green Belt designation (now classified as being within the built-up area).

2.4 The site extends to approximately 6.67 hectares of predominantly undulating close-grazed grassland fields divided by mature trees and hedgerows. The site contains field shelters and a derelict shed/barn. The site is longer than it is wide, irregular in shape, orientated approximately north-west to south-east and comprises a series of interconnected pasture fields and paddocks which lie to the east of Everton Road on the eastern edge of Hordle. Everton Road and the rear gardens of properties on it form the southwestern edge of the site with the south-eastern edge being bounded by gardens of residential properties on Cottagers Lane.

2.5 The site wraps around a parcel of land which forms part of a nursery and the north-eastern boundary abuts more grazing land. The north-west of the site abuts Silver Street and another nursery and is used for equestrian activities.

2.6 The New Forest National Park extends northwards from the opposite side of Silver Street and the eastern part of the site lies within the South West Hampshire and South East Dorset Green Belt.

2.7 The site is bounded by Everton Road to the southwest and Silver Street to the north. Everton Road is a residential street and is one of four main routes which lead into the village and is subject to a 30mph speed limit. There is currently no footway provision on the northern edge of Everton Road and a vegetated verge separates the site from the carriageway.

2.8 Silver Street is also a main route, subject to the same speed limit and provides access into the northern area of the site. Footway provision is similarly limited and intermittent.

2.9 No public footpaths cross the application site.

3 PROPOSED DEVELOPMENT

The proposed development

3.1 The application is a full planning application for 'Residential development of site for 97 dwellings, open space, Alternative Natural Recreational Greenspace (ANRG), vehicular access via Everton Road.'

3.2 Initial proposals were for 103 dwellings, open space, alternative natural recreational greenspace, and vehicular access via Everton Road, and Silver Street. However, in response to consultee responses received (most notably from HCC Highways who had concerns with the proposed Silver Street access), a revised scheme was submitted in July 2022 which omitted the Silver Street access, reduced the number of proposed dwellings to 97 and amended the layout and extent of the proposed ANRG.

Consequently, the application as now proposed has been amended as described at 3.1 (above). The amended scheme was subject of a full reconsultation of neighbours, consultees and the parish council.

Site constraints/ designations

3.3 The application site is subject to the following constraints and designations:

- Strategic Allocated Site (SS9)
- Tree Preservation Order (TPO/0009/18) covers majority of site
- Adjacent to Hordle Wood SINC (SW side of Everton Road)
- Protected species (bats, Barn Owl)
- Built up area

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10329 Development of 110 dwellings, open space, alternative natural recreational greenspace, vehicular access via Everton Road and Silver Street (EIA Screening Opinion) (Site SS9)	23/04/2021	EIA not required	Decided

09/95010 2 blocks of stables and store rooms 16/02/2010 Granted Subject Decided to Conditions

04/81521 All weather exercise area 09/07/2004 Granted Subject Decided to Conditions

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities

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 ENV2: The South West Hampshire Green Belt

Policy HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy IMPL3: Monitoring

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

Strategic Site 9: Land east of Everton Road, Hordle

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

SPD - Hordle Village Design Statement (VDS, adopted December 2014)

SPD - Parking Standards (revised 6th April 2022)

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
- Section 16 Conserving and enhancing the historic environment

Constraints

Small Sewage Discharge Risk Zone – RED

Plan Area

Tree Preservation Order: TPO/0009/18/A1

Plan Policy Designations

New Housing Land Allocations (SS9)

Built-up Area

6 PARISH COUNCIL COMMENTS

Original submission:

Hordle Parish Council

Parish 4 We recommend refusal

Although Hordle Parish Council welcomes the affordable homes this proposed scheme will bring to the village, it has serious concerns about the wider implications of the scheme as follows:

1. Traffic and road safety

1.1. Lack of pedestrian access onto Silver Street - the lack of connecting pavements from the development along silver street at this busy stretch will undoubtedly cause accidents on this busy road. It is unrealistic to expect residents at the northern end of the site to make a large detour via Everton Road to access the nearest bus stop, garage shop, pharmacy, recreation ground and halls.

1.2. Everton Road access the Parish Council considers the location of this junction to be poorly placed with limited visibility. The Parish Council's Speed Indicator device was placed on Everton Road Hordle, for 3 weeks from 13th January to 7th February. During that time, it captured the movements of 46,059 vehicles; 21,162 incoming (southbound) and 24,897 outgoing (northbound). Only 75% of incoming vehicles and 76% of outgoing vehicles were travelling at under 30mph. (94% were under 35 mph, 95% for outgoing vehicles; 1% over 40mph. 117 vehicles were travelling over 46mph). 11,174 vehicles travelled above the 30mph speed limit. The highest speed recorded was 62mph on 23rd January at 8.30pm.

1.3. Through traffic: The Parish Council is concerned that the proposed new road through the development will become a rat run to avoid roundabout at the Ashley Lane/ Silver Street/ Vaggs Lane junction. It requests that measures are taken to prevent this from happening.

1.4. Increase in traffic: Hordle has narrow, rural roads. The increase in traffic from this development will undoubtedly have a negative impact on them. There are existing concerns about traffic hotspots in the village which were highlighted in the Parish Council Village Design Statement (2014) as well as during the public consultation for the Local Plan review in 2016. Specific areas are:

- the crossroads at Everton Road with Woodcock Lane and Hordle Lane where there has been a number of accidents and which are adjacent to the primary school (this is exacerbated at school drop off/ pick up times due to school related parking and the number of people crossing);

Everton Road south of the crossroads, which is effectively a one-carriageway road until the junction with Kings Farm due to residents on-road parking;

- Hordle Lane during term time which is also narrowed due to parking for the school;

- the A337 junction with the B3058 to Milford on Sea;

- access to the A337 at Downton.

Many of the existing routes to access the school and shops are via rural lanes with no pavements. Entrance and access to the village is through local small roads before accessing more major "A" and "B" roads. Public transport is infrequent and cycling options limited due to busy narrow rural roads. There are very limited employment opportunities in Hordle meaning residents need to travel to work. Consequently, most journeys in the village are by private cars.

The Parish Council is concerned that the lack of cycling and walking routes in the plan gives the development a sense of isolation from the rest of the village.

1.6. The Parish Council considers the complete lack of street lighting would have a negative impact on road safety, particularly at the access points onto Silver Street and Everton Road.

2. Parking

The Parish Council considers that this development does not meet the 2012 parking standards which are still in effect at this moment in time. There is a shortfall of spaces and the proposed parking provision does not take into account rural areas as stated in parking standards:

"Public Transport in the District 3.1 Public transport provision in the New Forest District is generally limited in terms of: a) Routes - they generally follow transport corridors rather than form a comprehensive 'spider's web' and b) Frequency and timetable - no evening or Sunday services across much of the area. Therefore much of the catchment area of non-residential development in the district (outside the National Park) will have low or very low accessibility characteristics and so lower maximum parking standards are not considered appropriate.?"

In addition:

"Driveways longer than 6m will be counted as a single parking space unless the developer can adequately demonstrate that the driveway can reasonably accommodate more than one vehicle.

The limited parking provision will mean that the site will be overcrowded and feel very urban, which is not ideal given its location adjacent to greenbelt land. The shortfall of parking will also lead to pressure on parking on roads outside the site.

3. Flooding and drainage

Silver Street currently suffers from flooding near the proposed access onto this site and the Parish Council is concerned that the situation will be exacerbated by run off from the new development.

4. Wildlife and biodiversity

The Parish Council would like to see more environmental measures included in the scheme and supports the comments of the NFNPA's Landscape Officer and NFDC's Ecologist and Open Spaces Office.

5. ANRG

5.1 The Parish Council is concerned about the proposed arrangements for a management company to oversee the management of the ANRG. It is concerned about the robustness of such a company which relies on residents to pay a fee and become actively involved in perpetuity. In addition, it is concerned that such a company may not have the best interests of the whole of the Hordle community at heart when managing the site. The Parish Council would like to see the management of the site remain with a local authority to ensure that the site is protected and management for the benefit for all of Hordle's residents.

5.2 The Parish Council shares the concerns of the District Council's Open Spaces Officer with regard to the provision and layout of the proposed features and facilities. The Parish Council feels that it is best-placed to contribute the selection and design of the facilities on site and would like to be part of the consultation process for this to ensure the optimum scheme is produced for the benefit of the whole community.

6. Infrastructure

6.1. The Parish Council is concerned that although mitigation money to improve local schools will be in place, that space constraints of the site of Hordle Primary School will mean that any tangible benefits to education provision for the village's children will not be maximised.

6.2. Places for safe school bus pick up/ drop off points for children living on the new development have not been considered (see the earlier point about pedestrian safety to access to the bus stop on the Ashley Road).

The Parish Council strongly requests this application be refused.

Amended submission July 2022:

The Parish Council welcomes the opportunity to comment on these amended plans and is pleased that some earlier concerns have been addressed. However, the Parish Council still recommends that this application is refused on the following grounds.

Many village residents are concerned about the totality of the new developments in Hordle with the increase in population size and loss of a village feel. Although the comments below are specifically in relation to the SS9 application, the Parish Council believes that this development and SS8 together will affect road safety around existing difficult "hot" spots and that there is not the infrastructure to support the totality of these developments.

In addition neighbouring strategic sites in Milford, Brockhills and Pennington will have a negative cumulative effect on many of the issues raised and we ask that the detailed comments below are seen in this context.

Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy.

The Parish Council and residents are concerned that this development will affect the residential amenity of properties near to this proposed development and in the village. The felling of large established trees will lead to visual intrusion and affect the rural nature of the area. Additional traffic movements will negatively impact neighbouring properties.

Hordle Village Design Statement (VDS) GE02- Setting of the Parish. Any changes to buildings or land should respect and seek, wherever possible, to improve the setting of the Parish. Preserving and improving public views onto the countryside will be an important consideration for new development.

VDS - GBE04- Sympathetic design. Future developments should be encouraged to be sympathetic to adjoining development, (including appropriate recognition for buildings of historic and /or local significance) taking into account the size, scale, density and design of the surrounding buildings, including story heights and spacing. The over- shadowing of neighbouring properties should be avoided.

Creating healthy and safe communities through good design.

The Parish Council has some concerns about the overall design of the site. There is a large grouping of affordable housing at the Silver Street end of the site which appears as a segregated "enclave " away from the rest of the site. There is also a carpark which is tucked away behind buildings with a lack of oversight and informal supervision. The Parish Council ask that this area of the site is reconsidered and redesigned.

There are concerns about the overall density of build on the site and although the development meets the newly relaxed NFDC Parking Standards which accepts tandem parking, there is concerns that householders trade vehicles will be parked on the road causing an urban feel to the area

VDS RBE02- Housing Density: It may have been seen from examples in the Parish where a high density of dwellings have been constructed this can create a cramped environment and impact on the amenity of the residents. Unless these concerns may be demonstrated as clearly mitigated at the design stage this form of development

should be discouraged.

Some areas of the site show “estate” fencing as boundaries. This is out of keeping in a rural area and does not accord with the VDS standards.

VDS GBE19- Preferred boundary treatment: Ideally boundaries should be a defined with an open style wooden fence backed up by hedging (preferably using local native species) in order to reflect the rural character of the area, maintain views and create a more open feel to the street scene. The use of Cupressus hedging for front boundaries should be discouraged.

The Parish Council is concerned about the lack of cycling and walking routes in the plan which gives the development a sense of isolation from the village. Although two pedestrian access points are shown on the plans they are labelled “potential” access points and the Parish Council would ask that they definitely be included in the development.

The Parish Council note that the proposed vehicular access onto Silver Street is no longer included in the plan but have serious concerns that pedestrians could create an unofficial access on to Silver Street as the quickest access route to local amenities

(Community centre, local garage shop, pharmacy and bus stops). It appears from the plan that this boundary is to be provided by low level estate fencing which will not prevent pedestrian access and ingress, and which could be dangerous for pedestrians and others. Steps must be taken to prevent this – perhaps some mature planting of prickly shrubs could be conditioned.

Impact on the character and appearance of the area, including countryside landscape, character scenic and amenity value.

The Parish Council and residents are very concerned about the significant loss of mature trees with a high amenity value and the negative impact this will have on the visual appearance of the Everton Road area. Of particular concern is the loss of mature trees to provide a temporary construction access. The Parish Council feels this is totally unacceptable and that an alternative solution should be found.

VDS GE04- Trees and Hedgerows. Important trees and hedgerows that contribute to character of an area should be retained. Every effort should be made to include strong structural landscaping based on appropriate indigenous tree and shrub species where possible.

VDS RBE07- Existing green frontages and verges: these contribute to the rural character of the street scene and every effort should be made to preserve such features.

Impact on ecology and in particular protected species.

The Parish Council would like to see more environmental measures included in the scheme. We support the bat and owl mitigation but would like to see additional bat and swift boxes included in the plan.

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

The Parish Council and residents have very strong concerns about highway safety.

Everton Road access - the Parish Council considers the location of this junction to be poorly placed with limited visibility. There is already an issue with speeding in this location as demonstrated by data from the Parish Council's Vehicle Activated Speed

Device which was placed on Everton Road Hordle, for 3 weeks from 13th January - 7th February. During that time, it captured the movements of 46,059 vehicles; 21,162 incoming (southbound) and 24,897 outgoing (northbound). Only 75% of incoming vehicles and 76% of outgoing vehicles were travelling at under 30mph. (94% were under 35 mph, 95% for outgoing vehicles; 1% over 40mph. 117 vehicles were travelling over 46mph). 11,174 vehicles travelled above the 30mph speed limit. The highest speed recorded was 62mph on 23rd January at 8.30pm.

The pavement on Everton Road which is a main route to the primary school is very narrow in places, especially at the southern end, and does not allow a safe walking route to school. Additional traffic from the new development and additional children accessing the local school will make this even more hazardous.

Increase in traffic - Hordle has narrow, rural roads. The increase in traffic from this development will undoubtedly have a negative impact on them. There are existing concerns about traffic hotspots in the village which were highlighted in the Parish Council Village Design Statement (2014) as well as during the public consultation for the Local Plan review in 2016. Specific areas are:

- the crossroads at Everton Road with Woodcock Lane and Hordle Lane where there has been a number of accidents and which are adjacent to the primary school (this is exacerbated at school drop off/ pick up times due to school related parking and the number of people crossing);
- Everton Road south of the crossroads, which is effectively a one-carriageway road until the junction with Kings Farm due to residents' on-road parking;
- Hordle Lane during term time which is also narrowed due to parking for the school;

Many of the existing routes to access the school and shops are via rural lanes with no pavements. Entrance and access to the village is through local small roads before accessing more major "A" and "B" roads. Public transport is infrequent and cycling options limited due to busy narrow rural roads. There are very limited employment opportunities in Hordle meaning residents need to travel to work. Consequently, most journeys in the village are by private cars.

There is concern about construction traffic being routed in and out of the site via the A337 especially if this development overlaps with SS8, SS7 and SS5. This junction with Everton Road is already problematic and issues of car parking and safe access to the school have already been flagged as a major concern.

VDS RRTS02 – Future development. This should be influenced by the need for safe access and egress onto existing roads and the suitability of existing roads to carry any increased volume of traffic. New development proposals should ensure that roads and pedestrian safety concerns are addressed through dialogue between Highways and the Parish Council at the planning stage.

VDS RRTS05 – Safety of cyclists. Proposals designed to facilitate safe cycling routes to access neighbouring communities and the National Park would be welcomed. The creation of off-road routes and measures which improve safety on the roads and lanes of the Parish, such as the "cycle route network" initiative of HCC / NFDC should continue to be supported and progressed by the Parish Council working together with the Authorities

Impact on flood risk on, or near the site.

The Parish Council is concerned that several areas in close proximity to this site are already prone to flooding. This includes Silver Street, Cottagers Lane and Everton Road. This coupled with Southern Water's report that the proposed soak away

system and ditches and existing sewers are unable to cope with any new development is extremely concerning and must be adequately addressed.

Impact on provision of open space, sport and recreation, community services and infrastructure.

The Parish Council is concerned that although mitigation money to improve local schools will be in place, that space constraints of the site of Hordle Primary School will mean that any tangible benefits to education provision for the village's children will not be maximised.

Places for safe school bus pick up/ drop off points for children living on the new development have not been considered (see the earlier point about pedestrian safety to access to the bus stop on the Ashley Road).

The Parish Council is concerned about the proposed arrangements for a management company to oversee the management of the ANRG. It is concerned about the robustness of such a company which relies on residents to pay a fee and become actively involved in perpetuity. In addition, it is concerned that such a company may not have the best interests of the whole of the Hordle community at heart when managing the site. The Parish Council would like to see the management of the site remain with a local authority to ensure that the site is protected and management for the benefit for all of Hordle's residents.

The Parish Council feels that it is best-placed to contribute the selection and design of the facilities on site and would like to be part of the consultation process for this to ensure the optimum scheme is produced for the benefit of the whole community.

No parking has been provided for people wishing to access the ANRG space and this with the proposal that the estate will not be adopted by highways mean that cars will park on Everton Road which will impact on pedestrian and road safety especially at school times

Hordle Parish Council strongly recommend Refusal – Parish 4

7 COUNCILLOR COMMENTS

7.1 Cllr Alvin Reid:

Whilst it is accepted that more housing is required, especially affordable housing, several aspects of this proposal need to be addressed before I can voice my approval.

1. Surface water run off needs to be further addressed based on Southern Water's assessment that there is insufficient current capacity for the proposed flow rates and the use of soakaways is not viable.
2. The removal of a significant number of TPO'd trees is proposed. This is totally unacceptable. Alternative solutions are to be proposed.
3. Whilst the landscape Strategy in the D&A statement mentions tree planting, I can find no mention (with apologies if I didn't find it in the raft of documents provided) of a proposal to plant two trees for every one removed. I feel this is a minimum requirement that should be included as a condition. All new trees should be native.

4. There appears to be a number of discrepancies between the documents provided. This results in an inability to fully review the proposal. This is unacceptable.
5. Whilst the development will be built to the latest design standards, I find the lack of solar panels, both PV and Aqua disappointing and unacceptable.
6. Given this is a green field site and the size of the ANRG, there is an opportunity to install Ground Sourced Heat Pumps to supply cheap and renewable energy across the site. Whilst it is accepted this would increase the developers costs, it provides a tremendous opportunity for the developer to generate revenue in perpetuity. The lack of these renewable energy facilities is unacceptable.
7. I could find no mention in the D&A statement of rain water capture and reuse.
8. Whilst this proposal would normally be viewed in isolation I feel that the cumulative effects of the two Strategic Sites (SS8 & SS9) should be assessed in both applications. It is essential that the cumulative effect on transport and local facilities is understood and included in the proposals for both strategic sites.
9. Whilst HCC Education Authority identify c£650k contribution requirements for both primary and secondary education, it is difficult to see where additional facilities can be built. Again this is exacerbated by the cumulative effect of SS8, SS9, SS10 and SS11

7.2 Cllr Fran Carpenter

Comments relating to original scheme:

The number of homes on SS9 is satisfactory, in isolation, only 3 more homes proposed above the 100 suggested in the NFDC guide plan for this particular site.

However, I please request that this site is looked at in conjunction with SS8 on Hordle Lane, which is split between 2 developers (Bargate & Pennyfarthing), with a potential to take 320 homes+ on SS8 alone, yet alone this SS9 site of 103 homes. A potential total of 423+ new homes for Hordle, crammed into these sites, and part of SS8 hasn't even come into developer ownership yet! (The original 'at least' number of homes for Hordle was 260 across SS8 and SS9!)

Concern about the exit onto Silver Street for pedestrians, although I believe this exit has now been removed from the plan?

Important to retain the trees and established hedgerow along Everton Road and within the site on the current field boundaries to maintain the sylvan feel of the setting.

There must be plenty of street trees and garden trees added within the development; also hedgehog highways from garden to garden, bat and bird boxes and communal and garden wildflower areas; wildlife friendly ponds within the green spaces. (I am happy with the idea of no street lighting on site for wildlife.)

Homes should be as sustainably designed, in and outside, as possible.

Green spaces must be managed well and consistently with NFDC biodiversity standards. Not particularly happy with the management company arrangement where residents of SS9 will pay to have the land maintained. Will conflicts arise when public want to use it?

Hordle PC and NFDC councillors hoped allotments (60 half plots in total) would be provided across SS8 and SS9 sites, and currently are NOT (only 28 plots on SS8 in the wrong place). Disappointing there are no allotments proposed on the SS9 open

green space, access from Woodcock Lane or Everton Road, with a small associated parking area. SS9 would be a better place for allotments as the green space proposed is not so visible to the public from the road as allotments proposed on SS8 on Hordle Lane will be. Allotments can look quite messy!

Why are no bungalows proposed on this site? Older downsizers need affordable smaller accessible homes too. And bungalows are a feature of this part of Hordle.

There must be no parking overspill from the site onto Everton Road. There is already a great deal of parking on Everton Road and the new site must not exacerbate this. Adequate parking must be provided on site for occupiers and visitors.

Want to see some thought put into the design of the homes, not just red brick boxes as I see on other sites around the area. Chimneys, interesting features and shapes of roofs, interesting brick patterns, all desirable.

Proposals for the management of this land for people and wildlife must be clearly and legally laid out and agreed with NFDC.

Comments relating to amended scheme:

Whilst acknowledging the number of houses are reduced in this second application, and the exit onto Silver Street has been removed, I still object to this application for the following reasons:

1. Substantially important TPO trees in the landscape will be lost in creating the entrance to this site on Everton Road. I would like to see one more effort to find an exit onto Everton Road that leaves all or more of these important landscape trees standing. Majestic, mature trees are never satisfactorily replaced by small replacement trees.
2. The amount of traffic generated from the site on Everton Road would add to an already difficult and congested parking and access situation on that road, particularly at school times, but not only at school times.

I would also like to request that details of construction traffic movements are published as soon as possible, to reassure residents that proposed hours of work and best construction traffic routes will be adhered to.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

8.1 Southern Water

Southern Water can facilitate foul sewerage disposal to service the proposed development.

We have reviewed the surface water strategy submitted which concludes the use of soakaways is not viable.

From the submitted drawing (6351-MJA-SW-XX-DR-C-003 P1) it's evident that the onsite ditches are of shallow nature and lack connectivity with a suitable outfall and they serve as field drains which utilise shallow infiltration.

The only option left is to connect to an existing surface water sewer, however we have undertaken a capacity checks and there is currently insufficient capacity for the

proposed flow rates, which was conveyed in our response on 02/08/2022.

8.2 Open Space Officer

A variety of comments and advice of details of required specifications for ANRG, POS, play, access/paths, drainage/SuDS, landscape and landscape management, maintenance access and the maintenance of ecology features.

8.3 Hampshire County Education

The County Council has used previous extension projects to derive a cost for the proposed expansion to the primary places within the New Milton planning area, and this is estimated at **£365,747**. This is based on the provision of 1 teaching space at a pro-rata cost to accommodate the pupils from this development. Details of how these costs were derived can be found in Appendix B. This will go towards any expansion at Hordle CE Primary School, Ashley Infant and Junior Schools or New Milton Infant and Junior Schools.

Following lengthy discussions with the applicant, HCC have confirmed that no contribution is being sought for secondary provision, due to existing capacity at The Arnewood School.

8.4 HCC Surface Water

No objection, subject to a condition:

'In our previous response we asked for additional assessment to be undertaken on the potential ditch network within the site. This has been provided and shows that there are a number of ditches but no confirmed downstream linkage and a suspected lack of maintenance leading to reverse falls in places. It is considered that there may be a suitable connection, but further investigation will be required before this can be confirmed.'

An alternative discharge point has been proposed which utilises a short section of Southern Water surface water sewer before discharging into the nearby watercourse. Given this is a viable option and there is sufficient open space downstream to facilitate an alternative drainage proposal if required, we would not object to this application being granted providing that a suitably worded condition is provided to allow further investigation into the ditch network.'

8.5 Environment Agency

The Environment Agency have provided a consultation response of:

'This application falls outside of our remit therefore we have no comments to make.'

8.6 Hampshire Fire & Rescue Service

No objection - Standard letter of advice received, setting out that access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations, including provision of Hydrants. Also referring to the Hampshire Act 1983 Section 12 (Access for Fire Service), but no site-specific comments or observations/recommendations made.

8.7 New Forest National Park Authority

No objection – Various comments provided. Suggested planning condition controlling the installation of future external lighting for householders.

8.8 HCC Highways

Having reviewed the additional information submitted, the Highway Authority is satisfied the proposed development would not cause severe impact upon the operation or safety of the local highway network and would therefore recommend no objections to this application, subject to the following obligations and condition. (see proposed conditions and S106 heads of terms set out below)

8.9 NFDC Tree Team

The Tree officer raises no objection to the proposal on tree grounds, subject to appropriate conditions to secure tree protection measures.

Detailed comments set out in the relevant section below.

8.10 Environmental Health (Pollution)

No objection, subject to working hours condition.

Comments and advice provided re. noise impact assessment during construction period, CEMP and acoustic standards within habitable rooms within the proposed development.

8.11 Environmental Health Contaminated Land, Appletree Court

No objection - No further investigation, assessment or remediation is required for this site.

8.12 Environmental Health (Air Quality)

The submitted air quality assessment (ref: 784-B026780 28 July 2022) appropriately assesses the potential impact of the proposed development on local air quality in terms of the operation and construction phases of the development. As such the conclusions are agreed.

Environmental Health (pollution) supports the applicant's reference to the New Forest District Council Air Quality Assessments in New Development SPD and noted intended mitigation measures as stated in section 8.2 of the air quality assessment.

In conclusion Environmental Health (pollution) has no objection to the application subject to the following condition be applied should permission be granted (CEMP condition recommended).

8.13 NFDC Ecologist

No objection, subject to condition(s)

8.14 HCC Minerals and Waste Planning

No objection – Conditions re recovery and reuse of minerals recommended

8.15 NFDC Landscape Team

The Council's Landscape officer has provided detailed comments which set out his concerns but has confirmed that the proposed ANRG now meets policy requirements in terms of its dimensions.

The Landscape officer in his conclusion recommends that strong Landscape Conditions are included to ensure that an appropriate level of details are submitted for approval.

8.16 NFPA Archaeologist

No further archaeological investigation is recommended. I have no objections and/or conditions to this application.

8.17 NFDC Conservation

No objection - I find that the development will have limited impact on the setting of designated heritage assets. Any potential intervisibility is felt to be negligible and therefore would not amount to any harm being proposed to the local heritage assets. I would raise no concerns regarding the proposal.

8.18 NFDC Urban Design

Broadly the scheme offers some good quality design, following for the most part the concept masterplan from the policy, it retains and suggests it could augment the tree cover (although this is not explicit) as a key characteristic of the site and offers some fairly charming dwellings. However, the scheme has some fundamental issues outstanding and some submissions appear unfinished. As a result, I do not consider that they have provided a design that I believe to be acceptable.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

A total of 85 representations were received from third parties. Of the representations received, 4 were in support of the application and 81 were against.

Grounds for objecting to the proposal included:

- Impact on local roads, transport infrastructure, traffic movements and highway safety
- Impact on local schools, shops and health services (capacity)
- Too much development in rural village, overdevelopment, out of character
- Adverse impact on the character of the surrounding area
- Loss of trees
- Concerns re drainage and flood risk in Cottagers Lane
- Concerns re surface water drainage in Silver Street and Everton Road
- Inadequate parking provision for ANRG
- No new homes needed
- Inappropriate development on Green Belt land
- Water supply and sewer capacity concerns
- Insufficient public transport for the area
- Wildlife/ecology impacts
- Air quality and pollution impacts
- Sustainability and global warming concerns
- No provision of allotments
- Unsuitable dispersal/distribution of affordable housing within the site
- Amenity concerns (overlooking, loss of light, outlook etc)
- Noise and disturbance during construction phase

Grounds for supporting the proposal included:

- Great opportunity for young families to move to the area
- Affordable housing provision welcomed
- Appropriate layout and density proposed
- Attracting younger population to the area
- Impressed by other developments by the applicant

For: 4

Against: 81

10 PLANNING ASSESSMENT

10.1 Principle of development including 5-year land supply

10.1.1 The Strategic Site allocations within the Local Plan

The Local Plan 2016-2036 Part One: Planning Strategy (adopted 6 July 2020) sets out a series of Strategic Site allocations intended to address the majority of future housing needs not already being met by sites with planning permission or already allocated for housing development.

10.1.2 Site Concept Master Plans have been prepared for each Strategic Site Allocation to demonstrate how the identified minimum number of homes can be accommodated in a manner compliant with the Local Plan policy requirements and standards, including the provision of natural recreational greenspace for habitat mitigation and the provision of public open space, and the development setbacks required:- around pipelines and overhead power lines, and to protect specific habitats, water courses, mature trees and woodlands.

10.1.3 The Site Concept Master Plans are illustrative rather than prescriptive requirements. Informed by a landscape assessment and consideration of biodiversity potential, they illustrate how development can fit its landscape (or townscape) context and deliver a net environmental gain (subject to appropriate detailing and implementation).

Strategic Site 9 (SS9) Land east of Everton Road, Hordle

10.1.4 Land east of Everton Road, Hordle (the application site) is one of the Strategic Development sites that have been allocated for development in the adopted New Forest Local Plan 2016-2036. Strategic Site Policy 9 refers. This policy states:

i. Land to the east of Everton Road, north Hordle as shown on the Policies Map is allocated for residential development of at least 100 homes depending on the housing mix provided, and open space.

ii. The master-planning objectives for the site as illustrated in the Concept Master Plan are to create a development that redefines the green gap between the lower and upper parts of the village comprising:

a. A connected network of small development parcels set within existing field boundaries, retaining tree belts, streams and hedgerows.

b. An area of enhanced natural recreational greenspace on the eastern part of the site (within land designated as Green Belt outside the settlement boundary), defining a strong Green Belt boundary and green gap between the two parts of Hordle

village, including new woodland trees and hedgerows to provide a habitat link between woodland to the south and north of the site.

c. Footpaths connecting through the site and linking to Strategic Site 8: Land at Hordle Lane to the south.

iii. Site-specific Considerations to be addressed include:

a. Providing a pedestrian crossing point on Everton Road to link the footpath/cycleway routes.

b. Principal vehicular access from Everton Road, with a secondary access from Silver Street.

c. Providing a well-defined edge and enhanced rural character to the Green Belt.

10.1.5 Therefore, the principle of the proposed development is established as being acceptable and is enshrined within policy SS9 of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

10.2 Housing land supply

10.2.1 The Council cannot demonstrate a five-year supply of deliverable housing land. 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).

10.2.2 The NPPF (July 2021) 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 application constitutes one of the Council's Strategic Site allocations which are intrinsic to addressing future housing needs. Consequently, it is considered the Council's current lack of a five-year supply of deliverable housing land (and the 'tilted balance' thereby invoked) in this case forms a significant material planning consideration and adds additional weight to the provision of new housing (and affordable housing) on the site.

10.3 Site layout, design of dwellings, and impact on the character and appearance of the area including matters relating to hard and soft landscaping

10.3.1 This full planning application submission was originally submitted for 103 dwellings but has now been amended. The proposal is now for 97 dwellings, access and internal roads, landscaping, drainage and other infrastructure and public open space including informal play space and land used for ANRG purposes (habitat mitigation).

10.3.2 The housing mix is made up of the following -

- 73 houses, of which 23 are 1 bed, 38 are 2 bed and 12 are 4 bed
- 4 x 1 bed flats
- 8 x 2 bed flats
- 8 x 1 bed maisonettes
- 4 x 2 bed flat over garage (FOG)

10.3.3 The number and breakdown of affordable housing dwellings is 49 units which equates to 50% of the homes proposed. The affordable homes proposed comprise:

- 12 x 1 bed
- 22 x 2 bed
- 14 x 3 bed
- 1 x 4 bed

10.3.4 The residential element of the scheme is all contained within the north western area of the site in accordance with the indicative layout of the Concept Master Plan. There is a long linear area of public open space (POS) along the east side of Everton Road, and further POS areas within the residential housing area itself and along the western boundary of the site, as indicated in the submitted landscape proposal plans.

10.3.5 The eastern part of the site will provide the ANRG area, with equipped play area (LEAP) and informal play areas, together with circulatory paths, open amenity grassed areas, dog exercise areas, shallow scrapes and swales and boardwalks. Highway access is provided in one place from Everton Road.

10.3.6 The development will be provided with a new foul sewer connecting to the mains system in Everton Road, to the west. The proposed development will be served by Pennington Wastewater Treatment Works (WwTWs).

10.3.7 A surface water drainage discharge point has been proposed which utilises a short section of Southern Water surface water sewer before discharging into the nearby watercourse. Notwithstanding the concerns expressed by Southern Water, HCC as lead local flood authority (LLFA) consider this to be a viable option and are content there is sufficient open space downstream to facilitate an alternative drainage proposal if required.

10.3.8 Consequently, HCC LLFA do not object to this application being granted providing that a suitably worded condition is imposed that requires further investigation into the existing network in advance of development commencing.

10.3.9 All other mains services will be provided to serve the site. The proposals contain a detailed landscaping plan and a framework for managing and maintaining all public open spaces and landscaped areas, along with ecological management measures.

10.4 Design and site layout

10.4.1 Policy ENV3 of the Local Plan states that development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different needs with realistic levels of car parking, and attractive and appropriate green spaces.

10.4.2 The Local Plan includes an indicative concept Masterplan on which any new developments that come forward should be based unless the developer can show any changes are improvements or equal in quality. The Council's draft SPD guidance on master-planning of Strategic Sites is also to be afforded some weight. Furthermore, the Government has now revised its NPPF in July 2021, and this together with the Governments Design Guidance provides further advice in achieving improved standards of design in layout and house types.

10.4.3 Also of relevance is the guidance set out within the Hordle Village Design Statement (VDS) Supplementary Planning Document (SPD), adopted December 2014.

Site Layout

10.4.4 Initial proposals were submitted for a total of 103 new dwellings with primary accesses from Everton Road and Silver Street (as indicatively shown within the Concept Master Plan for the SS9 site). However, following further investigation and liaison with HCC Highways, revised plans were submitted which omitted the Silver Street access.

10.4.5 Additionally, in liaison with NFDC planning, the applicant revised the internal layout of the site and in particular the eastern extent of the ANRG to improve the layout, accessibility and relationship with the residential area of the site. The amendments to the ANRG layout had the effect of reducing the number of dwellings proposed to 97.

10.4.6 Generally, the layout of the proposed development accords closely with the layout set out in the Concept Master Plan. The primary vehicular access from Everton Road is in the position anticipated and the residential development is located within the north eastern area of the site, with the western area providing ANRG.

10.4.7 In addition to the primary vehicular access, the proposal includes non-vehicular accesses onto Everton Road and within the site as envisaged within the Concept Master Plan, as well as two pedestrian crossing points on Everton Road – also in accordance with the aspirations of the Concept Master Plan.

10.4.8 It is of note that an area of land to the immediate south of the glasshouses has not been included in the proposal, nor has a triangular area of land to the west (accessed off Cottagers Lane). It is understood these areas of land remain outside the ownership and control of the applicant.

10.4.9 Notwithstanding the exclusion of these two smaller parcels of land from the application proposals, officers consider the application as submitted is able to be considered on its merits and is able to provide an appropriate level of ANRG and public open space for the amount of development proposed.

10.5 Site landscaping

Public open space

10.5.1 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

10.5.2 The local plan policy objectives for the site, as illustrated in the Concept Masterplan seek to create a principal area of green recreational space (ANRG) to the east and north east of the site with new planting within the ANRG to link existing woodland habitats to the south and north east of the site.

10.5.3 As the application is a full application, with the precise dwelling mix agreed, it is possible to calculate precisely what quantum of informal public open space needs to be provided on site. Using the Council's calculator, the proposal for 97 dwellings would generate an informal open space requirement of around 1.99 hectares.

10.5.4 The actual area of proposed informal public open space as defined by the applicant's plan is 2.57 hectares, which accords with the policy requirement and broadly reflects the area of green space as envisaged on the Concept Masterplan. Within the streets of the development there are areas of incidental open space (amounting to an additional 1,21 hectares) which includes grass verges with trees, and landscaping along streets, which add to the overall open space provision.

10.5.5 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

10.5.6 The Children's play space includes a single Local Area of Play (LEAP), together with other, more informal play areas within the ANRG. Based on the proposed residential mix, the proposed development as a whole should secure at least 0.06 hectares of children's play space – the combined LEAP and informal play areas provided achieve this requirement.

10.5.7 A detailed specification of all new play equipment and street furniture to be provided within the main LEAP and other public areas will be secured through a condition – see section 10.8 below.

Formal open space

10.5.8 Formal open space is defined usually as playing fields designed to be used for organised sport. It can also include however informal large kick about or playing areas providing an opportunity for local residents to play games as well as to support

a playing pitch provision in the town. Were formal public open space to be provided on site, the minimum requirement would be 0.31 hectares.

10.5.9 In this case, it is considered the significant over-provision of informal open-space (being approx. 0.6 ha – equivalent to nearly double the on-site formal open space requirement) provides enhanced opportunities for sports and other healthy living activities to take place on site. As such, it is considered that the over-provision of informal open space within the ANRG area can be considered as providing a 'mixed' formal and informal open space for this application, which satisfactorily makes provision for both types of open space within the site.

10.5.10 Members are referred to the amended site layout plans, ANRG plan, site landscape plans and the other more detailed plans for further information with particular reference to the final amended versions of these plans submitted August 2022. The amended proposal is considered to be acceptable in terms of site layout.

10.5.11 As detailed above, there have been a number of improvements in the layout which have improved design quality. There are some additional details still outstanding, however these can be secured through the use of planning conditions.

10.5.12 The Council's Landscape officer has provided detailed comments which set out his concerns, but he confirms the proposed ANRG now meets policy requirements in terms of its dimensions. The Landscape officer in his conclusion recommends that strong landscape conditions are included to ensure that an appropriate level of details are submitted for approval.

10.5.13 In summary, officers consider there to be no significant site landscaping issues outstanding that now prevent a positive recommendation.

10.6 House designs

Materials and detailing

10.6.1 Whilst the final detail and specification of external materials is to be a matter to be agreed by condition, it is anticipated the predominant material for the proposed dwellings will be red stock bricks. These will take the form of plain red stock to reflect the more Victorian detached houses and villas in the village, together with blended or multi-stock bricks to reflect the more varied appearance in the locality. Limited areas of render are also proposed to be used on larger and feature plots.

10.6.2 In terms of roofing materials, plain tiles are the most common roof covering proposed, to accord with the materials used on the existing, more traditional, dwellings in the village. Brown, red or red/brown blend are considered appropriate colours. Slate tiles can be seen in the village, especially on Victorian houses and villas, and therefore their use within the proposed development is also considered acceptable.

10.6.3 Windows are designed to have a vertical emphasis and style that reflects the character of the buildings. Window heads are intended to be brick double snapped headers or bell cast drip to rendered units, cills to be tiled.

10.6.4 Turning to individual house design matters, the original submission received a consultation response from the Council's Urban Design officer (dated 16th March 2022) which included comments as follows:

'Broadly the scheme offers some good quality design, following for the most part the concept masterplan from the policy, it retains and suggests it could augment the tree cover (although this is not explicit) as a key characteristic of the site and offers some

fairly charming dwellings.

However, the scheme has some fundamental issues outstanding and some submissions appear unfinished. As a result this is not yet of an acceptable design.'

10.6.5 During the course of considering the application, and prior to the submission of the amended plans (i.e. the reduced one access, 97 house scheme), further liaison and advice was provided between officers and the applicant, resulting in a number of significant revisions to the design of the proposed dwellings. These revisions included:

- Improvements to the Everton Road frontage in both layout form and elevational approach
- The flat blocks have been redesigned to create a distinctive architectural approach which sets them apart from the rest of the development
- As part of the wider redesign of the scheme the relationship with the retained trees and open spaces has been improved

10.6.6 The Urban Design officer's consultation comments in respect of the amended 97 house scheme identified the application has benefitted from a series of discussions, through which several important amendments have been made to the layout and additional/revised material submitted in terms of the ANRG. The Urban Design officer goes on to say that despite the considerable improvement over the course of this application process and despite some evidence of real quality being proposed, he remains concerned with regard to a number of unresolved elements (detailed comments provided on a plot-by-plot basis).

10.6.7 However, officers are satisfied that discussions and liaison undertaken between the applicant and NFDC planning have culminated in an updated set of house types which demonstrate some better-quality house designs which are more reflective of local vernacular.

10.6.8 The proposal now includes a range of house types which are considered acceptable subject to further fine details being agreed at condition stage. It is considered that the housing designs now put forward broadly support that local and national aspiration although there are a number of remaining areas in which the designs could be further improved, overall, the quality of the scheme has now been improved to an acceptable level.

10.6.9 The application details are now overall considered acceptable subject to conditions on details covering matters such as the approval of materials and detailing to be agreed by condition.

10.7 Sustainability of the buildings

10.7.1 Whilst the NFDC local plan does not impose a requirement for higher energy efficiency standards for new dwellings (i.e. in excess of those set out within the revised (December 2021) Building Regulations, Part L), the applicant proposes to construct every home within the development to an efficient fabric and building services specification, capable of delivering savings in CO2 emissions and Fabric Energy Efficiency in exceedance of the minimum standards of Part L.

10.7.2 An air source heat pump will be installed in each property. The heating designs of each house type will include time and thermostatic controls. Additionally, the developer proposes to incorporate low flow sanitary ware and eco-sanitary products into the design of each property to achieve a low water consumption rate.

10.7.3 Provision for the convenient installation of charging points for electric vehicles is a requirement (secured by condition), as is secure cycle storage provision.

10.7.4 Whilst no external microgeneration solar PV or solar thermal equipment is proposed, householders will benefit from the availability of permitted development rights under Class A of Part 14 (installation or alteration etc of solar equipment on domestic premises) to Schedule 2 of the General Permitted Development Order (GPDO) which gives consent for the addition of such equipment without the need for consent from the local planning authority.

10.8 Provision of play equipment

10.8.1 The development includes one locally equipped area for play (LEAP) which is located at the entrance to the ANRG on the western side of the main access road. A further two informal play areas are proposed within the ANRG proper.

10.8.2 The main LEAP is situated within the south-eastern part of the site close to the entrance to the main ANRG area but separated and fenced off from it so to provide a secure play park for a variety of ages, with no access to dogs.

10.8.3 A detailed specification of all new play equipment and street furniture to be provided within the main LEAP and other public areas will be secured through a condition.

10.9 Adoption and future maintenance of play areas, POS, ANRG, and SINC

10.9.1 Comments have been made by the parish council and in other representations regarding a preference to see public areas being maintained by the Council and not the developers.

10.9.2 The future management and maintenance of these areas together with on-going monitoring can be agreed and secured as part of a Section 106 Agreement together with appropriate contributions for monitoring and provisions towards facilitating ongoing maintenance.

10.9.3 The application is supported by an ANRG Management Plan which sets out the overarching management aims and detailed management objectives for the retained and newly created areas of habitat within the ANRG to help ensure that the conservation status of important ecological features is maintained, and that Biodiversity Net Gain is delivered in the long-term. The ANRG Management Plan sets out the features to be instated to create the ANRG, along with the important ecological features to be managed within the ANRG.

10.9.4 Section 5 of the ANRG Management Plan sets out who will be responsible for implementing the plan and how arrangements for funding will be organised, together with details of the ongoing specific management requirements needed to achieve the management objectives; and defines and allocates roles and responsibilities for delivering the plan.

10.9.5 This approach is in line with the mechanism that has been accepted for other larger residential developments. Officers are confident that with the agreed monitoring in place that the planning outcomes sought from this space will be achieved.

10.10 Impact on trees

10.10.1 Notwithstanding the status of the site as a Strategic Site allocation within the adopted Local Plan 2016-2036 Part One: Planning Strategy, the site is covered by

an area Tree Preservation Order (TPO/0009/18).

10.10.2 This means all trees that have been growing on this land prior to the date of this Tree Preservation Order (TPO) are protected. The dominant species present on site is Oak that are growing along the existing field boundaries.

10.10.3 Since the submission of the original scheme for 103 homes and two accesses, the site layout has been altered. As a result, an amended tree report has been submitted. Within this report 2x A grade trees (T15 & T71), 8x B grade individuals and tree groups (G22, G23, T62, G79, T81, T82, G83 & T87) and 10x C grade trees, tree groups and hedges (G9, H12, T27, G61, G63, G64, G70, H80, H88 & G118) will be lost to this proposal.

10.10.4 In the revised consultation response, the Council's Tree officer is accepting of the fact that, given the existing verdant character of the site, it is inevitable that there will be some tree loss as a result of developing the allocated site. The Tree Officer considers the biggest impact on the tree-scape will be the creation of the access off Everton Road where a number of oak trees are present. Some of trees and hedgerow will be lost in order to satisfy Highway visibility requirements. It is important that additional trees are planted as part of the landscaping scheme to mitigate this loss.

10.10.6 The Tree Officer has commented that the proposed layout of the residential plots is considered acceptable, with all retained trees remaining on areas of open space and not incorporated within domestic gardens. Additionally, the removal of the access from Silver Street which was part of the original scheme is welcomed as this may have otherwise impacted a locally significant Veteran Oak tree on the northern boundary of the site.

10.10.7 A number of pedestrian paths are shown within the root protection area of the retained trees; however, specialist non-dig construction methods have been specified for these areas which should minimise the impact on the trees.

10.10.8 A drainage layout drawing has been submitted, that shows that at various points the root protection areas of retained trees will be intersected by drains. In these areas the sewer will be thrust bored/hand dug to minimise the impact this will have on the trees and a finalised methodology for the installation of utilities close to trees can be agreed as a condition. The Tree Officer has no objection to these elements or to the layout of the residential part of the site.

10.10.9 The applicant has submitted an amended Tree Protection Plan that demonstrates that the root protection areas of trees will be safeguarded during construction.

10.10.10 In summary, the Tree Officer raises no objection to the proposal on tree grounds, subject to appropriate conditions to secure tree protection measures.

10.11 Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, and car parking provision

Overview

10.11.1 The amended application proposes a single vehicular access into/from the development, located on Everton Road in the approximate location shown as an indicative primary access on the SS9 Concept Master Plan.

10.11.2 Also proposed are two other non-vehicular accesses on Everton Road, to the north and south of the main vehicular access. These two non-vehicular accesses also incorporate crossing points across Everton Road which will consist of dropped

kerbs and tactile paving to provide pedestrian connections which tie in with the existing footway network on the western side of Everton Road.

10.11.3 In addition, a new footway will be provided on both sides of the new vehicular access onto Everton Road, consisting of uncontrolled crossings with dropped kerbs and tactile paving to be provided on both sides of the access providing pedestrian crossing points. It is also proposed to provide a shared pedestrian/cycle access onto Everton Road to the south of the proposed vehicle access to provide access to the area of public open space within the site.

Removal of the Silver Street access

10.11.4 The planning application initially submitted in December 2021 for 103 dwellings received a consultation response from HCC Highways which raised concerns in relation to the proposed access onto Silver Street. Following further discussions with HCC Highways and NFDC, it was considered necessary in the interests of Highway safety to remove the previously proposed access onto Silver Street. The applicant's Transport Assessment has been subsequently updated to reflect the amended access arrangements and to provide the additional information requested by HCC.

10.11.5 Whilst the Silver Street access is shown in the Site Concept Master Plan for the SS9 development, officers note that (as set out within paragraph 9.30 of the Local Plan Part One), the Site Concept Master Plans are illustrative rather than prescriptive and the layouts and details of development proposals will be subject to further consideration and discussion as sites come forward through the planning application process.

Temporary construction access

10.11.6 It is proposed to provide a temporary construction access onto Everton Road approximately 90m to the south east on Monterey Drive to serve and facilitate the initial construction phases of the development. Once the construction is complete, the construction access will be closed to vehicles and converted into a dedicated 3.0m shared pedestrian/cycle access. An uncontrolled crossing point with dropped kerbs and tactile paving will be provided to tie into the existing footway on the south/western side of the carriageway.

Car and cycle parking

10.11.7 Car and cycle parking are proposed in line with NFDC's most recent (6th April 2022) Parking Standards Supplementary Planning Document (SPD). In addition, provision is to be made to enable the convenient installation of charging points for electric vehicles in residential properties and in visitor parking areas, in accordance with the provisions of local plan policy IMPL2 (to be secured via a planning condition).

Consideration of the amended proposal

10.11.8 Having regard to the requirements of the National Planning Policy Framework (NPPF Chapter 9 - Promoting sustainable transport), the applicant has submitted a Transport Assessment to consider the transport impacts that may arise from the proposed development.

10.11.9 The proposals and submitted documentation have been the subject of significant pre-application liaison with HCC Highways and discussion, resulting in the arrangements now proposed.

10.11.10 The Transport Assessment has been specifically prepared to consider the four key tests set out in the NPPF paragraph 110. These key tests include:

1. Will the opportunities for travel by sustainable travel modes be appropriately taken up?
2. Will safe and suitable access be provided for all mode?
3. Will the design of the site accord with current design standards?
4. Can any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, be mitigated to an acceptable degree?

10.11.11 In addition, a Framework Travel Plan (to be read alongside the Transport Assessment) has also been prepared to identify opportunities for the effective promotion and delivery of sustainable transport initiatives for this site.

Documentation submitted

10.11.12 The applicant has submitted the following documentation to consider the transport impacts of the proposed development:

- Amended Framework Travel Plan
- Amended Transport Assessment Technical Note
- Pedestrian Crossing Visibility 6351-MJA-SW-XX-DR-C-504
- Dimensions and Visibility Layout 6351-MJA-SW-DR-C-503
- Estate car tracking layout 6351-MJA-SW-XX-C-502 P6
- Fire Appliance Vehicle tracking layout 6351-MJA-SW-DR-C-501
- Refuge Vehicle Tracking Layout 6351-MJA-SW-DR-C-500
- External Works surfacing layout 6351-MJA-SW-DR-C-400
- Drainage Layout 6351-MJA-SW-DR-C-001
- Level Layout 6351-MJA-SW-DR-C-002
- Existing Surface water ditch network 6351-MJA-SW-DR-C-003
- Longitudinal Section 6351-MJA-SW-DR-C-100
- Landscape proposals 2249-TFC-00-00-DR-L 1001, 1002, 1003, 1004, 1005, 1006, 1007
- Site Access Stopping Sight Distance Plan ITB16122-GA-030

10.11.13 Policy CCC2 of the adopted Local Plan Part One deals with safe and sustainable travel

Policy CCC2 states:

New development will be required to:

- i. 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, and where needed by providing new pedestrian connections to local facilities;
- ii. Provide or contribute to the provision of dedicated cycle routes and cycle lanes, linking to and enabling the provision of more extensive cycle networks and providing safe cycle routes to local schools wherever possible;
- iii. Consider and wherever possible minimise the impact of development on bridleways and horse riders;
- iv. Provide sufficient car and cycle parking, including secure cycle parking in schools and colleges, work places, bus and rail stations, and in shopping

areas in accordance with the adopted Parking Standards Supplementary Planning Document78;

- v. Incorporate infrastructure to support the use of electric vehicles; and
- vi. Provide, or contribute proportionately to the provision of, any highways or public transport measures necessary to enable the development to be accommodated in a safe and sustainable manner, including the requirements identified in any applicable Strategic Site Allocation Policies.

10.11.14 The Strategic Site Allocation Policies set out site-specific requirements for sustainable transport measures identified to be necessary to support the proposed development. Wherever footpath, pedestrian and cycle routes run alongside or through the site, there is a presumption that these routes will be retained and improved by the development.

Off-site Highway improvement works

10.11.15 The following off-site improvement works to the local Highway infrastructure have been identified and agreed as being required:

1. Provision of tactile paving at the following locations:
 - Everton Road / Monteray Drive junction;
 - Vaggs Lane / Silver Street / Ashley Road mini-roundabout;
 - Everton Road / Ashley Lane junction;
 - Stopples Lane / Holes Close junction,
 - Stopples Lane / Stoneleigh Avenue junction; and
 - Access to Stopples Lane Parade of shops
2. Provision of drop-kerbs with tactile paving to access the bus stops along Everton Road and extending the hard surface of these bus stops to allow a larger waiting area; and
3. Provide a shelter for waiting at the Ashley Lane (WI Hall) bus stop on the southern side of the carriageway. The opportunity to provide a shelter on the northern side was also explored, however, given the relatively recent improvements to the bus stop facilities on the northern side of the carriageway, which provided a bus layby, there is insufficient footway width / highway to provide a shelter on the northern side.

10.11.16 As part of the proposals, the applicant will provide HCC with a contribution to deliver the offsite improvements identified above, to be secured through a Section 106 agreement. The applicant has provided a cost estimate for the offsite improvement works, which total £87,777.50 (with the breakdown provided in Appendix A of the additional Transport Assessment Technical note). The Highway Authority accept this cost estimate, and this can be secured via a S106 agreement, for the implementation of off-site sustainable mode improvement works within the vicinity of the site.

Highway Authority consultation response

10.11.17 Members are referred to the final comments of the Highway Authority. HCC as Highway Authority raise no objection to the proposed development and provide the following comment:

'Having reviewed the additional information submitted, the Highway Authority is satisfied the proposed development would not cause severe impact upon the operation or safety of the local highway network and would therefore recommend no

objections to this application, subject to the planning obligation and conditions:

10.11.18 HCC Highways request that the applicant is required to enter into a Section 106 Legal Agreement to secure the following:

- A contribution of £87,777.50 for the implementation of sustainable mode improvement works within the vicinity of the site
- A contribution of £78,899 towards capacity improvements at the junctions of Silver Street/ Ashely Road/ Vaggs Lane mini roundabout and Ashely Road/ Everton Road, or any other measure that mitigate the development impact at this location through improvements to sustainable mode provisions to reduce vehicular traffic.
- Provision of a Travel Plan and associated approval and monitoring fees and bond.
- Provision of pedestrian and cycles access in accordance with the approved plans, ITB16122-GA-024 Rev D and ITB16122-GA-025 Rev D, including timing of provision of these accesses.

10.11.19 The concerns raised by the Parish Council and by third parties are noted both in respect of the capacity of local roads and other general Highway safety concerns. However, on the basis of the acceptance of the proposals by the Highway Authority, officers consider there to be no sustainable or defensible reasons to refuse the application on the basis of the concerns that have been expressed.

Summary of consideration of the transport impacts arising from the proposed development

10.11.20 On the basis of the detailed consideration, transport assessment work and consultations undertaken, the proposed development is considered accordant with the provisions of the relevant policies of the adopted Local Plan (in particular Policy CCC2: Safe and sustainable travel), Supplementary Planning Guidance and the aims and objectives of the NPPF.

10.11.21 In these respects, it is considered the proposed development would achieve safe and sustainable travel, subject to the conditions specified by HCC Highways and the provision of proportionate contribution(s) (to be secured as financial contributions via a S106 legal agreement) towards:

- the implementation of sustainable mode improvement works within the vicinity of the site; and
- capacity improvements at the junctions of Silver Street/ Ashely Road/ Vaggs Lane mini roundabout and Ashely Road/ Everton Road, or any other measure that mitigate the development impact at this location through improvements to sustainable mode provisions to reduce vehicular traffic; and
- Provision of a Travel Plan and associated approval and monitoring fees and bond; and
- Provision of pedestrian and cycles access in accordance with the approved plans, ITB16122-GA-024 Rev D and ITB16122-GA-025 Rev D, including timing of provision of these accesses.

10.12 Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG), and impact on protected species

Policy and legislative background

10.12.1 The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats.

10.12.2 Development Plan policy, government advice and emerging legislation all require an enhancement to on-site biodiversity wherever possible. In accordance with policy DM2: Nature conservation “*Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site.*”

10.12.3 The Council’s Ecology and Biodiversity Net Gain Interim Advice and Information Note (7th July 2020) sets out how the Council will seek to secure the achievement of a minimum of 10% biodiversity net gain as a requirement of planning permission for ‘major’ new build development. The Government’s intention is to introduce a 10% biodiversity net gain as a mandatory requirement in England through the Environment Bill. This interim policy is underpinned by the National Planning Policy Framework (NPPF) paragraph 170(d), which requires planning decisions to provide net gains in biodiversity. Paragraph 174(b) requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity.

10.12.4 Paragraph 175(a) suggests that if significant biodiversity losses cannot be avoided, mitigated or compensated then permission should be refused. New Forest District Council’s policy STR1 (iii) in the New Forest District (outside the National Park) Local Plan Review 2016-2036 Part One: Planning Strategy, adopted 6 July 2020 has a requirement for all development to achieve an environmental net gain - ‘Environmental Net Gain’ encompasses ‘Biodiversity Net Gain’.

On Site Biodiversity and protected species

10.12.5 The application is accompanied by the following submitted ecological reports and documentation:

- Bargate Homes – Amended Design and Access Statement
- TetraTech – Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2 – Revision 2
- Terrafirma -Landscape Management Plan
- Terrafirma – ANRG Plan
- Tyler Grange Ecological Assessment Revision B
- Tyler Grange ANRG Management Plan Revision B

The site as existing

10.12.6 The application site comprises poor semi-improved grassland, mature tree lines, scattered scrub, buildings, areas of artificial surface and a series of ditches. These habitats were considered to be negligible and of low ecological importance. With the provision of habitats within the development area and the ANRG, it is considered that the proposals would mitigate for the loss of an area of poor semi-improved grassland and trees that will be lost as a result of development.

10.12.7 Surveys undertaken have concluded that badger, reptiles and dormouse are likely absent from the site. However, it was confirmed that building B2 supports breeding barn owls, a night roost of an individual greater horseshoe (GHS) bat and commuting and foraging bats. Seven disused badger setts were confirmed on site, with six of these within the footprint of the development.

10.12.8 No confirmed bat roosts are present within trees subject to removal; however, an occasional used roost or a transitional roost of a single greater horseshoe bat was identified on site.

10.12.9 This roost will be lost to the development and mitigation measures have been outlined within the report. With the provision of a dedicated bat house, and enhancements to the habitats within the ARNG, the favourable conservation status of GHS bats will be retained.

10.12.10 A breeding barn owl were also recorded on site, within a building that will be lost to the development. With the provision of a new nesting box within the bat house within the ARNG, and enhancement of the grassland to create optimal foraging habitats, it is not considered that the proposals will have a detrimental impact upon the population of barn owl present within the local area.

The proposed development

10.12.11 Assessments have concluded that habitats of negligible importance will be lost as a result of the proposals, however, the majority of habitats of local importance will be retained, protected and enhanced. There will be some loss trees and grassland, but the replacement habitats within the site and within the proposed ARNG will offset this loss.

10.12.12 The Council's Ecologist has been involved and consulted on the development of the site from the pre-application stage. The Ecologist provides the following detailed comments:

Designated Sites & HRA

10.12.13 I am content that all relevant designated sites requiring consideration in the assessment have been identified. Likewise, I am content with the HRA screening undertaken and that the pertinent issues which could affect the identified Natura 2000 sites have been identified. I am content that the development proposals would not have the potential to impact on the integrity of European sites when taking into account the measures presented.

Habitats

Biodiversity Net Gain (BNG) assessment:

10.12.14 The previous BNG assessment demonstrated that the proposed development would result in a net loss of Biodiversity (-1.43 units or -8.43%). The revised report indicates that overall, the development should now achieve a net gain of +33.9% for habitat units, +15.22% for hedgerow units, and +92% for river units. This seems to be attributable to the extra value placed on 'urban trees' in version 3.1 of the metric (over 3.0 previously). I cannot see the excel metric itself has been submitted, I would be grateful if this (and the previous version) be provided for me to be able to review the assumptions and data entered in more detail. I also want to make sure that urban trees has been used consistently on both sides of the calculation i.e. baseline and creation and that any losses from the baseline are captured.

Protected Species

Badger

10.12.15 Seven badger setts were identified on-site. Further assessment showed these to be disused at the time of survey. The status of badgers on site could change in the intervening time between surveys and commencement of construction

assuming permission is granted. As such I would recommend including the following condition:

“Prior to the commencement of any construction work on site, an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist, and a Method Statement for Badgers during Construction shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in full accordance with the approved Method Statement”.

The measures outlined in the ecological assessment for construction mitigation in relation to badgers have not been included in the framework CEMP submitted. See comments below under CEMP.

Bats

10.12.16 An occasional/transitional greater horseshoe roost has been identified within building B2. The updated proposed layout of the development includes a dedicated bat house within the ANRG close to the original roost site. The dedicated bat house will have an apex height in excess of 2.8 m and a length and width of 5 m in order to provide an area to light sample. The access point will be facing out onto mature boundary vegetation of the ANRG and will comprise a 30x20cm letter box style entrance on the gable elevation with a hopper constructed on the inside, with a 45 degree metal lines chute to reduce the chance of birds entering the roost and to reduce ingress of rain and wind. The report states that the design of the proposed loft roosting space will be specified in a Mitigation Strategy, to be secured by planning condition. I favour the updated approach to mitigation with a standalone structure.

10.12.17 Given the proposed development results in the destruction of a known roosts. In our function we are required to consider the likelihood of a licence being granted (by the licensing authority – Natural England and ‘have regard for the Habitats Directive’). The three derogation tests are that:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

10.12.18 On the first two bullets, it is accepted that this will relate to wider planning considerations but having reviewed the mitigation strategy I would not expect there to be reasons for a licence not to be issued. In consideration of the third test in relation to maintaining a favourable conservation status, I am of the opinion that if the works are carried out in accordance with the recommendations of the submitted report this test is capable of being met.

10.12.19 I would recommend inclusion of the following planning condition on any permission:

“Any works that impact on the bat roost (transitional/occasional roost for an individual greater horseshoe) identified in the Tyler Grange Ecological Assessment, dated 20th July 2022 (Reference: 13631_R01b_20th July 2022_HDBJ_CW) shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified*

activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence”.

10.12.20 The Ecological Assessment correctly identifies the requirement for a sensitive lighting strategy given the confirmed presence of light sensitive bat species on site. The Ecological Assessment states that the lighting strategy must aim to achieve light levels of less than 0.5lux along linear features and suggests that this can be secured by planning condition. I would request that a plan showing the areas to be limited to 0.5 lux is provided for the avoidance of doubt and full transparency. Given this is a full application and the importance of delivering this, I would be minded to request that a sensitive lighting strategy is provided upfront and not conditioned to provide confidence this is achievable. Alternatively, if you were minded to secure this via condition we would need to think carefully on the wording as in my opinion the existing wording is too vague and could store issues up for future. Perhaps wording could retain the ‘aim for 0.5 lux’ but include ‘no more than 1 lux’ could be an approach to include an upper limit but not a potentially undeliverable planning condition?

10.12.21 Ecological enhancements for bats are proposed including 10 No. bat boxes. It is the expectation that an average of one built in enhancement feature is provided per dwelling (from bird nesting, bat roosting or bee brick) – some dwellings may have more than one feature, others may not have any and the most suitable locations should be identified by the project ecologist. The 10 boxes identified should be considered the minimum.

10.12.22 With regard to the bat surveys of trees, results are stated to be valid for 12 months from date of survey. The surveys were undertaken in 2020. I am not of the opinion that update surveys are required for determination of the planning application, however, I would recommend that pre-construction update surveys of impacted trees identified as being suitable for roosting bats are undertaken (and confirmation made that no additional trees are now suitable). This should be included within the CEMP and conditioned.

Birds

10.12.23 Breeding barn owl (Schedule 1 species) were recorded in B2. I approve of the updated approach to mitigation i.e. a stand alone bat and barn owl mitigation structure.

10.12.24 B2 should only be demolished outside of the nesting bird season (March - August, inclusive), which must be preceded by an inspection by a licenced barn owl ecologist to ensure that the nest is not active. This should be included in the CEMP and secured by condition.

10.12.25 Ecological enhancements for birds are proposed including 6 No. tree hung bird boxes in trees in the ANRG, 6 No. integrated swift boxes and 6 No. swallow nest boxes. Given the number of units proposed this is not considered sufficient. I note this is a view supported in a representation made by Hampshire Swifts. It is the expectation that an average of one built in enhancement feature is provided per dwelling (from bird nesting, bat roosting or bee brick) – some dwellings may have more than one feature, others may not have any and the most suitable locations should be identified by the project ecologist. Integrated swift bricks are favoured and are in effect a ‘universal nest brick’ as they are readily used not just by Swifts by other species of bird, including Starling, House Sparrow, and Tits.

Hedgehog

10.12.26 The incorporation of signed 'hedgehog highways' through the development leaving 13cm x 13cm gaps in close board fencing is welcomed. I would request that the locations of these are included in an Ecological Mitigation and Enhancement plan (EMEP) to be conditioned.

Invertebrates

10.12.27 The inclusion of habitats for stag beetle including log pyramids in the ANRG is welcome from an ecological perspective. I would seek that these features are included on a plan or drawing, included in the EMEP to be conditioned and it be ensured that the landscape team are happy with this also.

10.12.28 The inclusion of bee bricks is welcomed. Please note comments above regarding provision of an average of one integrated enhancement feature per property. The landscaping scheme should support the inclusion of the bee bricks and be of value for pollinators.

10.12.29 The report states that the specification, location, and delivery of the ecological mitigation and enhancements will be detailed within the LEMP and/or an Ecological Mitigation and Enhancement plan, which can be secured by planning condition.

CEMP (Ecology)

10.12.30 A revised framework CEMP has been submitted. This now includes ecological information and the Council's Ecologist now considers the CEMP to be adequate. The ecological assessment work relies upon and requires delivery of a range of different construction mitigation to be delivered and secured via the CEMP. This includes but is not limited to measures relating to:

- Designated sites – best practice construction
- Badger – pre-construction survey, covering of excavations, lighting etc.
- Bats – working hours, mitigation licence appended, need for update surveys and construction lighting
- Birds – Timing of works and/or use of ECoW
- Birds – Barn owl, update survey alternative provision, timing of works etc
- Hedgehog mitigation measures for site preparation and construction

Biodiversity Net Gain (BNG)

10.12.31 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.

10.12.32 Any BNG that is secured must be managed and monitored to ensure its continued function over a minimum 30-year time frame. The regime for such management and monitoring will be subject to further consideration through the Section 106 Agreement and planning conditions. A biodiversity monitoring and

management plan will be critical to successful achievement and maintenance of BNG. This can be conditioned as per the ecologist's advice.

10.12.33 As well as land-based improvements to secure BNG such as trees, shrubs and grassland habitats, the dwellings themselves should also all be fitted with bird and batboxes prior to occupation. This can be secured by condition.

10.12.34 In summary, it is considered that the proposal can accord with both national legislation on BNG as well as local policy guidance on protection of species, subject to conditions and S106 requirements, monitoring and controls.

10.12.35 The future management of the ANRG and other public areas will be crucial to ensure long term ecological benefits are retained. This will be achieved via a combination of management plans to be submitted by condition, protection during construction works, and future maintenance and monitoring which will be secured by a Section 106 agreement.

10.13 Habitat Mitigation and recreational impact on protected areas and species

10.13.1 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives.

10.13.2 The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites.

10.13.3 The Strategic Site policy requires sufficient on site ANRG areas be provided to divert recreational trips away from protected areas. In this case there is a new dog walking and exercise area provided in the southern part of the ANRG site as well as further use of the area surrounding the SUDs basins which are to be provided with circular pathways.

10.13.4 It is considered the policy requirements for the current application site are fully met with the new ANRG area planned taken in combination with the improved linkages beyond the site. The future maintenance and management of these areas in perpetuity will form part of the Section 106 Agreement.

10.14 Nitrate neutrality and impact on the Solent SPA and SACs

10.14.1 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

10.14.2 To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

10.14.3 The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which

concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget.

10.14.4 The nitrate budget for the proposed development has been calculated in accordance with the criteria set out within the most up to date calculator provided by Natural England. The applicant is understood to be in advanced negotiations with an approved nitrate offsetting mitigation scheme provider to purchase credits to the value of the nitrate budget.

10.14.5 To secure delivery of the nutrient mitigation, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

10.15 Air Quality mitigation

10.15.1 The applicant has submitted a detailed air quality assessment (AQA - Ref: 784-B026780 28 July 2022) which models the potential impact on local air quality from different developmental scenarios. The impacts are assessed in terms of the potential impact from vehicle emissions from the operation of the proposed development (nitrogen dioxide and particulate matter) and construction operations (dust / particulate matter) on the local population.

10.15.2 The transport figures utilised in the assessment model were taken from the transport assessment accompanying the application with regards to future traffic flows, numbers and routes, noting that only one access route is now proposed to serve the development from/onto Everton Road.

10.15.3 The Council's EHO recognises that the submitted AQA also acknowledges the recently adopted '*New Forest District Council Air Quality Assessments in New Development SPD*' and, as required, references a number of mitigation measures (in Section 8.2 of the AQA) that if implemented should reduce the impact from the development on local air quality.

AQA - Construction phase

10.15.4 The AQA has utilised appropriate guidance in the assessment of the potential impact from dust and particulate matter associated with construction activities of the development of the proposed development. It is advised in the assessment that mitigation measures are required to reduce the impact at relevant sensitive locations to acceptable levels.

AQA - Operational phase (i.e. as an occupied residential development)

10.15.5 The assessment is considered to be appropriate in terms of model, guidance and input parameters utilised including identification of relevant receptors throughout the vicinity of the proposed development and access routes. It is noted the proposed mitigation measures do not include the installation of electric vehicle charging points however it is accepted that such a provision is a requirement via other planning requirements (i.e. local plan policy IMPL2 & Parking Standards SPD). Therefore in terms of the impact from the operation of the development the submitted air quality assessment, conclusions and proposed operational mitigation measures are accepted.

10.15.6 Whilst it is noted that mitigation measures are included as part of the submitted air quality assessment, it is recommended that an appropriate dust management plan (DMP) is submitted as part of a Construction Environmental Management Plan (CEMP) which is conditioned should the application be granted

and approved by the local planning authority. The DMP should follow relevant guidance and be site specific taking into account the layout and phasing elements of the development and review potential impacts on residents moving onto the development site whilst construction activities continue.

10.15.7 The Council's EHO concludes that the submitted AQA for the development (ref: 784-B026780 28 July 2022) appropriately assesses the potential impact of the proposals on local air quality in terms of the operation and construction phases of the development. The conclusions of the submitted AQA are agreed and the Council's EHO is content to raise no objection to the application, subject to an appropriately worded planning condition requiring a Construction Environmental Management Plan (CEMP), to be submitted to and approved in writing by the Local Planning Authority.

Air quality monitoring contribution

10.15.8 Policy ENV1 of the Local Plan Part 1 Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. This is currently set at a flat rate fee of £91 per dwelling. The contribution will be used to ensure that impacts on international nature conservation sites are adequately mitigated, with a financial contribution required to put towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

10.15.9 There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other international designations.

10.15.10 Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. The contribution can be collected via a S106 Agreement.

10.16 Flood risk, surface and foul water drainage

Flood Risk

10.16.1 The application is supported a site specific Flood Risk Assessment (FRA) and a Drainage Strategy (MJA Consulting, dated 17.08.22).

10.16.2 The Environment Agency's Flood Map for Planning shows the entirety of the site is located within Flood Zone 1. Areas in Flood Zone 1 are defined as having a low probability (< 0.1% annual exceedance probability) of river or sea flooding.

10.16.3 Surface water flood maps show low-risk of flooding in a number of small areas across the site. The remainder of the site is identified as not at risk of surface water flooding.

10.16.4 There are no waterbodies on site, but there are a number of ditches on the boundaries of the site. The nearest watercourse to the site is Danes Stream located approximately 700m to the west of the site, beyond the built-up areas of Hordle.

10.16.5 The FRA for the site concludes the proposed development would not be at risk of flooding and would not exacerbate flood risk elsewhere.

10.16.6 The NPPF (Paragraph 169) advises that Major developments should incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

10.16.7 The proposal duly incorporates SuDS within its Surface Water Drainage Strategy, all of which will be sized to manage the runoff from the 1 in 100 rainfall event (1% AEP), plus an additional 40% allowance for predicted future effects of climate change (in accordance with EA recommendations up to the year 2115). SuDS measures include swales/filter strips, permeable paving (tanked), attenuations pond(s)/basin(s) in the ANRG and underground storage tanks.

10.16.8 SuDS management and maintenance for all areas of shared permeable paving, the tanks and flow control chambers will be maintained by a management company, funded through an annual maintenance fee levied against all residents. The maintenance liability of private permeable driveways will be with the individual property owner. It is proposed that a SuDS plan will be provided to the residents to explain the inspection, de-silting and maintenance regime required to ensure the optimum operation of the surface water drainage system is continually maintained in perpetuity.

Environment Agency consultation response

10.16.9 The Environment Agency have provided a consultation response of:

'This application falls outside of our remit therefore we have no comments to make.'

Water supply

10.16.10 Mains water supply can be achieved for the site/development via the Bournemouth Water supply main located in Everton Road.

Foul water drainage

10.16.11 The foul water flows from each property will drain to a new gravity foul sewer located within the development road network. Foul drainage from the site will then connect via gravity to the existing Southern Water foul sewer within Everton Road, to the west of the site. The proposed development will be served by Pennington Wastewater Treatment Works (WwTWs).

10.16.12 A foul water pumping station will not be required. Southern Water have confirmed they can facilitate foul sewerage disposal to service the proposed development, subject a formal application for a connection to the public foul sewer to be made by the applicant or developer.

10.16.13 In these respects, it is concluded that the proposed development can be served with a satisfactory and appropriate method for foul water disposal.

Surface water drainage

10.16.14 The applicant has submitted a revised detailed surface water drainage

strategy for the development site (Drainage Layout ref: 6351-MJA-SW-XX-DR-C-001 P10, Existing Surface Water Ditch Network ref: 6351-MJA-SW-XX-DR-C-003 P1).

10.16.15 Hampshire County Council (HCC SWM) as Lead Local Flood Authority has provided comments in relation to the above application in their role as statutory consultee on surface water drainage for major developments. HCC SWM have commented as follows:

'In our previous response we asked for additional assessment to be undertaken on the potential ditch network within the site. This has been provided and shows that there are a number of ditches but no confirmed downstream linkage and a suspected lack of maintenance leading to reverse falls in places.

It is considered that there may be a suitable connection, but further investigation will be required before this can be confirmed.

An alternative discharge point has been proposed which utilises a short section of Southern Water surface water sewer before discharging into the nearby watercourse. Given this is a viable option and there is sufficient open space downstream to facilitate an alternative drainage proposal if required, we would not object to this application being granted providing that a suitably worded condition is provided to allow further investigation into the ditch network.'

10.16.16 HCC SWM have confirmed they are content with the submitted proposals for surface water drainage for the development, subject to a condition.

10.16.17 Southern Water have raised a concern with regard to the potential use of the short section of surface water sewer, identifying an increased risk of flooding if the proposed surface water runoff rates are to be discharged at proposed connection points. The applicant has been liaising with Southern Water to address this concern which it is considered can be satisfactorily addressed via an upgrade to the relevant section of SW sewer, to be facilitated and undertaken via a legal agreement between the applicant and Southern Water.

10.17 Archaeology and heritage considerations

Archaeology

10.17.1 The application is supported by a Geophysical Survey Report, an Archaeological Desk Based Assessment Report (DBA) (Terence O'Rourke 2021) and a Written Scheme of Investigation (WSI) for an Archaeological Evaluation of the site (Pre-Construct Archaeology Ltd (Winchester) February 2022) which forms a method statement for the archaeological evaluation.

10.17.2 The evaluation forms part of a staged process of determining the archaeological implications of a proposed housing development, comprising of the proposed residential area and associated green space.

10.17.3 The archaeological evaluation is required, in keeping with NPPF Chapter 16 and Local Plan Policy, by the Local Planning Authority (LPA) New Forest District Council in order to provide information toward understanding the archaeological implications of the proposed development and determining the subsequent treatment of archaeological resources within it. The archaeological and historical background of the Site was detailed in an archaeological desk-based assessment for the Site.

10.17.4 The NFNPA Archaeologist has assessed the submitted reports and provides the following consultation response:

'I have reviewed the submitted planning documents, DBA, geophysical survey report

and trenched evaluation report.

I agree with the findings of the archaeological investigation that there is a very low archaeological potential within the development site, since only undated former boundary or drainage ditches were uncovered during the evaluation.

Whilst the absence of other archaeological remains cannot be stated as a certainty, the archaeological potential, that is the potential to encounter remains which are as yet unrecorded, is low. Any encountered remains would likely be of limited significance, such as not to merit the burden of the imposition of an archaeological condition/s, if planning permission were to be granted.

No further archaeological investigation is recommended. I have no objections and/or conditions to this application.'

10.17.5 Consequently, it is concluded the proposed development would not adversely affect or otherwise harm archaeological heritage asset(s) within the site.

Other heritage considerations

10.17.6 The application site does not contain other assets of heritage value, however there are designated heritage assets within the near vicinity of the proposed development, as follows:

- April Cottage Everton Road – Grade II
- The War Memorial Everton Road – Grade II
- Box Cottage, 91, Everton Road – Grade II

10.17.7 The nearest part of the site to a designated asset is the south-eastern corner which has some proximity to Box Cottage. The element of the site which forms part of its setting, are the open fields at this end and to the east. Within the scheme this area is proposed as the public open space allocation and is to remain open in character and undeveloped. The Council's Conservation officer has assessed the proposals and considers the setting of Box Cottage will remain '*more or less unchanged*'. The Conservation officer notes there may be some small areas of intervisibility between the closest housing units. However, with mature hedge planting at such a distance, the impact on the buildings setting, and in turn its significance is negligible.

10.17.8 The Conservation officer concludes that the development will have limited impact on the setting of designated heritage assets, with any potential intervisibility being negligible and therefore would not amount to any harm being proposed to the local heritage assets.

10.17.9 The Conservation officer raises no concerns or objections regarding the proposal.

10.18 Impact on residential amenities of near neighbours, in terms of light, outlook and privacy

10.18.1 The application proposal is acceptable in principle, and the application site is an allocated Strategic Site within the adopted Local Plan 2016-2036 Part One: Planning Strategy. The quantum of development proposed, and the layout and general arrangement closely accords with the Concept Master Plan for the site allocation, with the residential element being located to the western end of the site and the ANRG to the east.

10.18.2 The residential element of the site is relatively self-contained and relationships with existing dwellings and uses where they are directly adjoining the

site have been carefully considered to ensure that distances, orientation and general relationships will not result in undue or adverse amenity impacts, such as overlooking or overshadowing.

10.18.3 Similarly, the proposed ANRG area is set some distance away from the closest existing neighbouring houses to the west and is separated by existing TPO protected mature trees and woodland along the western boundary extent of the site.

10.18.4 In these respects, it is considered the proposal accords with the provisions of local plan policy ENV3 which has regard to standards of amenity.

10.19 Affordable housing (AH) provision

10.19.1 In terms of the provision of affordable housing, as a strategic allocation in the Hordle area Local Plan Policy HOU2 establishes the requirement for a target of 50% of new homes to be affordable.

10.19.2 The scheme will provide 49 AH units (equating to 50%) with a tenure split of 17 social rented units, 23 shared ownership units and 9 affordable rent. The specific mix of AH dwelling types is set out in Table 2 of the applicant's Revised Affordable Housing Statement (August 2022).

10.19.3 The proposed tenure mix for the AH is amended from the fully policy compliant tenure mix set out within local plan policy HOU2 in the following respects:

10.19.4 The applicant proposes a policy compliant the number of social rented units (i.e. 17 units), however the number of shared ownership is increased from 15 to 23 and the number of affordable rent is reduced from 17 to 9. These changes to the tenure mix have been proposed by the applicant on the basis of viability.

10.19.5 Following an assessment of the proposed amended AH tenure mix by an independent AH viability assessment agency, the assessor has concluded, on balance, and noting that the developer is proposing to provide the full 50% AH (in quantum) that in terms of viability it would be reasonable for NFDC to accept these tenure amendments.

Distribution of affordable housing within the site

10.19.6 The Council's Housing Initiatives Manager has addressed the concerns raised by the Parish Council and in other representations with regard to the proposed distribution of the affordable housing units across the site, as follows:

'We have reviewed and considered the proposed layout for this scheme and confirm that we do not have any concerns with the distribution of the affordable housing across the development.'

The proposals intersperse the affordable housing for rent and shared ownership, to create a mix of tenures, which is then grouped in clusters located across the site.

When affordable housing forms part of larger scale residential development it is typically provided in clusters to help facilitate ongoing effective and efficient housing management and maintenance.

With respect to policy HOU2 we would expect the appearance of the affordable housing to reflect that of the private residential units to ensure that there is no visual distinction between the two.'

10.20 Schools and Education contributions

10.20.1 HCC as Local Education Authority have requested a financial contribution (to be secured via a Section 106 legal agreement) of £365,747 based on the provision of 1 teaching space at a pro-rata cost to accommodate the pupils from this development.

10.20.2 The requested contribution would be towards the expansion of Hordle CE Primary School, Ashley Infant and Junior Schools or New Milton Infant and Junior Schools. These contributions are deemed necessary as without such expansion they will not be able to accommodate the children from the development.

10.20.3 The level of contribution being sought is based on the number of additional classroom(s) required to accommodate these children at the schools and therefore is fairly and reasonably related in scale and kind to the development. This information is supported by the County Council's '*Planning for School Places Guidance Document*' which sets out the methodology for assessing the impact of development on education infrastructure.

10.20.4 No contribution is being sought by HCC for secondary provision, due to existing capacity at The Arnewood School.

10.20.5 Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL).

10.20.6 A Section 106 planning obligation which secures a contribution directly payable to the local authority for education though a planning obligation must comply with the following legal tests set out in the CIL Regulations, requiring it to be:

1. Necessary to make the development acceptable in planning terms
2. Directly related to the development
3. Fairly and reasonably related in scale and kind to the development

10.20.7 Having considered the evidence and justification put forward by HCC in their request for a financial contribution, the level of contributions being sought is based on the number of additional classrooms required to accommodate these children at the schools and is therefore considered in this case to be fairly and reasonably related in scale and kind to the development, and to in all other respects meet the three legal tests set out above.

10.21 S106 legal agreement contributions and Heads of Terms in the event of an approval

10.21.1 Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and Infrastructure Development Plan the following are the proposed Heads of Terms for a Section 106 Obligation/Agreement.

10.21.2 The Agreement will need to be completed prior to the issue of any planning permission:

10.21.3 Affordable Housing (AH) - 49 units (equating to 50%) with a tenure split of 17 social rented units, 23 shared ownership units and 9 affordable rent. Phasing delivery of units to be agreed, and long-term retention as AH.

10.21.4 Education - financial contribution of £365,747. This is towards the expansion of Hordle CE Primary School, Ashley Infant and Junior Schools or New Milton Infant and Junior Schools, based on the provision of 1 teaching space at a pro-rata cost to accommodate the pupils from this development. This contribution would be payable

prior to commencement to Hampshire CC.

Recreational Habitat Mitigation

10.21.5 Infrastructure - none as provided on site

10.21.6 Habitat Mitigation - (Provision as detailed below):

10.21.7 Non-Infrastructure Habitat Mitigation - (Access Management & Monitoring)

Total = £68,477.00

Based on the following formula

12 x 1 bed (£415 x 12) = £4,980

35 x 2 bed (£589 x 35) = £20,615

38 x 3 bed (£813 x 38) = £30,894

12 x 4 bed (£999 x 12) = £11,988

10.21.8 Bird Aware Solent contributions Total = £62,683.00

Based on the following formula

12 x 1 bed (£390 x 12) = £4,680

35 x 2 bed (£563 x 35) = £19,705

38 x 3 bed (£735 x 38) = £27,930

12 x 4 bed (£864 x 12) = £10,368

To be paid to Council prior to commencement of development.

10.21.9 Air Quality Monitoring contribution:

Contribution required of £91 per dwelling - To be paid to the Council prior to the commencement of development. Total = £8,827.00

10.21.10 Biodiversity net gain (BNG) implementation and monitoring contribution:

- Implement in full the agreed monitoring and management plan
- 30 year Monitoring the management and maintenance of BNG
- An Index linked monitoring contribution to be paid to the Council

10.21.11 ANRG provisions (Management and maintenance of ANRG):

- The completion of, and provision of all informal ANRG areas prior to first occupation
- Public access to such areas in perpetuity
- The management and maintenance of all ANRG areas
- Management company to be in place prior to first occupation
- Default provisions in the event of management company failure

- Management company set up funding

10.21.12 POS provisions (Management and maintenance of POS including play areas, and public access):

- The completion of all informal POS areas and equipment/street furniture prior to phased occupation
- The completion of the main LEAP play area prior to first occupation of any dwelling
- Public access to all POS and play areas in perpetuity
- The management and maintenance of all POS areas
- Management company to be in place prior to first occupation
- Provisions relating to failure of management company and its replacement.

10.21.13 Travel Plan Contribution to HCC for bond, monitoring fees and approval fees to be paid on completion of agreement.

10.21.14 Private road management (On Site highway estate roads, footpaths, drainage and street lighting):

- Prior to first occupation or in accordance with phasing plan condition of planning permission.
- Works have been carried out and are fit for purpose.
- Setting up of a private management company to maintain all on site highway
- Provision to include potential failure of management company and setting up of new company.
- Provision of bond to secure any necessary remedial works that may be required

10.21.15 S106 Monitoring charges - The following will apply to the development:

- Recreational mitigation contributions £750
- Affordable Housing £750
- Recreational Habitat Mitigation including on site alternative natural recreational green space £10,700
- Biodiversity Net Gain £4,625
- Public Open Space (formal, informal, play area and landscaping) £6,075

10.21.16 Surface water drainage features (Management and maintenance of all surface water drainage features on site):

- Management company to be set up prior to first occupation
- Provisions in event of failure of management company

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	5620.73	0	5620.73	5620.73	£80/sqm	£574,179.19 *
Social Housing	4488.7	0	4488.7	4488.7	£80/sqm	£427,891.82 *

Subtotal:	£1,002,071.01
Relief:	£427,891.82
Total Payable:	£574,179.19

11 CONCLUSION AND PLANNING BALANCE

11.1 The site forms part of allocated site SS9 in the Local Plan which establishes the principle of development on the application site. The site now lies within the established settlement boundary of Hordle.

11.2 The initial submission led to objections from officers and a number of consultees and other interested parties on a number of points. These objections have now been largely overcome to the extent to allow a positive recommendation on all matters including the level and tenure of affordable housing.

11.3 The proposal as amended is now considered to be generally accordant with Local Plan policy and national guidance, it creates an attractive scheme releasing much needed housing including affordable housing, and other public benefits and contains within it a number of environmental benefits such as the securing of land for ANRG purposes as well as securing biodiversity net gain (BNG).

11.4 Notwithstanding some remaining concerns from Hordle Parish Council and other objections from interested parties, the merits and benefits of the proposed development in this case are considered such that the overall planning balance is one of approval subject to a S106 Obligation/Agreement to achieve the contributions and other benefits set out above and the planning conditions as set out below.

12 RECOMMENDATION

Delegated Authority be given to the Executive Head for 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 following contributions (subject to indexation) and other benefits:

- **Affordable Housing (AH)** - 49 units (equating to 50%) with a tenure split of 17 social rented units, 23 shared ownership units and 9 affordable rent. Phasing delivery of units to be agreed, and long-term retention as AH.
- **Education** - financial contribution of **£365,747**. This is towards the expansion of Hordle CE Primary School, Ashley Infant and Junior Schools or New Milton Infant and Junior Schools, based on the provision of 1 teaching space at a pro-rata cost to accommodate the pupils from this development. This contribution would be payable prior to commencement to Hampshire CC.
- **Recreational Habitat Mitigation:**
 - Infrastructure - none as provided on site
 - Habitat Mitigation (Provision)
 - Non-Infrastructure Habitat Mitigation (Access Management & Monitoring) Total = £68,477.00
 - Bird Aware Solent contributions Total = £62,683.00
(To be paid to Council prior to commencement of development.)
- **Air Quality Monitoring contribution**
 - Contribution required of £91 per dwelling - To be paid to the Council prior to the commencement of development. Total = £8,827.00
- **Biodiversity net gain (BNG) implementation and monitoring contribution**
 - Implement in full the agreed monitoring and management plan
 - 30 year Monitoring the management and maintenance of BNG
 - An Index linked monitoring contribution to be paid to the Council
- **ANRG provisions (Management and maintenance of ANRG):**
 - The completion of, and provision of all informal ANRG areas prior to first occupation
 - Public access to such areas in perpetuity
 - The management and maintenance of all ANRG areas
 - Management company to be in place prior to first occupation
 - Default provisions in the event of management company failure
 - Management company set up funding
- **POS provisions (Management and maintenance of POS including play areas, and public access)**
 - The completion of all informal POS areas and equipment/street furniture prior to phased occupation
 - The completion of the main LEAP play area prior to first occupation of any dwelling
 - Public access to all POS and play areas in perpetuity
 - The management and maintenance of all POS areas

- Management company to be in place prior to first occupation
 - Provisions relating to failure of management company and its replacement.
 - Travel Plan Contribution to HCC for bond, monitoring fees and approval fees to be paid on completion of agreement.
 - **Private road management (On Site highway estate roads, footpaths, drainage and street lighting)**
 - Prior to first occupation or in accordance with phasing plan condition of planning permission.
 - Works have been carried out and are fit for purpose.
 - Setting up of a private management company to maintain all on site highway
 - Provision to include potential failure of management company and setting up of new company
 - Provision of bond to secure any necessary remedial works that may be required
 - **S106 Monitoring charges - The following will apply to the development:**
 - Recreational mitigation contributions £750
 - Affordable Housing £750
 - Recreational Habitat Mitigation including on site alternative natural recreational green space £10,700
 - Biodiversity Net Gain £4,625
 - Public Open Space (formal, informal, play area and landscaping) £6,075
 - **Surface water drainage features (Management and maintenance of all surface water drainage features on site)**
 - Management company to be set up prior to first occupation
 - Provisions in event of failure of management company
- 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. 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:

Single Garage Floor Plans and Elevations BARG200525 GAR.01.pe Rev B
02/11/2022

Double Garage Floor Plans and Elevations BARG200525 GAR.02.pe Rev B
02/11/2022

Block A. Plots 1-6 Elevations BARG200525 BLK-A.e1 Rev C 02/11/2022

Plots 48-51 (HT.1BM) Floor Plans BARG200525 P.48-51.p Rev
B02/11/2022

Plots 20-23 (HT.1BM) Floor Plans BARG200525 P.20-23.p Rev
B02/11/2022

House Type G Option 1 Floor Plans and Elevations BARG200525
HT.G-1.pe Rev C 02/11/2022

Affordable Housing Layout BARG200525-AHL.01 Rev G 12/09/2022

Boundary Materials Layout BARG200525-BML.01 Rev G 12/09/2022

Dwelling Materials Layout BARG200525-DML.01 Rev G 12/09/2022

Parking Strategy Layout BARG200525-PSL.01 Rev G 12/09/2022

Refuse Strategy Layout BARG200525-RSL.01 Rev G 12/09/2022

Site Layout BARG200525-SL.01 Rev K 12/09/2022

Tree Protection Plan 20209-6 12/09/2022

Landscape Proposals 2249-TFC-00-00-DR-L-1001 Rev. P05
12/09/2022

Alternative Natural Recreational Greenspace (ANRG) 2249-TFC-00-00-
DR-L-1007 Rev. P07 12/09/2022

Landscape Proposals 2249-TF-XX-00-DR-L-1002 Rev. P04 18/08/2022

Landscape Proposals 2249-TF-00-00-DR-L-1003 Rev. P04 18/08/2022

Landscape Proposals 2249-TF-00-00-DR-L-1004 Rev P.04 18/08/2022

Landscape Proposals 2249-TF-XX-00-DR-L-1005 Rev. P04
18/08/2022

Landscape Proposals 2249-TF-00-00-DR-L-1006 Rev. P04 18/08/2022

Drainage Layout 6351-MJA-SW-XX-DR-C-001 Rev P10 18/08/2022

Levels Layout 6351-MJA-SW-XX-DR-C-002 Rev P4 18/08/2022

Existing surface water ditch network 6351-MJA-SW-XX-DR-C-003 Rev
P2 18/08/2022

Longitudinal Sections 6351-MJA-SW-XX-DR-C-100 Rev P2
18/08/2022

External Works Layout 6351-MJA-SW-XX-DR-C-400 Rev P3
18/08/2022

Road Dimensions & Visibility 6351-MJA-SW-XX-DR-C-503 Rev P3
18/08/2022

Pedestrian Crossing Visibility 6351-MJA-SW-XX-DR-C-504 Rev P2
18/08/2022

Block A. Plots 1-6 Elevations BARG200525-BLK-A.e2 Rev B
18/08/2022

Block A. Plots 1-6 Floor Plans BARG200525-BLK-A.p1 Rev B
18/08/2022

Block A. Plots 1-6 Floor Plans BARG200525-BLK-A.p2 Rev B
18/08/2022

Block A. Plots 1-6 Floor Plans BARG200525-BLK-A.p3 Rev B
18/08/2022

Proposed Access Arrangements from Everton Road ITB16122-GA.008
Rev J 15/07/2022

Potential Construction Access Arrangement ITB16122-GA.022 Rev F
15/07/2022

Potential Pedestrian/Cycle Access Arrangement ITB16122-GA.024 Rev D
15/07/2022

Potential Pedestrian/Cycle Access to Open Space ITB16122-GA.025 Rev D
15/07/2022

Location plan BARG200525-LP.01 Rev A 24/12/2021

Public Open Space Layout BARG200525-POSL.01 Rev P3 15/07/2022

Block B. Plots 81-87 Elevations BARG200525-BLK-B.e1 Rev A
15/07/2022

Block B. Plots 81-87 Elevations BARG200525-BLK-B.e2 Rev A
15/07/2022

Block B. Plots 81-87 Elevations BARG200525-BLK-B.e3 Rev A
15/07/2022

Block B. Plots 81-87 Floor Plans BARG200525-BLK-B.p1 Rev A
15/07/2022

Block B. Plots 81-87 Floor Plans BARG200525-BLK-B.p2 Rev A
15/07/2022

Block B. Plots 81-87 Floor Plans BARG200525-BLK-B.p3 Rev A
15/07/2022

Electric Sub-Station Floor Plans and Elevations BARG200525-ESS.01.pe
Rev A 24/12/2021

House Type 2B (2 Block) Floor Plans and Elevations BARG200525-
HT.2B(2blk).pe Rev B 15/07/2022

House Type 2BFOG - Option 1 Floor Plans and Elevations
BARG200525-HT.2BFOG.1.pe Rev B 15/07/2022

House Type 3B (2 Block) Elevations BARG200525-HT.3B (2blk).e Rev
B 15/07/2022

House Type 3B (2 Block) Floor Plans BARG200525-HT.3B (2blk).p Rev
B 15/07/2022

House Type 4B Floor Plans and Elevations BARG200525-HT.3B.pe Rev B
15/07/2022

House Type A-A Floor Plans and Elevations BARG2005-25-HT.A-A.e
Rev P1 15/07/2022

House Type B (2 Block) Elevations BARG200525-HT.B (2blk).e Rev A
15/07/2022

House Type B (2 Block) Floor Plans BARG200525-HT.B (2Blk).p Rev A
15/07/2022

House Type B 3 Block Elevations BARG200525-HT.B (3BLK).e Rev B
15/07/2022

House Type B 3 Block Floor Plan BARG200525-HT (3Blk).p Rev B
15/07/2022

House Type C (2Block) Elevations BARG200525-HT.C (2Blk).e Rev C
15/07/2022

House Type C (2 Block) Floor Plans BARG200525-HT.C (2Blk).p Rev
C 15/07/2022

House Type D Variation A Floor Plans and Elevations BARG200525-
HT.D-A.pe Rev B 15/07/2022

House Type D Option 1 Floor Plans and Elevations BARG200525-
HT.D-1.e Rev B 15/07/2022

House Type F Floor Plans and Elevations BARG200525-HT.F.e Rev B
15/07/2022

House Type G Option 2 Floor Plans and Elevations BARG200525-
HT.G-2.pe Rev B 15/07/2022

House Type G-A Floor Plans and Elevations BARG200525-HT.G-A.pe
Rev A 15/07/2022

House Type H Floor Plans and Elevations BARG200525-HT.H.pe Rev B
15/07/2022

House Type J Elevations BARG200525-HT.J.e Rev B 15/07/2022

House Type J Floor Plans BARG200525-HT.J.p Rev B 15/07/2022

Plots 10-11 (HTC) Elevations BARG200525-P.10-11.e Rev A

15/07/2022
Plots 10-11 (HTC) Floor Plans BARG200525-P.10-11.p Rev B
15/07/2022
Plots 12-14 (HT.B-C, HT.C) Elevations BARG200525-P.12-14.e Rev A
15/07/2022
Plots 12-14 (HT.B-C, HT.C) Floor Plans BARG200525-P.12-14.pe Rev A
15/07/2022
Plots 17-19 (HT.2B) Elevations BARG200525-P.17-19.e Rev A
15/07/2022
Plots 17-19 (HT.2B) Floor Plans BARG200525-P.17-19.p Rev A
15/07/2022
Plots 20-23 (HT.1BM) Elevations BARG200525-P.20-23.e Rev A
15/07/2022
Plots 25-27 (HT.3B) Elevations BARG200525-P.25-27.e Rev A
15/07/2022
Plots 25-27 (HT 3B) Floor Plans BARG200525-P.25-27.p Rev A
15/07/2022
Plots 44-45 (HT.B-C, HT.C) Floor Plans and Elevations BARG200525-
P.44-45.pe Rev A 15/07/2022
Plots 46-47 (HT.3B-A) Elevations BARG200525-P.46-47.e Rev A
15/07/2022
Plots 46-47 (HT.3B-A) Floor Plans BARG200525-P.46-47.p Rev A
15/07/2022
Plots 48-51 (HT.1BM) Elevations BARG200525-P.48-51.e Rev A
15/07/2022
Plots 52-53 (HT.3B, HT.3B-A) Elevations BARG200525-P.52-53.e Rev A
15/07/2022
Plots 52-53 (HT.3B, HT.3B-A) Floor Plans BARG200525-P.52-53.p Rev A
15/07/2022
Plot 69 (HT 2BFOG) Floor Plans and Elevations BARG200525-P.69.pe
Rev A 15/07/2022
Plots 7-8 (HT.3B-A HT.3B-
A) Elevations BARG200525-P.7-8.e Rev A 15/07/2022
Plots 7-8 (HT.3B-A, HT.3B-A) Floor Plans BARG200525-P.7-8.p Rev A
15/07/2022
Plots 71-72_73-74 (HT2B) Elevations BARG200525-P.71-72_73-74.e
Rev A 15/07/2022
Plots 71-72_73-74 (HT2B) Floor Plans BARG200525-P.71-72_73-74.p
Rev A 15/07/2022
Plots 75-76 (HT.3B) Elevations BARG200525-P.75-76.e Rev A
15/07/2022
Plots 75-76 (HT 3B) Floor Plans BARG200525-P.75-76.p Rev A
15/07/2022
Plots 78-79 (HT.B-C, HT.C) Elevations BARG200525-P.78-79.e Rev A
15/07/2022
Plots 78-79 (HT.B-C, HT.C) Floor Plans BARG200525-P.78-79.p Rev A
15/07/2022
Plots 88-89 (HT.3B-B HT.2B) Elevations BARG200525-P.88-89.e Rev A
15/07/2022
Plots 88-89 (HT.3B-B - HT.2B) Floor Plans BARG200525-P.88-89.p Rev A
15/07/2022
Plots 92-94 (HT.B - HT.A) Elevations BARG200525-P.92-94.e Rev A
15/07/2022
Plots 92-94 (HT.B - HT.A) Floor Plans BARG200525-P.92-94.p Rev A
15/07/2022
Plots 97 (HT.2BFOG) Floor Plans and Elevations BARG200525-P.97.pe
Rev A 15/07/2022

Timber Shed Floor Plans and Elevations BARG200525-SHD-01.pe Rev B
15/07/2022

Existing Site Layout BARG200525-eSL.01 Rev A 24/12/2021

Coloured Site Layout BARG200525-CSL.01 Rev G 26/07/2022

Street Elevations Sheet 1 of 2 BARG200525 SE.01 Rev D 02/11/2022

Street Elevations Sheet 2 of 2 BARG200525 SE.02 Rev C 02/11/2022

Coloured Street Elevations Sheet 1 of 2 BARG200525-CSE.01 Rev C
15/07/2022

Coloured Street Elevations Sheet 2 of 2 BARG200525-CSE.02 Rev B
15/07/2022

Refuse Vehicle Tracking Layout 6351-MJA-SW-XX-DR-C-500 Rev P5
18/08/2022

Fire Appliance Tracking Layout 6351-MJA-SW-XX-DR-C-501 Rev P5
18/08/2022

Estate Car Tracking Layout 6351-MJA-SW-XX-DR-C-502 P6 22/11/2022

Reason: To ensure satisfactory provision of the development.

3. Prior to the commencement of 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 fully completed in an acceptable timetable and in accordance with the approved plans.

4. Prior to construction (including any demolition works) commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- Development contacts, roles, and responsibilities
 - Public communication strategy, including a complaints procedure.
 - Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
 - Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
 - Use of fences and barriers to protect adjacent land, properties, footpaths, and highways.
 - The parking of site operatives and visitors' vehicles.
 - Loading and unloading of plant and materials.
 - Management of construction traffic and access routes.
 - Storage of plant and materials used in constructing the development.
 - Wheel washing facilities.
 - Measures to control light spill and glare from any floodlighting and security lighting installed.
 - Pest control
 - a methodology for ensuring that, where viable, minerals recovered during the development operations are put to beneficial use; and

- a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the Mineral Planning Authority

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

Reason: To comply with Local Plan policies STR1 and ENV3

5. Prior to the commencement of any part of the development, a detailed landscape masterplan and all final landscape details (planting and hard landscape, and all boundary details), shall be submitted to and agreed in writing with the LPA.

Notwithstanding details already submitted, such plans and details shall show all new planting of shrubs, hedgerows and trees (to include details of species, size, spacing and location, and the means to provide for watering and future establishment and maintenance for tree planting), including any necessary tree pits or root barrier systems. The plan shall show all streetlights, pipe ways and other underground service details in proximity to tree planting.

The landscape masterplan shall include a detailed phasing plan for all landscape works. Details will include all planting schedules, quantities, densities, sizes, mulching and irrigation features as well as hard landscape details for boundary treatments, surfaces and features.

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

6. The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed landscape masterplan and any agreed phasing of those works. Planting works, if delayed, should be completed in the first available planting season (October-March). If any planted areas fail or trees and shrubs die or 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 establishment period, all planting, shall then be maintained in accordance with the long-term landscape 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 appearance and character of the development and area and to comply with New Forest Local Plan policy ENV3

7. Unless otherwise agreed at the pre-start commencement meeting with the Council's Tree officer (and confirmed in writing by the local planning authority), the trees and hedgerows 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 Assessment and Method Statement Barrell Tree Consultancy ref 20209-AA4-CA, dated 13th July 2022 and the Tree Protection Plan ref 20209-6 submitted 12th September 2022.

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

8. No development, demolition or site clearance shall take place until the following information has been submitted and agreed to in writing with the Local Planning Authority:
- A method statement and engineering drawings for the installation of new hard surfaced areas within the root protection areas of retained trees, and
 - A method statement for the installation of services within the root protection areas of the trees.

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

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

9. Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days' notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as specified within the submitted Barrell Tree Consultancy Manual for Managing Trees on Development Sites V2 .1 SGN 1 : Monitoring tree protection to inspect all tree protection measures and confirm that they have been installed to provide sufficient protection for the retained trees on site.

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

10. The development shall be completed in accordance with the Biodiversity Net Gain (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

11. Prior to commencement of development above slab level of any of the dwellings, a scheme for the provision and placement of bird and bat boxes and swallow bricks shall be submitted to and agreed in writing with the LPA. Development shall be carried out in accordance with the details thereby

agreed, shall be completed prior to occupation of the associated dwelling and shall be maintained as such thereafter.

Reason: In the interests of increasing biodiversity on the site in accordance with Local Plan policies STR1, ENV3 and DM2

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

(a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and

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

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

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

13. Prior to the commencement of development a detailed specification of all new play equipment and street furniture to be provided within the main LEAP and within the site including any facilities such as benches, bins, interpretation boards in connection with ANRG or POS areas, shall be submitted to and agreed in writing with the LPA. There shall be a minimum

of one ANRG board in a position to be agreed with the LPA.

The details and facilities as may be agreed shall be provided and made available for use prior to the first dwelling being occupied or in line with a phasing plan of provision to be agreed as part of this condition. All play equipment and street furniture, and other facilities in connection with the use of the ANRG shall be maintained and kept available for the public use in perpetuity.

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

14. No development shall begin until a detailed surface water drainage scheme for the site has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:
- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
 - b. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
 - c. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 plus climate change.
 - d. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
 - e. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure an adequate drainage system and to prevent and minimise flood risk

15. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted a full schedule of materials (including manufacturer names, type and colour) to be used on all dwellings based on the approved plans i.e. facing bricks, wall renders, weatherboarding, tile hanging including finish and colours, roofing materials, eaves boards, ridge tiles, fences and walls (with typical elevation sections including straights and where there are changes in alignment supplied for both including any coping details, decorative brickwork and piers etc.), shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed, unless otherwise agreed in writing by the local planning authority.

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

16. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted the material and colours of all new windows with typical joinery and reveal details, external doors, garage doors, and rooflights (including flashings to be used with flush fitting preferred) shall be

submitted to and agreed in writing with the LPA together with the details of opening of windows with all windows to be sash or casement rather than top hung except for fanlights. The development shall be completed in accordance with the details as may be agreed, unless otherwise agreed in writing by the local planning authority.

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

17. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted details of all rainwater goods, soil and vent pipes, ridge flues and meter boxes (including their position on the building and intended colour finish), shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed, unless otherwise agreed in writing by the local planning authority.

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

18. Prior to the installation of any street lighting or lighting to be placed on the dwellings hereby permitted such details (including the design of lanterns and lighting standards and the lux levels of lighting) shall be submitted to and agreed in writing with the LPA. No other street lighting or on building lighting shall be erected including any security lighting without the further written approval of the LPA.

Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

Reason: To promote an acceptable and light sensitive means of site and street lighting in the interests of good design, residential amenity, wildlife protection, and so as to promote dark skies and to accord with Local Plan policy ENV3.

19. Prior to first occupation, the means of vehicular access to the site and associated works shall be constructed in accordance with the approved plans (ITB16122-GA-008 Rev J, ITB16122-GA-022 Rev F) and no structure, erection or planting exceeding 600mm in height shall thereafter be placed within the visibility splays shown on the approved plans.

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.

20. Prior to the occupation of each dwelling, the associated areas for access, and turning for that plot shall be constructed and provided in accordance with the approved plans, or alternatively in accordance with any phasing agreement with the LPA, shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.
- 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.
21. Before the occupation of the associated dwelling hereby approved, the cycle store for 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 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.
22. All car parking spaces and garages 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 hereby approved (whether integral or as outbuildings/extensions to the dwelling) 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 and to prevent ad hoc parking on pavements, cycle/footways and verges in the interests of highway safety for both pedestrians and vehicles.
23. 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 1800 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: In the interests of amenity and in accordance with policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.
24. Prior to the occupation of the associated dwelling hereby approved, provision shall be made for infrastructure and facilities to enable the installation of charging point(s) for electric vehicles in accordance with the approved plans.
- 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.

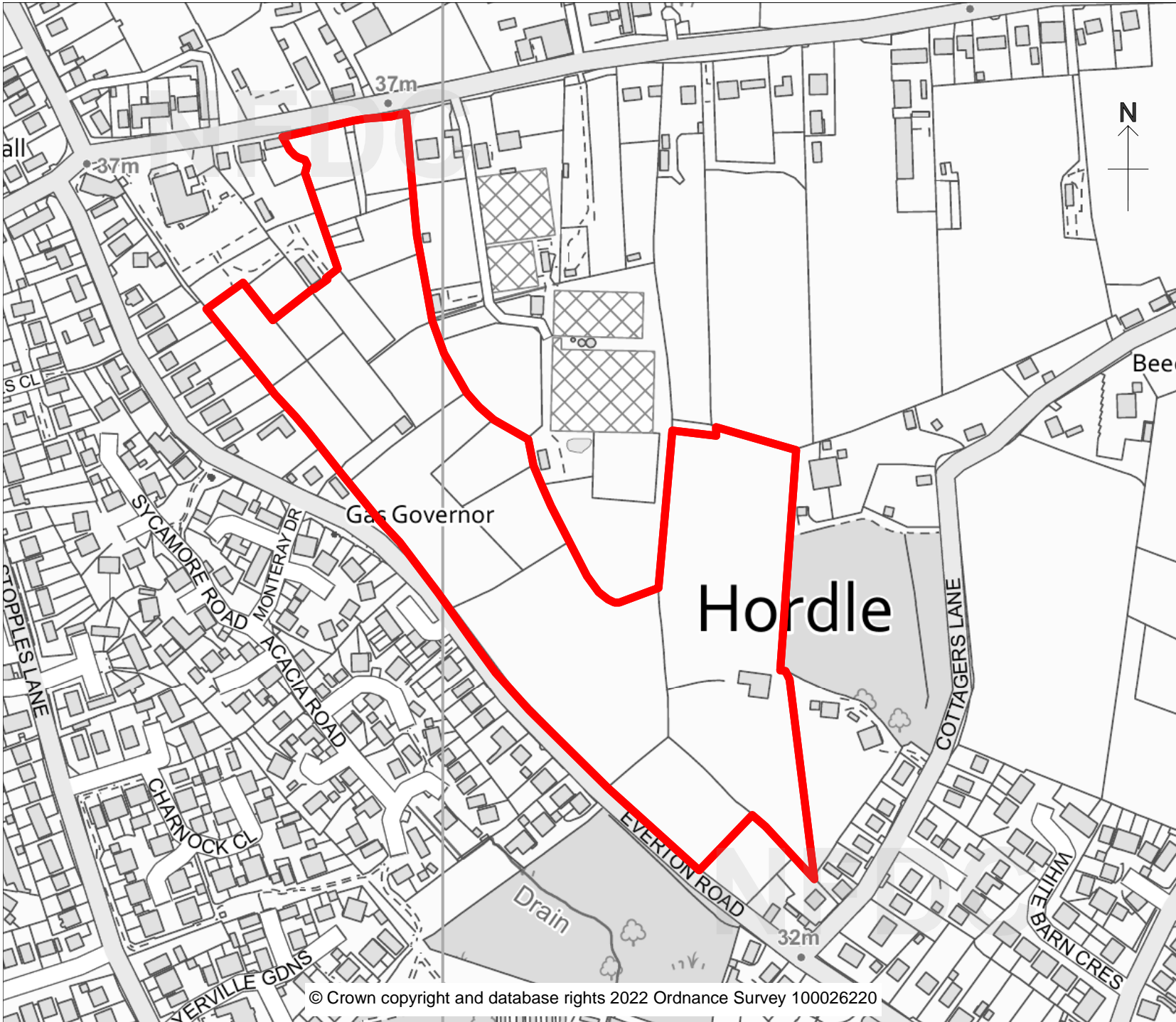
25. Prior to the occupation of each dwelling in the development hereby approved, the necessary infrastructure required to enable high speed fibre broadband connections shall be provided within the site up to property thresholds, unless otherwise agreed in writing with the Local Planning Authority.

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

Further Information:

Warren Simmonds

Telephone: 023 8028 5453



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

December 2022

SS9 Land East of
 Everton Road
 Hordle
 21/11731

Scale 1:3500

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

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Planning Committee 14 December 2022

Application Number: 21/11179 Full Planning Permission

Site: LAND TO THE EAST OF BROCKHILLS LANE, NEW MILTON
(SS10)

Development: Phased residential development for 164 dwellings; new vehicular access onto Brockhills Lane and other associated works including landscaping, ANRG and open space

Applicant: Pennyfarthing Homes Limited

Agent: Turley Associates

Target Date: 26/11/2021

Case Officer: Richard Natt

Extension Date: 23/12/2022

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 -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 designated heritage assets near 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 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 application site is situated on the north-eastern outskirts of New Milton. The application site extends to approximately 9.96 hectares of undeveloped grassland comprising irregular shaped pasture fields lined by established hedgerows and some mature trees. The site is used for grazing and paddocks. The site gently slopes from north to south, with a steeper gradient in the far south and east of the site. A copse of trees is located within the far eastern part of the site, surrounding a depression.

2.2 The site falls within Local Plan allocation SS10. The Local Plan allocation has removed the SS10 site from its Green Belt designation (now classified as being within the built up area).

2.3 The site does not contain any listed buildings, the site does not lie within or adjacent to the Conservation Area. There are no Public Rights of Way on the site. The application site is located in flood zones 1, 2 and 3.

The areas surrounding the application site

2.4 The site is situated on the north-eastern outskirts of New Milton in an area surrounded by residential development, holiday parks, campsites, and a farm shop. Sway Road bounds the northern boundary of the site and the western boundary is defined by hedgerows along Brockhills Lane. The south boundary comprises an area of broadleaved woodland known as 'Stanley Copse' and along the south eastern boundary is shared with Stanley's Caravan Park. To the east of the site boundary is formed by a combination of hedgerow, trees and small wooded copses which are adjacent to Danes Stream. The area of woodland to the south of the site is designated as Ancient and semi natural woodland. The New Forest National Park lies to the north (opposite Sway Road) and east (not abutting) of the site. The Green Belt boundary abuts the south, east and north east of the site.

3 PROPOSED DEVELOPMENT

The application

3.1 This is a full planning application for a residential development of a site on the east side of Brockhills Lane, to the north east of New Milton.

The application comprises the following:

'Phased residential development for 164 dwellings; new vehicular access onto Brockhills Lane and other associated works including landscaping, ANRG and open space'.

3.2 The application is supported by detailed access and layout plans, full elevations and house tenures and types, a detailed landscape, tree and ANRG Framework Plans 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 - Updated March 2022
- Planning Statement
- Information for a Habitats Regulations Assessment - Aug 2021
- An Ecological Impact Assessment - Updated March 2022
- ANRG Habitat Creation and Management Plan March 2022
- Biodiversity Metric Assessment - Updated March 2022
- Lighting Assessment - July 2021
- A Noise Assessment - Updated July 2022
- An Air Quality Assessment - Updated June 2022
- A Transport Assessment and a Framework Travel Plan- Updated March 2022
- An Arboricultural Assessment and Tree Protection Report - Updated March 2022
- A Landscape and Visual Assessment
- Geo-physical survey
- A Statement of Consultation
- Minerals Assessment
- Sustainability and energy statement
- A Flood Risk Assessment and Drainage Strategy - Updated September 2022

3.4 The submitted scheme proposes 164 dwellings situated immediately off Brockhills Lane, in which the built development will be concentrated along the central, northern and eastern parts of the site. An emergency access is shown on the submitted plans to the north of the site from Sway Road. For the avoidance of doubt, all development is proposed within the strategic policy allocation (SS10).

3.5 It is proposed to retain the majority of the existing hedgerows and trees within the site and around the boundaries, with a small loss to facilitate access points and connections. Two large areas of Green Infrastructure along the southern and eastern boundaries are proposed, 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. A central north-south greenspace corridor, connecting to Sway Road is proposed with the main area of natural greenspace on the southern and eastern boundaries.

3.6 A new 2 to 3 metre wide footway is proposed within the south part of the development and along part of Brockhills Lane, which will provide a connecting link between the main residential area and the existing footpath network in Brockhills Lane. A single children's play area (LEAP) is proposed with smaller play areas provided around the site.

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

Dwellings

1 bedroom dwellings = 12
2 bedroom dwellings = 56
3 bedroom dwellings = 65
4 + bedroom dwellings = 31

Total no. of dwellings = 164

Amendments to application

3.8 Following detailed discussions, the applicant has amended their proposal to address the concerns set out by the Case Officer. The scheme has been revised and reduced from 169 dwellings to 164. Amendments have been made with improvements to the design of several buildings and layout changes, together with an increase in the level of ANRG space and officers are now content that the proposed site layout and design is appropriate and fulfils the requirement and high design standards and acceptable quantum of ANRG space as set by the Local Plan policies referred to above.

3.9 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.

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 Brockhills Lane.

4 PLANNING HISTORY

Screening Opinion (20/10320) Not EIA development dated May 2020.

There is no relevant planning history for the site, although the applicant did engage with the Local Planning Authority's pre-application advice service from January 2020, with a scheme for 175 dwellings.

5 PLANNING POLICY AND GUIDANCE

The Core Strategy (Saved policy)

CS7: Open spaces, sport and recreation

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

DM2: Nature conservation, biodiversity and geodiversity

DM4: Renewable and low carbon energy generation

DM9: Green Infrastructure linkages

Local Plan 2016-2036 Part 1: Planning Strategy

Policy Strategic Site SS 10: Land to east of Brockhills Lane

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

Supplementary Planning Guidance and other Documents

New Milton Neighbourhood Plan

SPD - New Milton Local Distinctiveness Document

SPG - Landscape Character Assessment

SPD Mitigation Strategy for European Sites 2021

SPD Parking standards 2022

SPD Housing design, density and character 2006

Air Quality SPD 2022

Developer contributions towards air quality

Cabinet Report on Monitoring Contributions 2022

Draft SPD guidance on play provision within development sites

Draft SPD Strategic sites masterplanning

Ecology and Biodiversity Net Gain Interim Advice Note

Constraints

Adjacent to New Forest National Park

Adjacent to SINC

Part of the site is located within Flood Zone 2/3

Tree Preservation Order: 23/93/T12

Plan Policy Designations

Adjacent to Green Belt
Built-up Area
Strategic Allocated Site

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

Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit
-

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
- Section 16 Conserving and enhancing the historic environment

National Design Guide 2021

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

Initial comment

Strongly Object (non-delegated) for the following reasons:

- a) Overdevelopment, with a 30% uplift on the SS10 guidance of 'at least 130 homes
- b) Various traffic concerns general traffic generation and a need to survey in neutral months, use of tandem parking, poor visibility at junctions, lack of crossing points.
- c) New Forest District Council Local Plan policy HOU2 states 50% affordable housing requirement. This is reduced to 34% provision due to introduction of discounted market units and is therefore contrary to policy.
- d) Lack of drainage detail and potential inclusion of the ponds in the area calculations for Alternative Natural Green Space
- e) Lack of information regarding the phasing of development
- f) Lack of primary healthcare capacity/provision), lack of future proofing by way of solar panel, biomass use or individual EV points for each parking space
- h) Ecology assessments require updates
- i) The bungalow provision and lack of service plots for self-build are contrary to New Milton Neighbourhood Plan policy NM2.

Comments on revised application

New Milton Town Council, Town Hall

STRONGLY OBJECT (non-delegated)

- a) The development is too high in density, and there are no self-build plots contrary to Neighbourhood Plan policy NM2.
- b) The affordable housing offer is contrary to the District Councils policy HOU2
- c) Inadequate climate mitigation measures, contrary to Neighbourhood Plan policy NM4 (Design Quality) as opportunities for solar panels nor ground source heat pumps have been taken
- d) Highway safety issues
 - i) Swept path analysis plans are misleading as inevitable on-road parking would block passing of larger vehicles
 - ii) Walking/cycling guidance is out of date as there are no footpaths for use to local schools
 - iii) Sway Road access to the forest requires improvement to mitigate this development
 - iv) Use of cobbles/paviours in semi-private roads will cause disability access issues
 - e) Insufficient ecology mitigation measures taken as highlighted by New Forest District Councils Ecologist, plus lack of woodland management information as per Natural England response.

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

Lifespan of ecological reports

The Ecological information has been gathered and baseline between 2016 and 2021 is adequately captured. Updated surveys have been carried out.

Stanley Copse SINC

Significant impacts on the woodland (from recreation and fly tipping etc) unlikely given the buffers provided (space and planting of trees and scrub) and the fact that woodlands are fenced off. The nearest component of the New Forest SSSI is located approximately 500 metres north of the site. It is considered that the mitigation in place for the internationally designated sites would be equally as effective for nationally designated sites.

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 results in a biodiversity net gain of 10.11 habitat units.

Species

Surveys identified a low population of grass snake and slow worm. No evidence of badger or dormouse recorded during the survey. The level of bat surveys are acceptable and lighting strategy required for mitigation. I agree with the assessment that there is a low probability of GCN reaching the site given the relatively small amount of suitable terrestrial habitat on-site and the presence of Dane Stream acting as a barrier to a degree

The breeding bird assemblage is assessed to be of Local Importance, with most activity concentrated in hedgerows on the boundary of the site. Impacts are considered to be relatively minor and the small areas of hedgerow loss and disturbance are unlikely to affect the conservation status of breeding bird assemblage. The wintering bird assemblage was also assessed to be of local importance with predominately common and widespread species recorded.

8.2 Environmental Design (Conservation): No objection

8.3 Environmental Design (Urban Design Officer and Landscape): Comment

Layout/ design

Considerable effort has been made to improve elements of the design including some of the architecture selection and spacing of some of the buildings. There are also improvements within the masterplan in terms of ANRG and streetscapes. I raise no objections to the buildings design. The final details of the boundary treatment will need to be resolved, this can be dealt with by condition. Equally, details of hard and soft landscaping, is a matter that needs to be resolved, but this can be dealt with by

condition.

Play

As previously noted, the locations and principles set out in the D&AS are fully supported, representing a good distribution of a variety of play spaces, and aimed at the appropriate range of abilities, while utilising best practice in promoting play as part of the wider playful landscape, using appropriate design techniques to reduce risk of harm from obvious hazards, such as roads.

The proposed play space equipment is well covered, although additional style of swings and seats would be welcomed or a more dynamic piece of kit aimed at older juniors, perhaps in lieu of springy animals. The full details can be conditioned.

ANRG

It is unfortunate that the pumping stations are proposed within the recreational space, and whilst it is noted that they are excluded from the ANRG space calculation, it is important that their design, landscaping and boundary enclosure to the pumping station are very carefully dealt with by condition. It is noted that the amendments to the application which entail an increase in the ANRG space are welcomed. The SUDS designs and detailed information demonstrate that they will be positive features as part of the landscaping.

Comments to be added

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

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

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

8.7 Environmental Health (Air quality): No objection subject conditions

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

8.9 Strategic Housing Officer: Comment

As a strategic allocation in the New Milton establishes a requirement for a target of new homes to be affordable.

Policy seeks a 70/30 tenure split between affordable housing for rent, evenly split between Social and Affordable Rent and intermediate, or affordable home ownership. Where a developer wishes to provide First Homes as affordable housing as defined by the NPPF, the remainder of the affordable housing tenure mix for scheme need to be delivered in the same percentage as set out in the local plan.

External Consultees

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

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 proposals 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.

Recreational Impacts

This application is in close proximity to the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar and Solent European Sites. 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.

8.11 Highway Authority: No objection subject to conditions

8.12 HCC Minerals and Waste Planning: No objection subject to condition

The proposed development lies within the mineral and waste consultation area (MWCA). This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present.

Having reviewed the applicants submitted Mineral report, the MWPA considers given that the application of a 50 m buffer from sensitive receptors reduces the potential extraction area to 3.78 ha, which is only 0.78 ha over the MWPA's consultation threshold; and, the extraction of the mineral resource would potentially cause up to a 3-year delay to the residential development, as well as increase the costs of building foundations and drainage design and construction, the MWPA is satisfied with the evidence provided that the development of Land east of Brockhills Lane does not constitute a viable prior extraction opportunity.

8.13: Archeologist: No objection subject to condition

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

8.15 Environment Agency: No objection subject to condition

8.16 Southern Water: No objection subject to condition

8.17 Education Authority: Comment

The development site is served by Ashley Infant and Junior Schools and Arnewood School. The primary age phase schools are full and forecast to remain full for the foreseeable future. To accommodate the additional infant and junior age pupils a contribution will be sought. No contribution is sought for Arnewood School.

In summary, the contributions towards the expansion of Ashley Infant and Junior Schools or New Milton Infant and Junior Schools is necessary as without an expansion they will not be able to accommodate the children from the development.

8.18 Hampshire Fire & Rescue Service: Comment

Standard advice

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Original submission

2 letters of support - There is a shortage of affordable properties available in the area for first time buyers. I see that it is proposed that 50% of the development is to be affordable which is in accordance with Policy HOU2 of the Local Plan

Petition raising objection with 114 signatures

344 letters of objections

Principle of Development

- Loss of Green Belt land/ countryside
- Site should have not been allocated for development – it is not a suitable site
- The proposal is not a sustainable development – not close to shops, schools and other facilities
- Impact on climate change

Community Services, Infrastructure and Facilities

- The development would give rise to unacceptable pressures on other local infrastructure (health facilities, schools, emergency services etc.). What funding is going to be made to schools

Layout, Character, Design/ landscape

- Out of character - poor layout and design
- Lack of tree lined streets
- Overdevelopment, density - intensive - well in excess of the policy allocation
- The main spine road within the estate has an unprecedented number of terraced houses that would be more in keeping with an inner city area. Not in keeping with the New Forest area.
- The lack of trees planned is incongruous with similar roads in the area and falls short of the sylvan setting requested by the NFDC.
- Concern over the scale of development including building heights
- The land proposed for the footpath appears to be within the root protection area of a protected tree. The land proposed for the footpath currently has an Oak tree growing on it, while this is just outside of our boundary, and so not covered by the TPO, we believe from discussions with the council on a planning application last

year that it is protected

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.
- Impact on dark skies
- Loss of habitat
- It has been confirmed that there is bat activity in the proposed site and the supporting documents do not clearly state how the impact of the development will be mitigated. It lists a number of mitigation measures but is not specific on how the impact of the proposed development on this protected species will be realised. It is clear we have Soprano Pipistrelle bats in this area and those are a Species of Principal Importance for Nature Conservation in England under Section
- It will cause major noise pollution, light pollution and harm the wildlife that access this area from the adjacent SSSI

Transport

- Concerns in relation to increase in traffic generation
- Brockhills Lane is too narrow with narrower pinch points and no footpaths
- The access onto Sway Road is unsuitable
- Lack of car parking
- Access close to blind bend
- Lack of public transport
- Lack of provision/ impact on cycling
- The access is not suitable for all vehicles
- No adequate off street parking to accommodate the charging of electric vehicles types
- The developers have included tandem parking throughout the estate, which is not ideal for the charging of EVs and will inevitably lead to on street parking.
- The roads in the estate will not meet guidelines from the NFDC Local Plan nor do they meet Government recommended widths of 5.5 metres. Roads will be too narrow to accommodate residents' second vehicles, which will have to park in the roads, and therefore it will make it very difficult for emergency vehicles, like fire engines, to reach most parts of the estate.
- A second exit from the development onto Sway Road should be authorized to mitigate the effects of traffic on Brockhills Lane and the connecting roads. .
- There have been many accidents along Sway Road and Brockhills Lane. This was not picked up in the Traffic surveys

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/maintenance of the watercourses
- Existing foul sewer network needs upgrading

- High water table

Impact on amenity

- Increase in traffic – additional impact on noise and disturbance
- Impact on Cattery and Vets practice
- Impact from privacy, outlook, and overshadowing - three storey building next to boundary
- Impact on health from dust and poor air quality

General

- Hedges and trees on the boundaries, would appear not to be within the boundary of adjoining properties but in a no-mans land with no easy access without entering private gardens. if this is the case how is their wellbeing or even survival ensured and by who?
- Impact on cattery - additional noise and disturbance
- Affordable housing - we would like to see NFDC adopt a similar strategy to many other councils and place covenants on the new homes, restricting their sale to local people only i.e. those who have paid community charge within the area for 3 or more years. This would free up less expensive properties within the town for younger people.
- Archaeological - while possible archaeological activity has been detected through the survey, the features are said to be of uncertain date and function., The Society would like to see some limited archaeological excavation on the site, to be reported to the Town Council when completed. It is suggested that a condition be attached to the housing application decision to achieve this

Amended Plans

105 further letters of objection received which reiterate some of the concerns raised above, but also state that the revised plans do nothing to address previous concerns.

Final amendment to reduce number of houses from 166 to 164

85 further letters of objection received which reiterate some of the concerns raised above, but also state that the revised plans do nothing to address previous concerns.

10 PLANNING ASSESSMENT

10.1 The principle of the development

10.1.1 Land at Brockhills 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 10 applies. This policy states:

Strategic Site 10: Land to the east of Brockhills Lane, New Milton

- i. Land to the east of Brockhills Lane, New Milton as shown on the Policies Map is allocated for residential development of at least 130 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 provide a new rural edge neighbourhood to New Milton by:
 - a. Creating a compact pattern of well-designed buildings and streets with

enough garden space internally and along frontages to create a sylvan setting comparable to the characteristics of the low density development in the area

- b. Providing vehicular access from Brockhills Lane and assess whether there is a need for improvements to the Brockhills Lane and Sway Road junction, and providing pedestrian crossing points across Sway Road and Brockhills Lane to link to existing footpaths.
- c. Providing a central north-south greenspace corridor connecting to Sway Road as an internal focal point for the development, with the main area of natural recreational greenspace on the southern and eastern boundaries, buffering adjoining woodlands and the Danes Stream.

iii. Site-specific Considerations to be addressed include:

- a) Ensuring the form and character of development layout relates appropriately to the New Forest National Park to the east and north
- b) Respecting the ecological sensitivity of the ancient woodland and other woodland habitat to the south and west of the site.
- c) Managing flood risks from Danes Stream and its tributary in an ecologically sensitive manner, integrating sustainable drainage measures around existing water courses and the greenspace framework for the site.

10.1.2 Policy Strategic Site 10 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 all boundaries of the site (particularly the south), in which the residential development would be largely concentrated in the central part of the site. It also identifies existing vegetation of landscape value to be retained, and the north-south green link running through the site.

10.1.4 The applicants proposal shows that residential development is to be provided within the central part of the site and the Green Infrastructure shown to the west, south, central and eastern boundaries, which reflects the Concept Masterplan accompanying Policy Strategic Site 10. 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.

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 New Milton Neighbourhood Plan

10.2.1 The site lies within the boundary of the adopted New Milton Neighbourhood Plan 2016-2036 and therefore forms as a statutory development plan for the area. There are several policies in the New Milton Neighbourhood Plan, which are relevant to this application.

10.2.2 Policies NM2 (Diversifying Housing) is applicable for all new residential development should seek to include in their housing mix a type and tenure suitable for first time buyers or those looking to rent their first home. In the case of Strategic Site allocation, the policy states that proposals must include a diversity of housing types as follows:

- Homes suitable for first time buyers or those looking to rent their first home including approx 5% of market provision in the form of affordable homes for sale;
- Undeveloped, serviced plots made available individually for purchase by self builders; and
- Homes specifically developed for private rent

10.2.3 An assessment of the proposals against this policy has been assessed in detail under the heading 'Housing' paragraph 10.12.

10.2.4 Policy NM12 (Promoting Walking and Cycling) is relevant, and seeks to promote sustainable transport through the creation of new walking and cycling routes to connect the existing and new residential areas of the town with the town centre. In relation to this site, the proposals map to support Policy NM12 illustrates a walking and cycling route through the proposed development site at Brockhills Lane. In addition, page 79 states that the Council will seek to secure improvements to Sway Junction and pedestrian access from the Land to the East of Brockhills Lane into the New Forest National Park

10.2.5 An assessment of the proposals against this policy has been assessed in detail under the heading 'Transport' paragraph 10.8

10.2.6 Policy NM4 Design Quality states that all development and surrounding spaces, will be well designed to reflect the distinctive character of the town. The policy goes onto state that all applicants will be required to demonstrate that development is of high quality design and layout and includes appropriate landscaping and well-connected greenspace integrated with existing landscape features; creates a sense of place while addressing the character and scale of the surrounding buildings and landscape; incorporates well integrated parking that does not dominate the street environment, consideration should be given to availability of electric vehicle charging points in communal parking areas; positively addresses climate change through early consideration of layout and building design, and through passive design, energy and water efficiency, and renewable energy measures.

10.2.7 In assessing the application against these policies, and as set out in detail within the report, the proposed development has had regard to these policies and the proposal provides a new walking and cycling route through the site to connect to existing residential areas in the town and to the north of the site to connect with the existing public right of way. In relation to climate change building design/ renewable energy, this is addressed under the heading 'Sustainability' paragraph 10.21.

10.3 Housing Land Supply and the Tilted Balance

10.3.1 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 years delivery of new homes along with the latest information about sites coming forward. The updated housing land supply position remains significantly below the required 5 years.

10.3.2 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 164 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.

10.3.3 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.

10.4 Design and Character matters including the Location, Layout and Landscape Impact of the Development

10.4.1 The location of built-form and Green Infrastructure

10.4.2 The site's location is defined by its part rural edge, its proximity to the Green Belt to the south and north east of the site and New Forest National Park to the north and 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 Brockhills Lane. The rural route of Brockhills Lane and Sway Road is also an important character and the proximity to the woodland features on the south and east boundary of the site.

10.4.3 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 on the central part of the site to the south of Sway Road and east of Brockhills Lane, in line with the Local Plan Concept Masterplan. Large areas of open green space are shown to be provided to the south and east of the site, adjacent to the edge of the site and providing a buffer to the woodland areas, with narrow swathes of open space along all boundaries to retain the existing hedgerows and trees along Brockhills Lane and Sway Road.

10.4.4 The layout includes a central north-south greenspace corridor through the development connecting to Sway Road with the main green space on the southern and eastern boundaries, together with buffering the adjoining woodlands and Danes Stream. Again, this fully accords with both policy and the concept masterplan.

10.4.5 Overall, it is considered that the proposed location of built form and Green Infrastructure is appropriate and justified. The most critical matter is to ensure that the scale, design, form, layout, detailing and use of materials of the development delivers a high standard and is contextually appropriate. This is assessed in greater detail below.

The layout and appearance of the built development

10.4.6 Brockhills Lane has a rural character in which hedgerows and trees bound the road, although there is a noticeable change in its context between the south of Brockhills Lane to the north heading towards the application site. The southern part of Brockhills Lane (on the western side of the road) has a developed character comprising a mixture of dwellings fronting onto the road with a footpath on one side and is street lit.

10.4.7 Heading north along Brockhills Lane, travelling to the application site to the north east of Brockhills Lane, the character becomes rural with no footpaths or street lights and dwellings are more scattered and isolated. On the west side of Brockhills Lane and to the west side of the application site, lies Hollands Wood Drive, which is a primary road with a network of residential cul de sac served off the road. The cul de sacs are modern developments at a low density character with large detached dwellings set in spacious plots with greenery and trees creating a pleasant context.

10.4.8 In considering the character of the area, the application site lies on the north eastern part of Brockhills Lane, on the rural edge. Because of the sites location to the north of New Milton, there are very few existing housing developments of this scale, which lie immediately adjacent to the site, although the development along Hollands Wood Drive is the nearest residential area, which comprises modern detached houses and bungalows. The scattered dwellings along Brockhills Lane and Sway Road tend to be more traditional cottage style dwellings.

10.4.9 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 is broken down into three character areas; 'Village High Street', 'Village Lanes' and 'Parkland Cottages'.

10.4.10 The 'Village High Street' is the main entrance into the development off Brockhills Lane and the design seeks to respond to the local context of New Milton in terms of existing building massing, scale, materials and architectural detailing of the proposed dwellings. Building forms are predominantly traditional with linked dwellings to create a continuous frontage which encloses an intimate street with generous verges and street landscaping.

10.4.11 Situated off the main primary road known as the 'Village High Street' is the character areas defined as the 'Village Lanes', which make up the large amount of the development area and permeating towards the periphery of the scheme, where most dwellings are proposed. Within this area, the lanes are enclosed by various forms, with detached, semi-detached and terraced homes providing enclosure to these routes and spaces and materials and forms draw inspiration from traditional New Milton dwellings, with traditional window proportions and details.

10.4.12 The 'Parkland Cottage' character area is positioned on the periphery of the development and this area is characterised by the quality of architectural approach for the buildings to ensure they have an appropriate appearance to their edge of settlement location. Dwellings vary in scales, with 2 storey dwellings interspersed with 1.5 storey homes and forms are traditional with traditional detailing with materials to reflect the rural buildings in the local area.

10.4.13 In assessing the effect on the character and appearance of the area, the application layout takes the form of a main spine road running through the site from west to east, with a number of subordinate, secondary roads coming off that main route. The layout would have a strong perimeter block character, with houses actively addressing the road(s) that they would front onto. Front and rear gardens would be large in size, with generous garden groups created with enough depth to allow for larger trees and mature vegetation to develop over time. While in places the new streets would have quite a tight and intensive form, this would be mitigated by the generous open spaces running through the development and the rural edges would be more spacious and less dense.

10.4.14 It is considered that the proposed layout would offer a hierarchy of connected routes and pedestrian friendly streets, including streets with open space and relatively green frontages where there would be scope to plant trees for shade and to break down the dominance of hard surfacing. When viewed in combination with the areas of open space that would be created, it is felt that the proposal would provide a high quality and contextually appropriate layout. Streets are lined with green spaces and verges, and the majority of the dwellings have good sized front gardens with hedgerows and trees which contribute to creating a sylvan setting as required by local plan policy SS10.

10.4.15 The Councils Urban Design Officers supports the design concept to create different character areas and considers that the layout has been designed that would be appropriate to the rural edge, local distinctiveness and create a really strong sense of place. Whilst parts of 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 and reflect the rural character of the area. Moreover, there are many aspects to the design which are positive, and it has been recognised that the buildings are undeniably rich in detail and traditional qualities that create a pleasant atmosphere of yesteryear.

10.4.16 Decorative detailing is shown to be used throughout the development including string course, tile hanging, 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.

10.4.17 In relation to building heights, the development would be of traditional 2-storey scale, with some homes (2 detached and one pair of houses) would rise to two and a half storeys buildings along the central primary road. Dwellings on the northern, eastern and southern edges are at a lower scale. It is considered that this would be a reasonable approach to building heights across the site and to the rural edges.

10.4.18 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. The proposal picks up on the key criteria set out in Local Plan

Policy SS10 in that the proposed development would create a compact pattern of well designed buildings and streets with enough garden space internally and along frontages to create a sylvan setting comparable to the characteristics of the low density development in the area. 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 scheme is considered to be compliant with both local and national design guidance and policy subject to detailed conditions on materials etc. A condition requiring working drawings to be submitted to and agreed in writing prior to construction will be applied to ensure that the quality of the scheme as now shown on the planning drawings is followed through into the final design drawings.

Density/ uplift in housing compared to local plan allocation

10.4.19 Policy Strategic Site 10 suggests that the allocation can accommodate at least 130 homes based on the masterplanning work that was undertaken through the Local Plan process. In proposing 164 dwellings, the application is evidently seeking to develop the application site with a greater number of dwellings than the minimum policy expectation. However, an uplift in dwelling numbers is not unacceptable in principle; because as the supporting text to the Local Plan notes (at Paragraph 9.33) *"Where added capacity can be delivered in a manner that is well-designed and contextually appropriate, provides an acceptable housing mix, fully mitigates its habitat impacts and achieves a net environmental gain, additional capacity will be supported."*

10.4.20 Importantly, the policy allows for a higher number of dwellings, the key issue is that any submitted planning application will need to demonstrate that a high quality sustainable development can be acceptably achieved, together with meeting all the relevant policy objectives and legislative requirements. As such, to be able to come to a view on whether 164 dwellings is an appropriate quantum of development, it is necessary to consider whether this level of development could be provided in a manner that is contextually appropriate and well-designed, as well as being deliverable with the necessary infrastructure and mitigation land, noting that the provision of a greater number of dwellings leads to a greater green infrastructure requirement to mitigate the increased numbers of dwellings. Only once all of these points have been considered can a conclusion be reached on dwelling numbers and the site's capacity. This is considered in more detail below.

10.4.21 With regard to the intensity and density of the development, 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. As set out above, it is considered that the proposed development has been designed to a high standard and is contextually appropriate.

10.4.22 The proposal shows a density of around 28 dph, which will differ from the some of the local context, and as such would result in development of a different form and scale to the lower density of development within some of locality of the site. Across the whole site (including the Green Infrastructure), the density equate to 16 dwellings per hectare, which is low. The density of 28 dwellings per hectare would not be evenly spread across the site. As noted above, a lower density is proposed (and indeed necessary) along the site's northern, southern and eastern edges, meaning that some of the areas within the site would therefore be of a higher density. Higher density is provided within the central part of the site in the area known as 'The Village High Street'. This variation in density is considered to be quite appropriate and a way of ensuring that the development is not only contextual but creates a strong sense of

place.

10.4.23 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 provide both public open space, play and ANRG, the total green infrastructure provided equates to 4.7 hectares, which is just below 50% of the total site. 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'.

10.4.24 There will also be smaller scale green infrastructure, private gardens and incidental play spaces within the notated residential area which will further increase the proportion of green space within the overall development.

10.4.25 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 Landscape Impact of the Development

10.4.26 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.

10.4.27 The site does not lie within a nationally designated landscape, however, it does lie adjacent to the southern boundary of the New Forest National Park boundary, which extends to the north and east of the site. The site also does not lie within a locally designated landscape. 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.

10.4.28 The applicant has submitted a series of detailed 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.

10.4.29 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 and setting back of development, that limits the impact of the development upon the nationally recognised landscape, which is sympathetic to the local surroundings. Other than the need to create vehicular or pedestrian access, the existing trees and hedgerows would be retained and this accounts to a significant proportion across the site.

10.4.30 This is highlighted in the development being set back from Brockhills Lane and Sway Road and the proposal to maintain and enhance key landscape features such as hedgerows and trees along the boundaries, which seek to preserve the rural character along these roads. In addition, a series of dense planting buffers along the southern and eastern boundaries to Stanley Caravan Park to reserve a dark corridor and enable filter views from adjacent Caravan Park.

10.4.31 Large areas of green spaces will be provided to the eastern and southern boundaries of the site, which will provide a landscape buffer to the ancient woodland, in which the open space and additional planting will reinforce the existing landscape features and provides a screen to this sensitive woodland edge and prohibits users of the footpath and open space from entering this area. Significant tree and hedgerow planting is proposed throughout the site, including within the Green Infrastructure, streets and gardens planted with trees and vegetation which will add to the attractiveness of the streets and this accords with government guidance to provide street trees.

10.4.32 The proposed landscape strategy seeks to respond positively to key characteristics by retaining boundary vegetation and any the loss will be mitigated by a considerable increase in tree and hedgerow planting. This is also highlighted through the creation of substantial buffers to the key characteristic landscape features and proposing a green infrastructure that perpetuates those key features and enhances the existing, whilst introducing new landscape forms that form visual interest.

10.4.33 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.

10.5 Visual Impact of Development on the National Park

10.5.1 The proposed development is sited adjacent to the nationally designated New Forest National Park, which lies to the north east along Sway Road.

10.5.2 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 landscape impact on the setting including views into and out 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.

10.5.3 The applicants LVAIS highlights the extent of trees and vegetation situated between the site and National Park boundary, which limits inter visibility or physical connectivity. The report states that the proposed development would be barely perceptible from publicly accessible locations beyond 1km from the site within the National Park. Where views are possible, from the edge of the National Park boundary, the proposed development. The proposed green open space on the east side of the site is adjacent to the National Park boundary and has been designed well to retain existing trees and under storey, with additional planting and a wetland area.

10.5.4 The site forms a discrete parcel on the north east edge of New Milton, 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.

10.5.5 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.

10.6 Arboricultural Impacts

10.6.1 There is currently no trees within the site that are protected by a Tree Preservation Order, but there are several trees within the vicinity of the site that are protected. The site benefits from tree and hedgerow coverage primarily concentrated along the boundaries of the site, Brockhills Lane and Sway Road. There are also existing mature trees within the central part of the site situated along field boundaries. There is an ancient woodland to the south of the site and woodland to the east.

10.6.2 The submitted Tree Survey confirms several of these trees are of a high to low quality (Category A, B and C). The Councils Tree Officer confirms that there is no reason to disagree with the categorisation assigned to the individual and groups of trees.

10.6.3 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. The proposal seeks to retain most of the existing trees on the site, and all Category A and B trees will be retained and incorporated as part of the proposed development. A small number of trees will be lost to facilitate the internal road and footpaths. 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.

10.6.4 The only other tree clearance will be a small number of low quality trees deemed unsuitable for retention (Category C), including the Ash trees which have to be removed due to dieback. 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.

10.6.5 In relation to the proposed footpath and crossing facility to be provided on the corner of Brockhills Lane and Hollands Wood Drive, this would be located close to an existing Oak tree. In response to the concerns raised by local residents that the footpath to be extended on the corner of Hollands Wood Drive and Brockhills Lane could potentially impact on the Oak tree, it should be noted that the proposal does not show that this tree (which is on highway land) is required to be removed. The tree is not covered by a Tree Preservation Order and the Councils Tree Officer does not raise any objection to the relationship between these works and the Oak tree.

10.6.6 In relation to the footpath connection along Brockhills Lane, this will be close to several mature trees on the eastern side of the road. The Tree Officer has assessed the potential impact on these trees and has confirmed that given the ditch, location of trees, some of which are in poor condition, subject to careful design and construction, the footpath will not impact on these trees.

10.6.7 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. 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. 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.

10.7 Impact on Heritage Assets

Listed Buildings and Conservation Areas Act 1990

10.7.1 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.

10.7.2 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.

10.7.3 The application is accompanied by a Heritage Assessment which identifies that there are no designated heritage assets within or adjacent to the site. There are no designated heritage assets within 200 metres of the application site boundary. The application is accompanied by a detailed Heritage Assessment which identifies that there is one listed buildings situated to the south of the site, Foxglove Cottage. It is noted that there is a further listed building to the south at Holly Cottage and three listed buildings to the east along Sway Road, but there is no intervisibility between these and the application site due to the presence of dense tree cover in the intervening landscape.

- Grade 2 listed Foxglove Cottage, 114 Ashley Common Road, New Milton

10.7.4 Foxglove Cottage is a rendered hipped thatched roof building that lies to the east side of Ashley Common Road. Its sits within later, early to mid-20th century urban extensions to New Milton and along Ashley Common Road. The property lies at the southern part of Brockhills Lane, more than 160 metres from the corner of the application site. The cottage sits side-on to the road with a small, enclosed garden to its north and gardens to the south which include a large painted render double garage. To the south of the garage there is a single storey two-room cob structure with corrugated metal roof. This structure forms part of the southern boundary to Woodside Lane.

Significance and impact of proposed development

10.7.5_Based on the cartographic evidence, it would appear to have been constructed some time between 1840 and 1868. The significance of Foxglove Cottage lies in its modest form and scale, of a former New Forest commoners' cottage or similar and its use of vernacular materials cob and thatch. The survival of the mid-19th century front door and first floor windows is of aesthetic and evidential significance as is the survival of the inglenook fireplace with oven although the upper section of the chimney at roof level has been rebuilt.

10.7.6 The Conservation Officer concurs with the conclusion in the applicant's Heritage Assessment that the application site is not visible from the cottage or from its immediate or intermediate setting. 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. In summary, it is considered that there will be no harm or loss to the significance of the heritage assets.

Policy Balance

10.7.7 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.

10.7.8 The applicant considers that 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.

10.8 Transportation matters

10.8.1 Transport matters are 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 in the vicinity of the site.

10.8.2 The application site is bordered to the west by Brockhills Lane, which is a single carriageway road with a 30mph speed restriction and the B3055 Sway Road to the north, which is a 40mph speed restriction. There are existing field accesses into the site from both Brockhills Lane and Sway Road. Brockhills Lane is a single carriageway lane, and the lane is provided with some street lighting, particularly at junctions. Sway Road is unlit single carriageway. There are currently no footways existing along the site frontage on either side of Brockhills Lane or on Sway Road. Brockhills Lane forms a priority junction to Sway Road.

10.8.3 Local Plan Policy SS10 sets out the need for the creation of the primary vehicular access to the site from Brockhills Lane at a point just north of a residential property known as 'Danescrest'. The policy also states that there is a need to assess whether there is a need for improvements to the Brockhills Lane and Sway Road junction and providing crossing points across Sway Road and Brockhills Lane to link to existing footpaths. The proposed access to serve the development is onto Brockhills Lane and this fully accords with this policy requirement. An assessment of the other policy requirements are set out below.

10.8.4 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.

10.8.5 In terms of traffic generation and distribution, the TA estimates that the proposed development would be expected to generate 110 vehicle movements, during the morning peak period, of which 49 onto Sway Road (west) 23 onto Sway Road (east), 14 onto Hollands Wood Drive, 24 onto Brockhills Lane. The proposed development is expected to generate 105 vehicle movements during the evening peak period, of which 47 onto Sway Road (west), 22 onto Sway Road (east), 13 onto Hollands Wood Drive, 23 onto Brockhills Lane. The Highway Authority considers the above estimation of trips is acceptable.

10.8.6 In terms of traffic generation, 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:

- Proposed site access junction to Brockhills Lane;
- Brockhills Lane / Sway Road priority junction;
- Bashley Common Road / Sway Road / B3058 Station Road / B3055 roundabout;

10.8.7 The traffic impact assessments demonstrates that the proposed junctions are expected to operate well within theoretical capacity with the development traffic in the future year 2026, which includes traffic growth.

10.8.8 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

10.8.9 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 13 recorded accidents within the search area during the 5 year period, which includes Brockhills Lane, B3055 Sway Road between Bashley Cross Road roundabout of and the junction with Vaggs Lane/ Wootton Road. Twelve of these were classified as 'slight' accidents and one accident was classified as 'serious'.

10.8.10 The majority of accidents recorded were attributed to factors such as loss of control, rear shunt and poor driver judgement/error rather than any identified deficiency in the road layout itself. 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.

10.8.11 In response to concerns raised from local residents in relation to the visibility around the bend on Brockhills Lane, the Highway Authority reviewed the injury accident record and did not find any accidents recorded during the last 5 years on Brockhills Lane.

Bus stops/ services

10.8.12 The nearest bus stops to the application site are located on Oakwood Avenue, located circa 400m south of the site, via Brockhills Lane. The bus stop on the eastern side of the carriageway provides timetable information and a bus shelter, whilst the bus stop on the western side provides a bus flag and timetable information.

The proposed development is located within the mean walking distance to a bus stop.

10.8.13 The current bus services (X2) available from the Oakwood Avenue bus stops provide regular access to New Milton, Bournemouth, Lymington, and the surrounding rural area. From New Milton town centre there are further bus services available. The local service provides hourly service from 6:30-19:40 Monday to Friday and between 8:00 and 19:40 on Saturdays. The site is therefore well located to regular bus services that provide direct connections to New Milton town centre, Bournemouth and Lymington to accommodate a range of journey purposes, including travel to/from work and leisure trips.

10.8.14 Given the scale of the proposed development, the existing level of service 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 Primary Access onto Brockhills Lane

10.8.15 Vehicular access is proposed to be taken from one priority junction to Brockhills Lane, approximately 50 metres to the south of Hollands Wood Drive. The application also proposes an emergency access to the north of the site from Sway Road. The proposed works would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane. The proposed access alterations have been subject to a Road Safety Audit.

10.8.16 The proposed vehicular access is located along Brockhills Lane as envisaged by local plan policy. It should be noted that the proposed site access strategy to provide a new access onto Brockhills Lane (not Sway Road) followed an assessment by the applicant of the physical constraints including trees and existing traffic conditions on local roads. Careful consideration has been given to the representations received that suggest there should be an access or second access onto Sway Road to serve the proposed development. In response, the transport assessment concluded that both traffic volumes and speeds are lower on Brockhills Lane compared to Sway Road and based upon the traffic generation from the proposed development and traffic speeds and flows, there is no justification for an additional access or second access onto Sway Road. The Highway Authority and Officers have no reason to disagree with this view and consider that Brockhills Lane is most appropriate location for vehicular access to the development site. Again it is noted that the local plan policy clearly states that access should be from Brockhills Lane and there is no policy requirement or technical reasons why a second access onto Sway Road is required.

10.8.17 Based upon the speed surveys carried out, for the access onto Brockhills Lane, for the south approach visibility splays of 2.4m x 45m would be provided and for the north approach and 2.4m x 55m. The Highway Authority raise no objection to the methodology used for the visibility splays and that the width, alignment and radii of the access onto Brockhills Lane is acceptable. 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.

10.8.18 Swept path analysis plans have been submitted showing large vehicles using the proposed junction along Brockhills Lane. 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. 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 Brockhills Lane 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

10.8.19 It is the applicant's intention for the majority of the internal roads to be offered to Hampshire County Council for adoption. The primary and secondary roads will be offered for Highway Authority adoption and the mews/lanes will be private.

10.8.20 The internal road layout has been subject to a Stage 1 Road Safety Audit, which concluded that there are 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.

10.8.21 Representations have been raised from the Town Council and local residents that because of the design and narrow width of the roads within the proposed development, this would result in difficulties for large vehicles, refuse collection vehicles and emergency vehicles to use the roads, especially at times when cars are parked on the street. In response, swept path analysis plans have been submitted showing how a refuse truck, delivery van and fire tender would satisfactorily use the proposed junction and internal roads within the proposed development and the Highway Authority's advice is that there are no fundamental concerns with the internal layout from a highway safety perspective. Parking on the street has been provided in accordance with parking standards and therefore parking on-street is likely to be restricted to visitors which is provided within the development. Within the internal road network, there are margins on the roads which allow additional space for larger vehicles to pass parked cars if required. If considered necessary, measures to deter parking within the turning heads will be considered during the detailed S278 stage.

Car parking

10.8.22 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.

10.8.23 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.

10.8.24 The amount of parking provision proposed responds to the Council's adopted car parking standards supplementary planning document. The development proposes an average parking ratio of 2.4 spaces per dwelling, together with 24 visitor spaces. In accordance with the Council's Parking Standards, the proposed parking provision complies with the parking standards. Cycle parking would also be provided in garages, sheds or cycle stores. These would be secured via planning conditions.

10.8.25 Parking provision for residents in the scheme includes a predominance of driveway/on-plot based parking and car ports, 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. Tandem parking (one vehicle behind another) is provided within the development together with parking side by side. In response to the concerns that the tandem car parking would lead to more on road parking, the Councils Car Parking SPD states that tandem parking will be acceptable for individual properties, but does highlight that to accommodate side-by-side parking on a driveway, additional width (3 metres wide space) will be required where it is also used for pedestrian access to the rear of a property. The submitted layout shows car parking spaces will be 3 metres wide which accords with the SPD.

10.8.26 In relation to visitor car parking, NFDC standards states that 'layouts based 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 24 visitor spaces with over 400 allocated parking bays, well within the maximum 20% visitor allocation. In response to the concerns raised in relation to lack of car parking throughout the development and within the courtyards serving the apartments, it should be noted that each one bedroom flat will have one parking space and each two bedroom flat will have two car parking spaces, which will accord with the car parking standards.

10.8.27 Provision for electric vehicle charging has been incorporated to serve every plot within the development and is covered by condition to required provision to be made prior to occupation. There is also sufficient space within the parking for electric charging points, whether from the garages, car parking courtyards or to the side of the dwellings.

10.8.28 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.

10.8.29 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

10.8.30 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.

10.8.31 New Milton Town centre (via Hollands Wood Drive, Ferndale Rd / Oakwood Ave, Manor Road and B3058 Station Road) is located around 2.3km, which is within the 3.2 km 'maximum walking distance'. Ferndale store and Ashley centre which has shops and pharmacy's are located within 2km from the application site.

10.8.32 Ashley Infant and Junior School (via Brockhills Lane, Ashley Common Rd and Lower Ashley Road) are located approximately 1.5km and 1.75km, which is within the 'reasonable walking distance'. Ballard school is within 1.8km and Arnewood school is located 3km, which is slightly further away, but within the 'maximum walking distance'.

10.8.33 There are currently no footways and pedestrian crossing points along the site frontage on either side of Brockhills Lane linking to the existing footpath network in

the surrounding streets, which lead to the town centre, shops, schools, bus stops and other facilities. The applicant has recognised the current situation and consequently proposes the following measures to ensure that the footpath/ cycle connections are provided:

- A 2 to 3 metre wide pedestrian route is proposed within part of the southern part of the ANRG to link the whole development to the existing footpath network in Brockhills Lane (via the new footpath to be provided in Brockhills Lane), which would then connect to schools and local shops in New Milton and the bus stops Oakwood Avenue.
- A pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane.
- It is proposed that the existing field track into the site from Sway Road (to the north) be widened to 3.7m and that access is restricted, so that it can be used as an emergency vehicle access only, as well as a route to the north for pedestrians to connect with the public right of way adjacent to the farm shop.
- Within the development site, footways/ footpaths would be provided along the proposed streets and link with the proposed 2 - 3. metre wide shared-use footway/cycleway which loops around the site.

10.8.34 In relation to the need to create a footpath connection between the development and the existing footpath in Brockhills Lane, there is a requirement to implement a new footpath along Brockhills Lane which formed part of separate planning permission for a residential development of 7 dwellings directly opposite the application site. The approved scheme for 7 houses included the provision of a footway from outside No 4 Brockhills Lane (where it currently terminates), to the vehicular access of the development. The end of the approved footpath would be directly opposite the application site and it is the applicants proposal to create a crossing point to connect and link to that approved footpath. The development of 7 dwellings has been completed and the vehicular access put in place, although the footpath has not yet been provided.

10.8.35 It is fundamental that there is a footpath connection provided between the development site and the existing footpath network in Brockhills Lane prior to the occupation of the development. In recognising the potential issues that may arise over the delivery or timing of the approved footpath, the applicant has proposed an alternative footpath on the other side of Brockhills Lane which will connect their development to the existing footpath in Brockhills Lane. The proposed alternative footpath is deliverable within highway land and is considered acceptable by the Highway Authority, noting that the final design details will be subject to a 278 Agreement. Accordingly, the applicant has submitted an acceptable alternative footpath connection in the event that the approved footpath that formed the approved development for 7 houses has not delivered before first occupation.

Off-Site Highways Works

10.8.36 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:

- Provision of an uncontrolled crossing with tactile paving at the junction of Brockhills Lane and Oakwood Avenue;
- Provision of an uncontrolled crossing with tactile paving and dropped kerbs at the junction of Ashley Common Road and Miller Close;
- Provision of an uncontrolled crossing with tactile paving at the junction of Molyneux Road/ Ashley Road;
- Provision of an uncontrolled crossing with tactile paving at the junction of Highridge Crescent/ Ashley Road;
- Widening of footway to 2.0m for 50 metres along Ashley Common Road between No.79 and No.85; and provision of an uncontrolled crossing with tactile paving at its junction with Ashley Common Road (cul-de-sac).

10.8.37 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.

School Travel Plan

10.8.38 The Highway Authority have advised that the School travel surveys have shown that there are high levels of parents travelling to both infant and junior schools by car, this consequently cause issues around inconsiderate parking and pupil safety on highways. Given the distance (1.5 -1.7km) between the site and two schools, Officers agree with the comments of the Highway Authority and consider that the problems would be exacerbated by the proposed development. Accordingly in order to mitigate against the impact to parking and school travel planning, together with a reduction in traffic speed on Lower Ashley Road, it is considered that a financial contribution of £27,000 is made towards the following measures:

- Introducing extending parking restrictions alongside the church car park
- Improve signage warning school crossing
- Improve road markings, and renew red surface crossing
- Provision of school advisory 20mph with flashing amber lights this would need to remove existing signage and place new signs.

10.8.39 It is considered that the financial contribution is 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 and would meet the CIL test. The financial contribution is a matter that can be secured through a s106.

Brockhills Lane/Sway Road Improvement Scheme and Traffic Management on Sway Road

10.8.40 In accordance with SS10 policy requirements, which identifies whether there is a need for improvements to the Brockhills Lane and Sway Road junction, both the applicant and the Highway Authority has identified that there is a desire to improve the junction in particular, the potential for the central area of the junction being overrun by right turners into Brockhills Lane from Sway Road. This would also be in line with the Neighbourhood Plan which states that the Council will seek to secure improvements to Brockhills Lane and Sway Road junction.

10.8.41 The applicant proposes an overrun central island feature at this junction. In

addition, the applicant proposes improvements to this junction in the form of a gateway feature on Sway Road east of the site, together with a series of visual narrowing features on Sway Road east and west of Brockhills Lane; and enhancements to the existing speed limit terminal west of Brockhills Lane.

10.8.42 It is considered that the proposed minor alterations at the Brockhills Lane/Sway Road junction and along Sway Road are 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 and would meet the CIL test. These are matters that can be secured through a s106 and s278 works.

Impacts on Public Rights of Way

10.8.43 There are several Public Rights of Way (PROWs) in the vicinity of the site, including New Milton 730 which starts on the northern side of Sway Road, directly opposite the site, which traverses north towards Bashley and Wootton. Footpath 729 lies to the south of the site along Ashley Common Road. There are no PROW'S that cross 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.

10.8.44 The internal layout of the development provides connections through the site to include an uncontrolled crossing facility on Sway Road to connect to Footpath 730. This has been set out above in detail and it is considered that there is provision within the layout for informal linkages to the wider PROW network.

Travel Plan

10.8.45 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.

10.8.46 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.

10.9 Nature Conservation

10.9.1 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.

10.9.2 In relation to Internationally designated sites, the New Forest SPA, SAC and Ramsar, is located approximately 1.6km to the north, with component parts of the SAC also located approximately 4.5 km to both the east and west of the site. The Solent and Dorset Coast SPA lies approximately 3.8 km south of the site. The Solent Maritime SAC lies approximately 7.2 km south-east of the Site. The Solent & Southampton Water SPA and Ramsar lies approximately 6.2 km south-east of the Site.

10.9.3 In relation to National designated sites, the New Forest SSSI, is located approximately 500m to the north of the site. With regard to locally designated sites,

Stanley's Copse SINC, borders the site to the south, and is designated for supporting ancient semi-natural woodland. Another woodland SINC known as Danewood SINC is also located just to the west of the site, on the opposite side of Brockhills Lane. Danewood SINC is designated for supporting ancient semi-natural woodland. A 15 metre protective buffer is proposed within the layout to protect Stanley Copse SINC to the south of the site and woodland to the east.

Ecology: Mitigation of Recreational Impacts

10.9.4 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).

Alternative Natural Recreational Green Space (ANRG) provision

10.9.5 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.

10.9.6 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, 164 dwellings would generate an ANRG requirement of 3.57 hectares, which is based on an estimated population of 446 people.

10.9.7 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.

10.9.8 This application provides 3.65 ha of ANRG which meets the minimum requirement. The ANRG land is shown to be located across the south, central and eastern parts of the site and the to areas are connected by secondary green spaces. 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 in a parkland setting,
- Green space corridors with footpath planted with swathes of wild flower grassland,
- Suds features, scrub habitat and new trees/ hedgerows.
- A small area of woodland

10.9.9 The alternative natural recreational greenspace takes on an informal, naturalistic landscape in a parkland setting with a focus on the creation of a diverse mix of habitats, amenity and wildflower meadows maximising biodiversity, whilst providing a network of attractive key amenity spaces. Clusters of trees frame and enclose key spaces such as pockets of play and the attenuation basins. Trees are also positioned for wayfinding along key routes and shade. Loose informal setting dominant in species-rich long grassland with open glade of amenity grassland for informal recreation.

10.9.10 The ARNG 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 helps to demonstrate how the ANRG will be designed and function.

10.9.11 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. This is because of the siting of the existing dwelling at Danescroft and pumping station encroaches into the space. Whilst this radius cannot be achieved, the layout has been designed to maximise this space to ensure the remainder of the space provides a 120m radius area and it is considered that the quality of the ANRG however is acceptable as it contains a large open area to enable dogs to be left off their leads.

10.9.12 In addition to the ANRG, the site itself also contains another 0.9 ha of POS which is also available to those wishing to exercise their dogs. Taken as a quantum whole, the amount of ANRG, added to POS which is available and 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.

10.9.13 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 positive natural landscape features 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.

10.9.14 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.

10.9.15 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

10.9.16 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) and monitoring contributions. This contribution will be secured within a Section 106 Agreement.

10.9.17 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 £91 per dwelling, and again would generate a total contribution of £14,924 in respect of the District Council's area of jurisdiction. This contribution will be secured within a Section 106 legal agreement.

Nitrates and Achieving Nutrient Neutrality

10.9.18 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.

10.9.19 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 and SAC.

10.9.20 The applicant has submitted a nitrogen budget which concludes that the proposed development would result in an increase in nitrogen load. This is based on the existing land use which comprises a significant part of the site being used as lowland grazing, together with the number of dwellings proposed, area of site including's open space and ANRG.

10.9.21 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.

10.9.22 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 continues to achieve a net increase in total nitrogen. The applicants nitrogen budget has been robustly assessed and it can be confirmed that the proposed development is not nitrate neutral based upon the latest guidance.

10.9.23 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment.

10.9.24 The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th

September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

On Site Biodiversity

Flora

10.9.25 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, broadleaved 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. It is noted that the along the eastern boundary alongside the Danes Stream is higher quality grassland/marshland and the southernmost triangular area of land is semi-improved.

Fauna

10.9.26 Detailed protected species surveys have been completed for the following species: badgers, bats, Breeding and 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. Further survey work has been carried out by the applicant in relation bats and reptiles.

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

10.9.27 No evidence of Dormice, GCN and Badgers has been recorded on the site.

10.9.28 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.

10.9.29 With regard to GCN surveys of the existing pond in within the eastern boundary woodland (outside the site) 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. The Councils Ecologist considers that the assessment that there is a low probability of GCN reaching the site given the relatively small amount of suitable terrestrial habitat on-site and the presence of Danes Stream acting as a barrier.

10.9.30 No badger setts were recorded within the site. The applicants Ecological Consultant considers that the site is not considered a valuable foraging or commuting resource for local badger.

Common Reptiles

10.9.31 The reptile survey recorded a low population of slow worm and a low population of grass snake present within the site. Both grass snake and slow worm are widespread and common species, in which the slow worms were recorded on the sites eastern boundary and the grass snake recorded near the boundary with Stanley Copse SINC.

Bats

10.9.32 The application site has been assessed as being of County importance for bat assemblage, in which the bat assemblage comprised predominately the more common and widespread species. The applicants ecological report concludes that Bat activity across the site was generally low, with small numbers of bats recorded.

The existing building on the site which will be demolished, did not contain any evidence of bat activity. Bat activity was recorded along most boundary features with the greatest level of activity recorded within the south of the site.

10.9.33 The applicants survey work carried out concluded that no roosting bats have been confirmed on-site. A total of 18 trees were recorded as supporting features suitable for roosting bats most of which will be retained. Three trees have been identified as offering potential to support roosting bats and following further surveys carried out did not record any roosts.

10.9.34 A lighting assessment has been carried which concludes that the development would not be predicted to result in any significant adverse impact with respect to local sensitive ecological receptors including bats. The Councils Ecologist confirms that the assessment is acceptable and recommends a condition is imposed requiring a fully detailed lighting scheme to be submitted via a suitably worded planning condition.

Birds

10.9.35 In relation to Bird surveys, the applicants Ecological Report states that the breeding bird activity was found to be heavily concentrated within hedgeregrows and woodland, in which the majority of the species recorded were common and widespread species. Impacts are minor given the small areas of hedgerow loss and disturbance unlikely to affect the conservation status of the breeding bird assemblage. With regard to the wintering bird surveys, the results recorded low number of common and widespread species.

10.9.36 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.

Achieving Net Biodiversity Gain

10.9.37 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.

10.9.38 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, along with other enhancement measures including extensive areas of new planting. The combined uplift in biodiversity value would exceed the 10% Biodiversity Net Gain that is expected as a minimum.

10.9.39 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, hedgerows and SUDS. The Council's ecologist has highlighted the need to secure successful establishment of these areas, which is considered achievable with the right methodology and management. This detail will be secured through condition.

Assessment of impacts

10.9.40 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 (CEMP for the construction stage) and the creation of species rich wild flower meadow habitat, scrub within parts of the ANRG land / public open space; significant new tree and hedgerow planting, SUDs.

10.9.41 Approximately 243 metres of new native hedgerow will be planted within the site and existing hedgerows will be restored and enhanced. A significant amount of grassland would be lost, and whilst noting that the majority being low ecological value, the proposal seeks the creation of species rich grassland and wildflower and wetland habitat. The extensive areas of tree, scrub and hedgerow to be created will provide foraging resource for the local bat, bird, invertebrate and reptile assemblage.

10.9.42 In addition, the applicants propose ten bird boxes (or similar) will be erected on retained mature trees within the retained green spaces on site, ten bat boxes will be located on mature trees retained within the planning application boundary. Within areas of newly planted scrub, the applicants propose three artificial hedgehog houses to be provided, which offer potential hibernation sites for hedgehogs. Three log/brush pile located within the green space of the ANRG for the benefit of reptiles and invertebrates.

10.9.43 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.

10.9.44 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.

10.10 Flooding and Drainage

10.10.1 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.

10.10.2 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. Danes Stream, which is a main river, runs along the far eastern boundary. Two watercourses (tributaries of the Danes Stream) flow across the south western corner of the site in a west-east direction. A small area of land at the lower lying southern

and eastern extents of the site, immediately adjacent to the Danes Stream and its tributary are all susceptible to fluvial flooding, categorised as Flood Zones 2 and 3.

10.10.3 The site topography falls along the two planes and essentially forms two catchment's, the north-east part of the site falls in an easterly direction towards Danes Stream and the south west part of the site falls in a southerly direction toward the tributary of the Danes Stream.

10.10.4 In terms of historical flooding, based upon the historical records/ information, there has not been any past flooding events recorded within the site, nor that the site has been affected by any such events recorded in the vicinity of the site.

10.10.5 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). 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 south 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.

10.10.6 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.

10.10.7 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.

10.10.8 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 junction will be located within Flood Zone 1 and will provide safe access and egress for motorised and non-motorised vehicles to Brockhills Lane. Similarly, existing levels within areas susceptible to fluvial flooding will remain unchanged so that flood water is not displaced.

10.10.9 In terms of the relationship between the flood levels and development floor levels, the lowest finished floor level of the dwellings is 37.35m, whereas the maximum tidal flood level under 1000 years storm event is with the flood extent is about 33.70 metres, and this results in over 3.5 metres of freeboard above the nearest area of flooding. In addition, it is evident that the lowest finished floor levels of the dwellings is well above the maximum water surface water level and the flood extent is about 20/30/50 metres downhill of the lowest proposed plot.

10.10.10 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.

10.10.11 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. 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.

10.11 Drainage Strategy

Surface Water Drainage Strategy

10.11.1 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.

10.11.2 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. 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.

10.11.3 The ground investigations carried out during the winter months confirm high levels of ground water (groundwater and infiltration tests) 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 Danes Stream to be utilised as the final outfall for surface discharge. There are two catchments proposed based on the site existing and proposed slope. The north-east catchment will discharge runoff to the tributary.

10.11.4 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 pipes running north south within the streets of the development and directed to two large basins. 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).

10.11.5 The submitted plans show that the main basins are designed to be predominately dry features, other than in an extreme event or during very heavy rainfall. Due to the site slope, both basins will incorporate tier Gabion walls to one side. The other sides of the basin to be aligned parallel to the contour levels as to mitigate excessive earthwork's requirements, given the natural steep slopes across

the site. Detailed cross sections and landscaping plans of the basins have been submitted, which demonstrate that they will be seen as positive features in the landscape.

10.11.6 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.

10.11.7 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.

10.11.8 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.

10.11.9 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

10.11.10 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). The applicant propose a new foul drainage system will be constructed to serve the development, which will be offered for adoption by Southern Water (SW). It is proposed that the new system will connect to the existing public foul water sewer in either Badgers Corpse or Hollands Wood Drive. Moreover, Southern Water has not raised any concerns that the capacity of the existing network or waste water treatment plant at Pennington cannot accommodate the additional foul water from the proposed development.

10.11.11 The applicants have confirmed that an on site pumping stations will be required to discharge foul water into the existing public sewer network. The pumping stations will lift the foul drainage from the south and east of the site to discharge it to the existing public foul sewer located west of Brockhills Lane 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. The exact details of the pumping stations and enclosures can be dealt with by condition.

10.12 Public open space

10.12.1 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, north and north east part of the site with footpaths connecting at strategic points to the existing public rights of way, together with an north-south green space running through the central part of the site.

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 calculator, the proposal for 164 dwellings would generate an informal open space requirement of around 0.89 hectares.

10.11.4 The actual area of proposed informal public open space as defined by the applicant's plan is 0.9 hectares, which accords with the the policy requirement and broadly reflects the area of green space as envisaged on the Concept Masterplan. Within the streets of the development there are areas of incidental open space which includes grass verges with trees, and greenery along streets, which add to the overall open space provision.

10.11.5 The main area of proposed open space for the site entails the north south green corridor running through the site which includes a footpath, green space, trees and hedgerows creating a pleasant experience through the site and helps create a sense of space within the development. Other pockets of green space are provided through the site including space along streets, pockets of green space along the boundaries of the site to provide buffers for the trees and hedgerows.

10.11.6 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 and the wider local community. Future management and maintenance of these areas will be secured through a Section 106 legal agreement.

Children's play

10.11.7 The Children's play space includes a single Locally Area of Play (LEAP), together with small Local Areas of Play (LAP). Based on the proposed residential mix, the proposed development as a whole should secure at least 0.11 hectares of children's play space.

10.11.8 The application is accompanied by a detailed scheme and the single play area within the site (LEAP) will be located at the central part of the site. The proposed LEAP provides a range of play experiences (swinging, climbing, sliding etc.) for all abilities and set within an area of approximately 0.049 hectares.

10.11.9 The proposed LEAP will be supplemented with smaller play areas (LAPs), and they would be positioned within the ANRG to the south and one to the ANRG to

the east and a further one within the north-south green space. The LAPs will not include formal play equipment but would include landscape features such as planting earth mounds and sculptural features. In total, both play areas equate to 0.11 hectares in size which would meet the minimum requirement.

10.11.10 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.

10.11.11 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

10.11.12 Formal open space is defined usually as playing fields designed to be used for organised sport. It can also include however informal large kick about or playing areas providing an opportunity for local residents to play games as well as to support a playing pitch provision in the town. Were formal public open space to be provided on site, the minimum requirement would be 0.56 hectares.

10.11.13 However, there is no suggestion that the public open space being promoted on-site through the development would meet a particular need for formal public open space. Indeed, given the limitations on the site which include changes to land levels, it is much more logical for the development to contribute to formal public open space elsewhere, so that formal public open space provision can be delivered in a coherent manner. As such, it is considered appropriate that the development secures an appropriate contribution to formal public open space off the site, officers will need to ensure that there is an identified, deliverable project secured through a Section 106 Agreement and Community Use Agreement. Depending on the land owner it maybe necessary to have a separate Section 106 to secure delivery within an agree timeframe.

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

- 12 x 1 bedroom apartments
- 20 x 2 bedroom apartments
- 36 x 2 bedroom houses
- 65 x 3 bedroom houses
- 31 x 4 bedroom houses

Total: 164

10.12.3 As set out in the above mix, the proposed development would provide 32 apartments and 132 houses ranging from 1 to four bedrooms. Out of the 164 dwellings proposed, 68 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 65 units as three bedroom houses will meet the needs of younger families as well as downsizers. Three bungalows are proposed which will help provide homes attractive to active older households and smaller homes with higher accessibility.

10.12.4 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 requirement in this case is for 50% of the units to be affordable, and those units to have a split tenure mix with 70% being affordable homes for rent (with an equal split between social and affordable rent) with the remaining 30% of units to be intermediate/shared equity homes. (Shared ownership falls into this latter category).

10.13.3 The Policy states that the viability of development will be taken into account in applying this policy as set out in Policy IMPL1: Developer Contributions.

10.13.4 The introduction of First Homes postdates the adoption of the Local Plan but they are now officially recognised as an affordable housing product by Government who have recently published new guidance on First Homes. The Council have followed this with their own guidance adopted in June 2022.

(Officer explanatory note - First Homes is a new Government scheme designed to help local first-time buyers and key workers onto the property ladder, by offering homes at a discount of 30% compared to the market price. Whilst the discounts will apply to the homes forever, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold, the price paid after discount currently set at £250k outside London will rise with inflation etc. The Government guidance allows LPAs to develop and adopt their own criterion on such matters as the level of discount, and any local occupancy requirements. An NFDC First Homes Guidance Note has now been published setting out national requirements and local requirements relating to eligibility criterion etc. Government Guidance goes on to state that where First Homes are provided, they should be at a proportion of 25% of the affordable housing offer with the other 75% of affordable units being based on the Local Plan policy requirements of the LPA).

10.13.5 Policy HOU2 therefore requires that the development should provide

- 82 units as affordable with
- 57 dwellings being split equally between social and affordable rent, and
- 25 units provided on a shared equity basis as intermediate.

10.13.6 Policy HOU1 further sets out a suggested mix for affordable rental and shared ownership based on further study carried out as part of the exercise to identify objectively assessed need.

10.13.7 To ensure that affordable homes address the requirements of the Local Plan local connection mechanisms will be sought for all tenures. Legal undertakings will also be required to ensure the homes for affordable rent and social rent, and where appropriate shared ownership is secured in perpetuity, and will be delivered by New Forest District Council (as a Registered Provider of Social Housing), or an approved Registered Provider partner.

Applicant's viability assessment and first offer

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

10.13.9 The applicant's in their submitted viability assessment confirm that the proposed development is not policy compliant principally due to the significant abnormal costs of bringing the site forward e.g. cost of roads and drainage infrastructure, nitrate mitigation and education and other S106 contributions. These and other costs according to their appraisal account for around 8 million and consequently the Residual Land Value falls below the Benchmark Land Value. Not all these costs were accounted for in the Local Plan viability assessment.

10.13.10 The applicant's viability assessment (see web site dated March 2022) concludes that the Policy Compliant Development (50% affordable housing, 70% split equally between affordable and social rent and 30% intermediate or affordable home ownership tenures including shared ownership) cannot be delivered and is not viable. However, the applicants proposed Development (First Offer as part of Viability Assessment) will provide 50% affordable housing but with 25% First Homes, 28% Affordable Rent and 47% Shared Ownership. This means that whilst the applicants would provide 50% affordable housing, the tenure mix is not policy compliant.

The applicant's First Offer

The optimum they say that can be achieved provides for the following mix which includes First Homes:

- 21 First Homes
- 23 Affordable Rent
- 39 Shared ownership

10.13.11 The proposal fails policy requirements in two ways

- Does not comply with housing mix/ sizes
- Does not comply with housing tenures

10.13.12 The Council has appointed its own independent viability advisor to consider the detailed appraisal which also analyses construction costs, suggested profit levels, suggested revenues from sales along with other variables. Their initial advice considers that there is room to negotiate on land values, profit levels, build costs and sales values and the ultimate number of affordable units, and that costs are not yet fixed and agreed.

10.13.13 Second Revised Offer

Following an initial assessment of this original offer the applicants have met with officers and the viability consultant and following negotiations have provided a revised

offer. This was in response to Officer's advice asking the applicant's to look at the Local Plan policy advice and adjust the mix so that there is a higher proportion of social and affordable rent. As set out in the table below, the revised affordable housing offer includes 5 units for Social Rent, and 3 additional units for Affordable Rent. The applicant's revised offer:

First Homes - 21 units -25% (same compared to first offer)

Social Rent - 13 units -16% (increase of 13 social rent units compared to first offer)

Affordable Rent 25 units 30% (increase of 2 affordable rent units compared to first offer)

Shared ownership 24 units 28% (decrease of 15 units compared to first offer)

10.13.14 The Council's viability consultant has provided further detailed comments in his appraisal of the applicant's position (available to view on web site dated December 2022).

10.13.15 NFDCs assessor has responded on the applicant's second 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% can be achieved, but not the policy compliant tenure mix. 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 Council's assessor concludes that 50% affordable housing with the proposed housing tenure and mix represents a reasonable offer in the circumstances.

Officer comments

10.13.16 Officers have taken into consideration the second offer alongside the advice of the appointed viability assessor. The revised improved offer is still not policy compliant in the tenure mix, but will provide 50% affordable units. Clearly in cases where the applicant can prove, and this is supported by an independent assessment, that the tenure split target cannot be achieved alongside a viable scheme, the LPA can set aside this policy target and accept a non policy compliant mix.

10.13.17 Following a robust assessment of the applicants viability report, the applicant has improved the housing tenure mix which now includes a higher proportion of social and affordable rent, which is the type of housing the local plan policy and housing needs recognise as a high priority.

10.13.18 The developer profit is broadly in line with industry norms (15-20%). In this case the development is considered small scale with 164 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 and hedegrows. 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 around 1 million contribute to increasing costs, over half a million for education contributions and just over £500k for nitrates mitigation, reducing overall viability.

10.13.19 The Council's Strategic Housing Manager subsequently advised that the proposed initial offer was too heavily weighted towards provision of larger 3 bedroom

houses for shared ownership and would benefit from more social and affordable rent. In response to this, the applicant agreed to amend the affordable mix which has gone a considerable way to address their concerns.

10.13.20 All affordable dwellings will be subject to restrictions imposed by a Section 106 agreement which provides for long term retention of these units as affordable homes and not just for first occupiers. The latest tenure mix and proportions between 1,2 and 3 bed homes is also considered to be more in line with policy tenure mix proportions i.e. equal split between 1, 2 and 3 bed homes.

10.13.21 Overall, whilst it is recognised that the proposal would not provide a policy compliant in relation to the affordable housing mix/ tenure, the proposed development will provide 50% affordable housing, which is policy compliant and this is considered to be a significant benefit. This results in 82 dwellings (50%) to be available for affordable housing. The Council's assessor considers the justification put forward is soundly based and reasonable, and officers concur with this conclusion. 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 Geophysical Survey Report and Heritage Desk Based Assessment. The report concludes that there was no evidence of any architectural remains of interest within the site or the immediate vicinity. Much of the site is currently under pasture and has been subject to ploughing and therefore any remains which may be present are likely to have been eroded. It is therefore unlikely that the site will contain buried archeological remains which are of such significance as to preclude development, however, the potential for remains of some interest to be present from the prehistoric and Roman periods cannot be completely discounted. The geophysical survey also detected possible archaeological activity, a curvilinear ditch-like features of uncertain origin.

10.14.2 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. This will entail archaeological trenched evaluation to be undertaken.

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 130 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 (i.e rear garden areas backing onto neighbouring residential properties) and given that the new access would be onto Brockhills Lane, movement of traffic will not materially worsen the situation in relation to noise impacts.

10.15.4 The proposed access onto Brockhills Lane will face 'Norwood House' and 'Ashmore House', 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. Along their front boundary is a high fence situated on a raised bank and the properties are situated back from Brockhills Lane. 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.

10.15.5 In relation to 'Danescrest', Plots 155 and 166 are orientated in such a way that they do not directly face this property and together with the distances involved, it is not considered that this neighbouring property would be materially adversely affected. A first floor window is proposed on the side elevation (south) of Plot 164 which would unacceptably overlook 'Danescrest', but given that this window serves a bathroom, it would not be unreasonable to impose a planning condition for the window to be obscurely glazed to mitigate against overlooking. The proposed pumping station is shown to be sited more than 15 metre away from the boundary of 'Danescrest', which is considered to be an acceptable distance in relation to noise.

10.15.6. With regard to 'Gayfield', this property lies on the east side of Brockhills Lane and will be impacted by the proposed development. 'Gayfield' is a detached dwelling which sits on a spacious plot with a large garden area. The proposed layout of the development has been arranged in which there are several proposed dwellings have their rear gardens backing onto the common boundary with 'Gayfield'. The distance between the rear elevations of Plots 25-27 to the boundary would approximately 14 metres and more than 35 metres to the existing house. The distance from the rear elevation of Plot 44 to the side boundary would be some 12 metres to the boundary and 30 metres to the existing property.

10.15.7 Plot 23 would have its side elevation facing 'Gayfield' and a first floor window is proposed on the side elevation facing this property. In order to mitigate against unacceptable overlooking and given that the window is a secondary bedroom window, a condition can be imposed for the window to be glazed with obscure glass. Plot 43 would be sited on the rear boundary of 'Gayfield' and is a detached bungalow and has been designed to ensure that there will be no unacceptable impact on their privacy or outlook.

10.15.8 In relation to 'Rose Cottage', Plots 45 and 46 would have their rear gardens backing onto the boundary of this existing property. The distance from the proposed rear elevations to the boundary measures more than 20 metres and over 30 metres to the rear elevation of 'Rose Cottage'. Given the relationship and distances involved, the proposed development would not result in any material adverse impact on this property.

10.15.9 Concerning 'Brockhills Cattery', the dwelling on plot 46 would back onto this neighbouring property and the distance from the proposed rear elevation to the boundary measures over 10 metres. In addition, the proposed dwelling on plot 46 would be orientated at a angle to 'Brockhills Cattery' so that its rear elevation does not directly face this property. It is considered that the proposed development would not

result in any demonstrable harm to this neighbouring property.

10.15.10 In relation to 'West Lodge', Plots 53 and 58 would be sited adjacent to this property. However, the proposed dwellings are orientated to face away from the garden area of that existing properties and given the distances involved, the proposed development would not result in an unacceptable level of demonstrable harm to residential amenity sufficient to justify refusal of permission.

10.15.11 Concerning the properties north side of Sway Road, the proposed development has been designed in which new dwellings would be set back from the south of Sway Road and 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.

10.15.12 With regard to the impact on the occupiers of Stanley Holiday Park, this is a static caravan park which lies on the south and east boundary of the application. It is accepted that the proposed development would have a greater impact on the occupiers of the caravan park given that they current lie adjacent to open fields and paddocks. However the site is allocated in the local plan for a residential development of at least 130 homes and therefore there is an expectation that such development will result in greater harm than the current situation. The proposed development has been design in which green open space would be provided around the boundaries of the caravan park which will provide a good buffer away from dwellings and roads. Given the substantial amount of green space which will comprise trees, shrub planting and hedegrow, it is considered that the proposed development would not result in demonstrable harm to the enjoyment of the occupiers of the caravan park.

10.15.13 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.

Noise

10.15.14 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 Brockhills Lane and Sway Road and also established the existing background sound climate in order for noise limits to be set for the proposed pumping stations.

10.15.15 The noise report considers that standard thermal double glazing will be adequate in controlling average noise levels from the road traffic for all proposed dwellings however with a partially open bedroom and living room window for certain plots, noise levels within habitable rooms will exceed the adopted noise criteria and alternative ventilation will be required for these rooms. With regards to noise levels in garden areas, this assessment has shown that certain gardens close to the main roads will experience an exceedance of the adopted noise criteria level and so acoustic fences have been specified at varying heights in order to reduce noise levels appropriately.

10.15.16 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 and accord with the 'No Observed Effect Level' as detailed in the PPG. 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.

10.16 Education

10.16.1 Hampshire County Council, as the Local Education Authority, has advised that the development site is served by Ashley Infant and Junior Schools and Arnewood School. The primary age phase schools are full and forecast to remain full for the foreseeable future. Hampshire Education Authority have confirmed that they do not seek any contributions towards Arnewood School on the grounds that this does not require further capacity.

10.16.2 Hampshire County Council has advised the contributions towards the expansion of Ashley Infant and Junior Schools or New Milton Infant and Junior Schools is necessary as without an expansion they will not be able to accommodate the children from the development.

10.16.3 The County Council has estimated the contribution of £659,778. The level of contribution being sought is based on the number of additional classrooms required to accommodate these children at the schools and therefore is fairly and reasonably related in scale and kind to the development. This information is supported by the County Council's '*Planning for School Places Guidance Document*' which sets out the methodology for assessing the impact of development on education infrastructure.

10.16.4 Overall, it is considered that the outline application make appropriate provision towards education for infant and junior, but with more precise delivery needing to be determined and secured through a Section 106 legal agreement and subsequent reserved matters applications.

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 significant detrimental effects to the on site surface water features and Danes Stream and potential effects on the nearby sensitive habitats including the adjacent woodland habitat, this would reduce the potential extraction area which does not constitute a viable prior extraction opportunity.

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 ground water levels on the site and the site constraints which limit the extent of area to constitute a viable prior extraction opportunity, 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. 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 are 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. The report concluded that no active pollution pathways were identified and there fore no remediation was required on the site for the proposed residential development. No herbicides and pesticides were analysed for in the soil samples even though the current and historic use of the site was agricultural farmland.

10.19.2 Further stockpiles of soil/hardstanding materials near the northern entrance to the site were noted, it is unknown if this material contains contamination and this is a matter that can be appropriately dealt with by a planning condition through a Materials Management Plan.

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;
- 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, better 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 Town Council and representee Objections and Rebuttal

Whilst the views of the Town Council and representees are noted and respected the comments below should be taken into consideration for each of their numbered points and weighed against the objections set out. Officer's comments in italics below each sub heading.

In accuracy of Traffic surveys and disagreement with the Highway Authority

10.22.1 Traffic surveys have been carried out by representees which concluded a significant increase in the level of traffic compared to the data collected by the applicant as part of the Transport Assessment. Whilst there appears to be a significant difference between the representees and applicant's traffic surveys, it should be noted that the traffic data collected by the applicant to inform the transport assessment was assessed and verified against traffic data that was collected over several years and

different times of the year (both seasonal and non-seasonal). This included manual and automated traffic counts and permanent monitoring sites, which has been accepted by the Highway Authority.

10.22.2 In particular, the applicant has undertaken extensive automatic traffic counts of the local area between November 2016 and May 2021 (total of 5 sets of surveys equivalent to 25 weekdays) which demonstrate that there has been little change in traffic conditions since the original survey in 2016. The TA was prepared using November 2019 traffic surveys undertaken outside of school holiday periods and during 'typical' network conditions. A further set of surveys was undertaken in 2021 in response to comments received through public consultation which confirm that the earlier 2019 data represented a realistic and appropriate basis for assessment in the TA. This has further been reinforced by HCC who confirm in the application response that the 2019 survey data represents a worst case assessment and accept these as a basis for the TA.

10.22.3 Moreover, the traffic surveys have been updated to consider the 'base year' and future year assessment, together with sensitivity testing at Earlswood Park trip rate and this included seasonable factors and the potential impacts of the summer tourism industry. It is important to note that the Earlswood Park trip rate was the highest recorded trip rate locally and therefore the applicant's transport assessment and traffic surveys provides a very robust assessment.

Brockhills lane is rural lane and not a suitable road for additional traffic

10.22.4 Concerns raised that Brockhills Lane is a narrow country lane that is in poor condition and not suitable for additional traffic generation. In response, Brockhills Lane has a width of around 5.5 metres, and although the width varies in places, the Highway Authority has not raised any concern over the suitability of Brockhills Lane. The site is allocated in the local plan where vehicle access is shown to be provided, and the policy does not raise any specific requirements to upgrade, widen or alter Brockhills Lane. It should also be noted that the traffic surveys indicated a very small number of HGV's using Brockhills Lane and the vast majority being light vehicles.

Concern that the proposed access is close (60 metres away) to a blind bend to the south of Brockhills Lane

10.22.5 Concerns that the proposed access is close to a 'blind bend' and this would result in poor visibility and potential accidents. In response, the Highway Authority have reviewed the injury accident record and have not found any accidents been recorded during the last 5 years on Brockhills Lane. Although there has been no accident, the Highway Authority state that the visibility at this location could be improved by trimming the vegetation back by HCC's highway maintenance team. Moreover, the proposed development would likely generate 24 vehicle movements onto Brockhills Lane during peak hour, i.e. about one car in every 2.5 minutes, this is not considered to be causing significant impact on the highway at this location. Manual for Streets also concludes that increased forward visibility is likely to increase the speeds of traffic, which would not be appropriate in this location.

Insufficient ecology mitigation measures

10.22.6 Concerns have been expressed that the proposal provides insufficient ecology mitigation. In response, the proposed development achieves at least 10% biodiversity net gain and the information provided has been assessed by the Councils Ecology who confirms that the proposal will provide ecological benefits. This is mainly due to the improved grassland proposed and new hedgerows.

10.22.7 It should be noted that in calculating the 10% uplift, this does not include other

ecological enhancement measures that is proposed within the development such as swift bricks, bat boxes, bee bricks, all of which will be integrated into buildings, together with bat/ bird boxes. The Council's ecologist supports the applicants proposed mitigation, but does recognise that further opportunities and enhancements could be provided and this can will 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.

Lack of Woodland Management

10.22.8 Concerns have been raised in relation to the lack of woodland management information. This concern follows a comment from Natural England which states a woodland management and monitoring plan must be provided and this details the implementation of the woodland and appropriate management and monitoring over a 20 year establishment phase and the long term management for the development lifetime.

10.22.9 In response to this concern, this is not a matter that relates to providing any woodland management on the application site, nor does it relate to any woodland management to the adjoining woodland bordering the site.

10.22.10 This relates to the need for the development to achieve nitrate neutrality, in which on-site mitigation will not be enough and additional off-site offsetting measures will also be required. One of the off-site measures includes the purchase of nutrient offset 'credits' from an appropriate body (Heaton Farm) and credits are made available in return for a financial contribution paid by the developer to implement the approved mitigation scheme. Essentially, the woodland management relates to the nitrate mitigation at Heaton's Farm in Isle of Wight, which is achieved by taking land out of intensive agricultural use and to replace it with a new planted woodland. The need to provide a woodland management and monitoring plan will be achieved by a separate legal obligation.

Use of cobbles/paviours in semi- private roads will cause disability access issues

10.22.11 In response to the above concern, the exact details of surfacing is a matter that can be dealt at a later stage through the submission of conditions and technical details. It should also be noted that these areas will be lightly trafficked by both pedestrian / cycle and vehicular movements and there are examples of cobbles or block paving being used in high traffic areas where they are used to enhance the street scene and have been considered acceptable for all users in these examples.

10.22.12 In summary, the details of materials to be used for the road and pavement surfacing have not been agreed at this stage and careful consideration would need be given to the materials used, together with the types of shared surface streets which may require physical demarcated pedestrian routes or protected zones for pedestrians or a level surface to meet the needs of all road users to ensure due regard is given to the Equality Act 2010. These are matters of details that will be resolved through condition together with the S278 and S38 Agreement with the Highway Authority. It should also be noted that access to and use of buildings to ensure that people are able to access and use buildings and their facilities including accessible and adaptable dwelling is also dealt with under Building Regulations.

Health and education infrastructure

10.22.13 New Forest District Council do not seek contributions towards healthcare

facilities and these are matters for central government funding. The full education contribution required by the Local Education Authority would be included. It is a matter for the LEA to bring forward proposals and use the money contributed by this site and other strategic sites.

The development is too high in density, and there are no self-build plots contrary to Neighbourhood Plan policy NM2.

10.22.14 In response to the concerns in relation that the density is too high, this has been assessed in detail in Paragraph 10.4.17. It is accepted that the number of dwellings proposed is 34 higher than the 'at least' figure of 130 homes, however, this amounts to an uplift of around 26% which is not a significant uplift.

10.22.15 As set out in detail above, 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.

10.22.16 In relation to self builds, it is recognised that the proposed development does not provide any of these housing types. The supporting text for Policy HOU1 seeks the provision of a greater range and quantity of the housing types and tenures in appropriate locations and this includes Entry level and other lower cost forms of market housing, including flats and smaller houses, to buy or for private rent, accommodation suitable for households requiring enhanced accessibility standards, Homes which provide specialised care on-site including sheltered and extra care housing and homes attractive to active older households and down-sizers, including bungalows and smaller homes with higher accessibility and space standards.

10.22.17 There is an element of demand for self and custom-build housing opportunities in the Plan Area. This is a form of housing provision national policy seeks to encourage to help diversify housing supply. However, the challenges in meeting the general housing needs of the local population are such that the Local Plan cannot respond to all self-build aspirations and the development industry already offers home buyers some scope for home customisation or custom build. The particular aim of this part of the policy is therefore to address the lack of supply of moderately priced, serviced land parcels sufficient for local people wishing to build an average family home, either by self-build or by contracting their own independent builder.

10.22.18 In summary, whilst the proposed development does not provide self builds, this is not a reason to refuse the application, and it is important to look at the local plan and government policy as a whole. Indeed, the proposal does provide for other types of housing needs including bungalows, flats, Entry level housing etc, and it is not for this development to meet every housing need.

Inadequate climate mitigation measures, contrary to Neighbourhood Plan policy NM4 (Design Quality) as opportunities for solar panels nor ground source heat pumps have been taken

10.22.19 Paragraph 10.21 sets out measures to address climate change and sustainability. The proposed development will provide several sustainable mitigation measures, which include improved energy efficiency by way of a fabric first approach, a higher water use efficiency standard of 110 litres per day; the provision to enable the convenient installation of charging points for electric vehicles.

10.22.20 Although not detailed on the plans, the provision of solar panels and ground source heat pumps will need to be incorporated into the design because all new

dwellings will need to be constructed to secure a reduction in carbon emissions, reduce energy usage and minimise energy loss. These requirements are enforced through the Building Regulations which the applicant will be required to adhere to and 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.

Are there any plans for the long term maintenance of ditches

10.22.21 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 Brockhills Lane will remain the responsibility of Hampshire County Council.

10.22.22 In this case, the watercourse that runs west to east through the site 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.

Impact on Brockhills Cattery

10.22.23 In response to the concerns from noise and disturbance to the existing cattery it is accepted that there will some impact during construction, however, 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.

10.22.24 In terms of operational impact, the proposed layout has been designed in which the boundary of the cattery will back onto the rear gardens of the proposed dwellings, and this will ensure noise and disturbance from roads or other activity is minimised.

11 Conclusion

11.1 The site is allocated for development under policy SS10 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 New Milton 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 164 houses which would make a significant contribution to and form of the Councils 5 year land supply. The proposed development would also provide 50% affordable dwellings, which would make a significant contribution of affordable housing for the District where there is a deficit. The provision of 164 houses, of which 82 are affordable should be given substantial weight.

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 4.5 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 the proposed access, impact on the existing traffic in the area, there should be two access points, poor pedestrian connections and the internal layout has several design flaws. However, in response, the technical information to support the application has been accepted by the Highway Authority and it considered to be robust, the proposed development will provide several off site mitigation measures including improvements to crossing and links to existing footpaths.

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 10, 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 50% of the proposed dwellings as Affordable Housing, comprising units for 21 First Homes, 13 units for Social Rent, 25 units for affordable rent and 23 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.
- There will be a requirement to secure appropriate contributions to the provision of formal public open space off the site together with any further agreement needed to secure delivery and on going community use.

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 a financial contribution towards 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 new access, junction and associated highway works at Brockhills Lane (subject to 278 Agreement).
- Not to Occupy any residential units until the crossing point and footpath link is provided along Brockhills Lane between the proposed footpath in the south west corner of the ANRG/ Green space within the approved layout and the existing footpath in Brockhills Lane as shown in principle on drawing ITB12027-GA-204 Rev A and ITB12027 Rev H has been constructed and made available for public use at all times in accordance with the approved design that has been submitted to and approved by the Local Planning Authority. The footway link must remain available for use at all times.
- Provision of an uncontrolled crossing with tactile paving at the junction of Brockhills Lane and Oakwood Avenue;
- Provision of an uncontrolled crossing with tactile paving and dropped kerbs at the junction of Ashley Common Road and Miller Close;
- Provision of an uncontrolled crossing with tactile paving at the junction of Molyneux Road/ Ashley Road;
- Provision of an uncontrolled crossing with tactile paving at the junction of

Highridge Crescent/ Ashley Road;

- Widening of footway to 2.0m for 50 metres along Ashley Common Road between No.79 and No.85; and provision of an uncontrolled crossing with tactile paving at its junction with Ashley Common Road (cul-de-sac).
- 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 2 to 3 metre wide footpath along the eastern side of Brockhills Lane to connect the footpath proposed in the ANRG of the development to the existing footpath on the western side of Brockhills Lane. The proposal would need to provide crossing facilities across Brockhills Lane
- The provision of a pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane.
- There will be a requirement to secure a contribution of £27,000 mitigating against parking and school travel planning towards the following:

Parent parking campaigns

- Park and Stride
- Provision of aling bubble maps
- Introducing extending parking restrictions alongside the church car park
- Improve signage warning school crossing
- Improve road markings, and renew red surface crossing
- Provision of school advisory 20mph with flashing amber lights this would need to remove existing signage and place new signs.
- The provision to secure and implement Brockhills Lane/Sway Road Improvement Scheme and Traffic Management on Sway Road
- The provision to secure and implement the emergency vehicle and pedestrian access and crossing point to Sway Road

Education

- There will be a requirement for developer to pay a contribution of £659,778. to infant and junior education provision.

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.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	11456.16	0	11456.16	11456.16	£80/sqm	£1,170,290.81 *
Social Housing	7397.65	0	7397.65	7397.65	No charge	£0.00 *

Subtotal:	£1,170,290.81
Relief:	£0.00
Total Payable:	£1,170,290.81

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:

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

13 RECOMMENDATION

Delegated Authority be given to the Executive Head for Planning, Regeneration and Economy to **GRANT PERMISSION subject to the completion of the Section 106 Agreement and any associated Agreement to secure the delivery of off site formal open space provision and the following conditions**

- i) the completion by end of the 30th December 2023, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits
 - **Affordable Housing (AH)** –82 units with a tenure split of 21 First Homes, 13 Social Rent, 25 Affordable rent and 23 shared ownership. Phasing delivery of units to be agreed, and long-term retention as AH.
 - **Biodiversity net gain (BNG).**
 - **Education Contribution** - There will be a requirement for developer to pay a contribution of £659,778. to primary and junior education provision.
 - **ANRG provision and maintenance** and monitoring
 - **Habitat mitigation for recreational impact** – non infrastructure access and management contributions per dwelling as per standard formula
 - **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.
 - **Formal POS** - there will be a requirement to secure appropriate contributions to the provision of formal public open space off the site.
 - **Provision and management of on-site drainage**
 - **Air quality assessment** monitoring contribution in line with Local Plan policy.
 - **Off-site highway works** -There will be a requirement to secure the provision of the new access, junction and associated highway works at Brockhills Lane (subject to 278 Agreement).
 - Not to Occupy any residential units until the crossing point and footpath link is provided along Brockhills Lane between the proposed footpath in the south west corner of the ANRG/ Green space within the approved layout and the existing footpath in Brockhills Lane as shown in principle on drawing ITB12027-GA-204 Rev A and ITB12027 Rev H has been constructed and made available for public use at all times in accordance with the approved design that has been submitted to and approved by the Local Planning Authority. The footway link must remain available for use at all times. Provision of an uncontrolled crossing with tactile paving at the junction of Brockhills Lane and Oakwood Avenue; Ashley Common Road and Miller Close; Molyneux Road/ Ashley Road; Highridge Crescent/ Ashley Road; Widening of footway to 2.0m for 50 metres

along Ashley Common Road between No.79 and No.85; and provision of an uncontrolled crossing with tactile paving at its junction with Ashley Common Road (cul-de-sac).

- 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 2 to 3 metre wide footpath along the eastern side of Brockhills Lane to connect the footpath proposed in the ANRG of the development to the existing footpath on the western side of Brockhills Lane. The proposal would need to provide crossing facilities across Brockhills Lane
 - The provision of a pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane.
 - There will be a requirement to secure a contribution of £27,000 mitigating against parking and school travel planning
 - The provision to secure and implement Brockhills Lane/Sway Road Improvement Scheme and Traffic Management on Sway Road
 - The provision to secure and implement the emergency vehicle and pedestrian access and crossing point to Sway Road
 - **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

LP01 Rev A
PENN190125 SL.01 L2
SL.01 Rev M

Highway plans

Site access arrangements Drawing No ITB12027-GA-001 Rev H

Tree Protection Plan

Barrell Plan Ref:17050-6

House Units

Plots 1, 51, 56, 59, 61 and 154 Drawing Ref number HT.RUSH.e2 and HT.RUSH.p Rev B

Plots 2-5 Drawing No/Ref P2-5.e Rev B and P2-5.p Rev B

Plots 6 and 7 Drawing No/Ref P6-7.e Rev B and P6-7.p Rev B

Plots 8-11 Drawing No FB P8-11 pe Rev B

Plots 12 and 13 Drawing No/Ref P12-13.e Rev B and P12-13.p Rev B

Plots 14-17 Drawing No FB14-17 pe Rev B

Plots 18-20 and 83-85 Drawing No HT SET -3 Block e Rev B and HT-SET 3 Block p Rev B

Plots 21, 22, 67, 82, 92, 103, 153 and 159 HT.BOLD V2.e3 Rev B and HT.BOLD V2.p Rev B

Plots 23 and 24 Drawing No/ Ref P23-24.e Rev A and P23-24.f Rev A

Plot 25 Drawing No HT-AND.e4 Rev B AND HT-AND.p4 Rev B

Plots 26, 27, 44, 46, 89, 104, 105 and 132 Drawing Nos HT -AND e1. Rev B and HT -AND e1. Rev p

Plots 28-29, 80-81, 137-138 and 157-158 Drawing No HT A2S Semi.e1 Rev B and HT AS2 Semi.P1 Rev B

Plots 30-33 Drawing No/Ref P30-33.e Rev B and P30-33.f Rev B

Plots 34-36 Drawing No ht-a2s-3 bLOCK e1 Rev B and

Plot 37 Drawing No HTASHV2 e3 Rev B and HT/ASHV2.p1. Rev B

Plots 38 - 39 Drawing No/Ref HT.FERN.e Rev B and HT.FERN.p Rev A

Plots 40, 90, 101, 106, 126 and 127 HT BOLD V2e1 Rev B and HT.BOLD V2.p Rev B

Plot 43 Drawing No HT.SOMER.e Rev A and HT.SOMER.P Rev A

Plots 45, 57, 91, 102, 125, 128 and 165 Drawing No HT.RUSH.e1 Rev B and HT.RUSH.p Rev B

Plots 41-41 Drawing No/Ref P41-41, 69-70,151-152.e1 Rev A and P41-42, 69-70, 151-152.p Rev A

Plots 47-48 Drawing No P47-48e Rev Rev A and P47-48p Rev Rev A

Plots 49-50 Drawing No HT SET Semi.e Rev B and HT SET Semi p Rev B

Plots 52, 53, 55, 95, 100, 129 and 130 Drawing No HT.WHIT.V2.e Rev B and HT.WHIT V2.p Rev B

Plot 53 Drawing No/Ref: HT.ALDB.e2 Rev A2 and HT/ALDB.p Rev A1

Plots 54 and 131 Drawing No HT.ASH V2.e2 and HT.ASH V2 p2 Rev B

Plots 58, 93, 155, 156 and 166 Drawing No/Ref:HT.ASH.VT e1 Rev B and HT.ASH.VT p1 Rev B

Plot 60 Drawing No HT-AND.e4 Rev B and HT-AND.p4 Rev B

Plots 62 and 94 HT.ASH V4 +BAY e3 Rev A and HT.ASH V4 +BAY P Rev B

Plots 64-65 Drawing No HT-Har Semi e Rev B and HT-HAR sEMI.P Rev B

Plot 66 Drawing HT.ASH V4 +BAY e2 Rev B and HT.ASH V4 +BAY p Rev B

Plot 68 Drawing No HT.ALDB.e1 Rev B and HT.ALD.p1 Rev B

Plots 69-70 P41-42, 69-70, 151-152e2 Rev A and P41-42, 69-70, 151-152p2 Rev A

Plots 71-74 Drawing No P71-74e Rev A and P71-74p Rev A

Plots 75-79 Drawing No FB P75-79 pe Rev B

Plots 80-82 P80-82e Rev A and p80-82 p Rev A
Plots 107-108 Drawing Nos HT.BOLD.V2.e3 Rev D and HTBOLD.V2.p Rev D
Plots 86-88 Drawing No P86-88e Rev B and P86-88p Rev B
Plots 96 and 99 HT.ASH V4 +BAY.e1 Rev B AND HT.ASH V4 +BAY p Rev B
Plots 97 and 98 HT.BUNG (L) e2 Rev B and HT.BUNG (L) p Rev B
Plots 111-120 Drawing No FB P111-120 pe Rev B and FB P111-120 pe Rev B
Plot 124 HT BOLD V2 e4 Rev B and HT.BOLD V2 e4 Rev B
Plots 121 -123 P121-123e Rev A and P121-123.p Rev A
Plots 133-136 FB P133-136 pe Rev B
Plots 139-142.pe Rev B
Plots 143-146 Drawing No/Ref: P143-146.e Rev B and P143-146.p Rev B
Plots 147-150 Drawing No/Ref: P147-150.e Rev B and P147-150.p Rev B
Plots 160-164 Drawing No/Ref: P160-164 Rev B (Floor plans and elevations)

FOG - HT-28 FOG p Rev B

Home Office

GAR - 3 .pe Rev A

Garages/Car port

GAR - 4- pe Rev E

GAR - 5 -pe Rev A

GAR -1pe Rev E

GAR -2 pe Rev A

3. **Condition 3 - 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, tile hanging, 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

4. **Condition 4 - Phasing**

Prior to the commencement of any part of the development including any site clearance and demolition works, a detailed phasing plan showing all on and off-site works, including all landscaping, public open spaces, recreation facilities, and all on and off-site foul and surface water drainage and highway works, shall be submitted to and agreed in writing with the LPA. The phasing plan as so agreed shall be implemented in full unless any written variation has been agreed beforehand in writing with the LPA.

Reason: To ensure the development is fully completed in an acceptable timetable and in accordance with the approved plans.

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

Notwithstanding the finished floor levels plans Drawing No's P02 Sheets 1 and 2 and before development commences, the proposed slab levels of the all buildings, roads, footpaths and Green Infrastructure in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

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

Notwithstanding the boundary treatment shown on Drawing BDML.01 Rev G and before development commences, the full details for the treatment of the boundaries of the site, to include typical elevation sections supplied for both including any coping details, decorative brickwork and piers, 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 - 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.

8. **Condition 8 -Visitor Car parking**

The 24 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.

9. **Condition 9 - 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.

10. **Condition 10- Obscure glazed windows**

The first floor window on the side elevation (south) of the approved dwelling identified as Plot 164 and the first floor window on the side (north) of the approved dwelling identified as Plot 23 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.

11. **Condition 11 – 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.

12. **Condition 12 - 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.

13. **Condition 13 - 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 12.

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

14. **Condition 14 - 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.

15. **Condition 15 - 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 17050/6 and Tree Survey Report and Arboricultural Impact Assessment dated March 2022 - Ref:17050-AA4-DC, 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.

16. **Condition 16 - 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.

17. **Condition 17 - 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.

18. **Condition 18 - 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 (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.

19. **Condition 19 - Nitrates**

The development hereby permitted shall not be occupied until:

A water efficiency calculation in accordance with the Government's National

Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

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

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

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

20. Condition 20 - 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.

21. Condition 21 - Contaminated Land

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 Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. 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 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

22. **Condition 22 Incidental extraction**

Incidental mineral extraction Prior to commencement of any part of the development hereby approved the following details shall be submitted to and agreed in writing with the LPA, which may be included within a construction management plan or similar.

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

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

Reason: In the interests of utilising any mineral deposits which could be used on the site as part of the construction works and in accordance with Local Plan Policies STR1 and STR9

23. **Condition 23 - 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: BRK-WSP-XX-ZZ-DR-D-0001/0002-P04 Sheets 1 and 2 dated June 2022 and Technical Note by WSP dated August 2022 shall be submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- A technical summary highlighting any 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.
- 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.

24. **Condition 24 - 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:

- a detailed maintenance schedule in respect of the repair and maintenance of each drainage feature type (the Maintenance Scheme);
- 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;
- details of protection measures;
- 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.

25. **Condition 25 - Lighting**

Prior to the installation of any street or highway lighting or lighting to be placed on any dwellings on the site full details (including the design of lanterns and lighting standards and the lux levels of lighting) shall be submitted to and

agreed in writing with the LPA in consultation where necessary with the Highway Authority. No other street lighting or on building lighting shall be erected including any security lighting without the further written approval of the LPA. Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

Reason: To promote an acceptable and light sensitive means of site and street lighting in the interests of good design, residential amenity, wildlife protection, and so as to promote dark skies

26. Condition 26 - Flooding and finished floor levels

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment -5758654 dated 3rd May 2017 and the technical note (ref TN-Drainage and Levels Strategy-13092022 dated 05 August 2022) and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 37.35 metres above Ordance Datum (AOD) for the lowest proposed plot.

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.

Reasons: 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

27. Condition 27 - 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:

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

water passes through three stages of filtration to prevent pollutants from leaving the site.

- 10) 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 and to ensure that the environmental impacts of construction and satisfactorily minimised and mitigated.

28. Condition 28 - 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.

29. Condition 29 - 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 1230 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard residential amenities.

30. Condition 30 - Electric Charging Points

Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval and the development shall be implemented in full accordance with the approved details before the dwellings are first occupied. Thereafter, the approved infrastructure and facilities shall be retained for the benefit of the approved replacement dwelling.

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

31. **Condition 31 - 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 by -Transport dated 07th March 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.

32. **Condition 32 - Visibility Splays**

Prior to the first occupation of the dwelling hereby approved, the access onto Brockhills Lane and associated visibility splays shall be provided in accordance with submitted drawing ITB12027-GA-0. 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 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.

33. **Condition 33 - Details of the Landscaping**

Notwithstanding details already submitted and prior to the commencement of any part of the development, a detailed landscape framework and final landscaping plan, 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:

- a) the existing trees and shrubs which have been agreed to be retained;
- b) 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;
- c) areas for hard surfacing and the materials to be used;
- d) 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;
- e) the details of the childrens play area including fencing
- f) the hardsurfacing details to include the details of the roads and footpaths;
- g) the detailed specification design and details of the existing and proposed ponds and attenuation features to include gabion walls,

headwalls and outflow details

- h) the details of the pumping stations, including the materials and surfaces to be used, any enclosures and landscaping
- i) 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.

34. Condition 34 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 and outline Biodiversity Mitigation and Enhancement Plan 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 in accordance with Local Plan Part Two policy DM2 and Local

Plan policy STR1.

35. **Condition 35 Footpath/Cycle Link implementation**

There shall be no Occupation of any of the dwellings hereby approved, until such time as the pedestrian / cycle connection approved pursuant to condition 36 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.

36. **Condition 36 - Footpath Link Detail**

No development shall commence above slab level, until such time as a design for a pedestrian / cycle connection within the ANRG of the site between the main residential area to the south of Plot 159 to Brockhills Lane 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.

37. **Condition 37 - Ecological Measures (Opportunities for Birds / Bats / Invertebrates)**

All dwellings / development plots hereby approved shall incorporate a mixture of bird nesting box (including nesting opportunities for swifts and house sparrows), bat box or bat roosting provision, and enhancements for invertebrates such as bee bricks, the precise details of which shall be submitted to and approved by the Local Planning Authority. 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. As a minimum all dwellings shall include at least one built in enhancement feature is provided per dwelling.

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 in accordance with Local Plan Part Two policy DM2 and Local Plan policy STR1.

38. **Condition 38 - Bats & Lighting:**

No development shall take place until a "site wide sensitive lighting design strategy for biodiversity" in line with BCT / ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall: • identify

those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important commuting routes used to access key areas of their territory, for example, for foraging; and • show how and where external lighting will be installed (through the provision of appropriate lighting contour (lux) plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and that dark corridors will be maintained. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed including on or within the curtilage of any dwelling without prior consent from the local planning authority, the details of which shall be submitted as part of any reserved matters application(s).

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 in accordance with Local Plan Part Two policy DM2 and Local Plan Policy STR1

39. Condition 39 - POS, ANRG and Play

Prior to any works taking place above slab level of any of the dwellings hereby approved a detailed specification of all new play equipment and street furniture to be provided within the main LEAP and within the site including any facilities such as benches, bins, interpretation boards in connection with ANRG or POS areas, together with a specification for illustration and interpretation boards shall be submitted to and agreed in writing with the LPA. The details and facilities as may be agreed shall be provided and made available for use prior to the first dwelling being occupied or in line with a phasing plan of provision to be agreed as part of this condition. All play equipment and street furniture, and other facilities in connection with the use of the ANRG shall be kept available for the public use in perpetuity and maintained in accordance with any provisions set out in other conditions or as part of any Section 106 Agreement accompanying the application.

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

40. Condition 40 - Foul drainage

No development shall take place on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer has been submitted to an approved in writing by the local planning authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

Reason: To ensure the foul drainage arrangements for the development are dealt with in an acceptable manner.

41. **Condition 41 - Noise Levels**

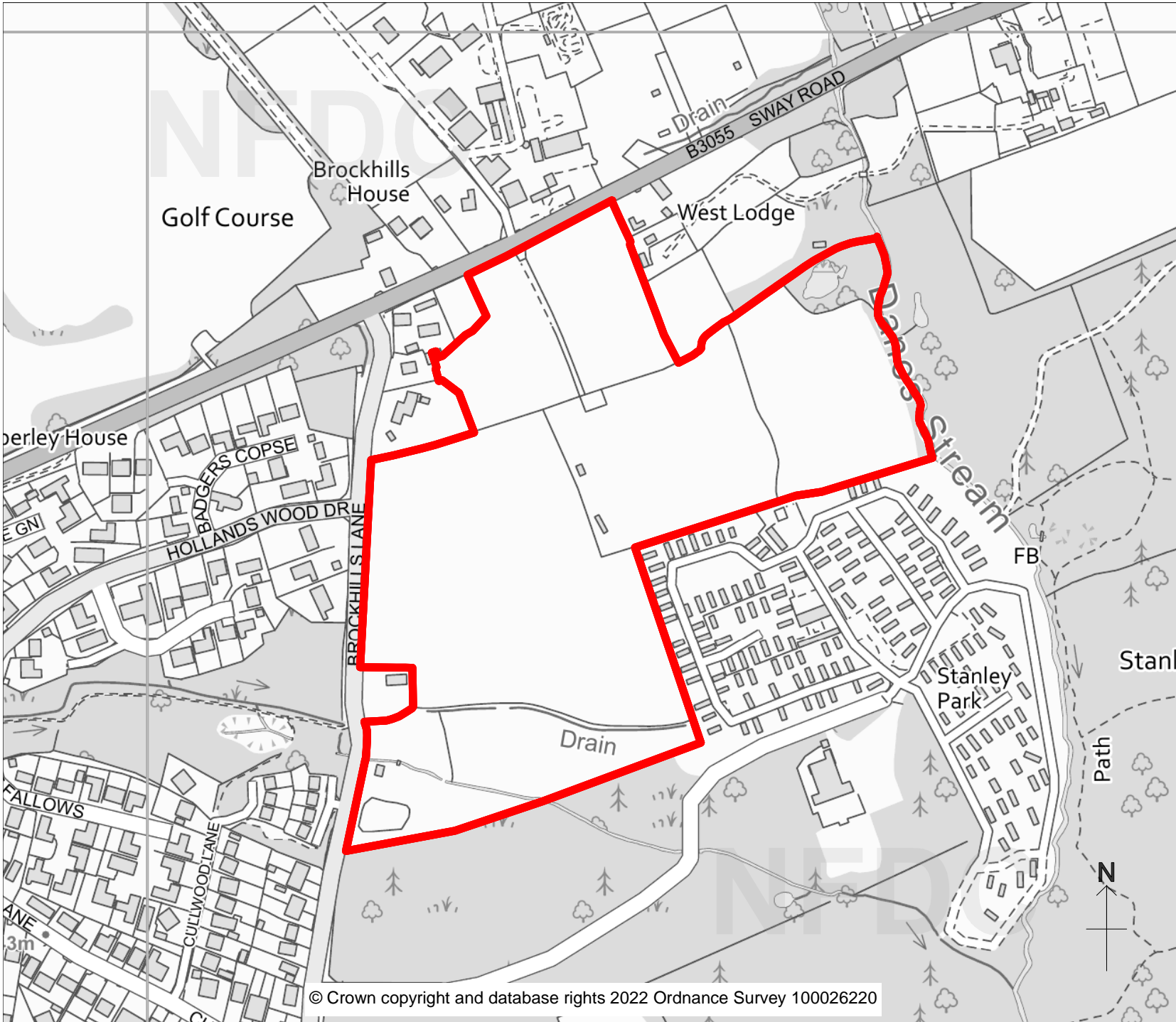
Prior to the first occupation of the dwellings hereby approved, the noise mitigation measures shall be fully implemented in accordance with the details set out in the submitted Noise Impact Assessment undertaken by Omnia reference C10566 dated July 2022, and thereafter adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority. The internal noise levels within each dwelling shall not exceed the minimum standards stated in BS 82233:2014 (paragraph 2.2 [Table 2.2]). The development shall be carried out in accordance with the approved details, before the dwelling is first occupied and thereafter maintained as such.

Reason: To safeguard residential amenities and to ensure that future residents have an acceptable noise environment.

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

December 2022

Land to East of
 Brockhills Lane
 New Milton
 21/11179

Scale 1:3825

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

Planning Committee 14 December 2022

Application Number: 22/10714 Full Planning Permission

Site: LITTLE TESTWOOD FARM, SALISBURY ROAD, CALMORE,
TOTTON SO40 2RW

Development: Development of a Class E foodstore (1,890sqm); associated access; car parking and landscaping; Class B2/B8 employment unit (1,848sqm) with parking and landscaping

Applicant: Aldi Stores Limited

Agent: Planning Potential

Target Date: 15/09/2022

Case Officer: James Gilfillan

Extension Date: 30/11/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of the proposal
- 2) The impact on town centre viability and provision of employment development
- 3) The impact on the character and appearance of the area
- 4) The impact on highway and pedestrian safety

This application is being brought to Committee at the discretion of the Executive Head of Planning, Regeneration and the Economy.

2 SITE DESCRIPTION

The site is on the east side of Salisbury Road on the north edge of the built-up area of Totton. It is adjacent to the sports pitches and stadium used by AFC Totton and Totton and Eling football clubs.

The site is allocated for employment development by the Local Plan part 1 and a site specific policy for employment development in the Local Plan part 2.

The site is flat, although there is a stream running through a ditch across the southern part of the site. The site has been prepared for development and secured. The site is covered by a Tree Preservation Order, albeit that there are only a few trees located to the edge of the site. To the east is Testwood Lakes, a former gravel extraction site that is now public open space with education facilities, managed by Hampshire and Isle of Wight Wildlife trust and designated as a Site of Interest for Nature Conservation.

The site is accessed from Salisbury Road via the drive serving the football club. There are bus stops on Salisbury Road immediately to the south of the existing access junction.

To the north is Little Testwood Farmhouse, a residential property and a caravan site available to gypsies and travellers, although there appears to be a form of construction material reclamation and sales being undertaken. Beyond that is a large industrial warehouse used for commercial storage and distribution, adjacent to which is Little Testwood House, a Grade II listed building that is now used as offices.

Opposite, across Salisbury Road are residential properties on Cooks Lane, including Laurel Bank care home. Land surrounding that site and extending north and west of it is Strategic Site SS1, which is allocated in the Local Plan for at least 1000 homes, with circa 5ha of employment and a local centre.

3 PROPOSED DEVELOPMENT

The proposal comprises the development of a Class E foodstore (1,890sqm) with associated access, car parking and landscaping; and a Class B2/B8 employment unit (1,848sqm) with parking and landscaping.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
21/11254 Permanent change of use to hand car wash, with associated storage, office and canopy, to replace temporary planning permission (NFDC Ref:18/10939)	12/01/2022	Granted Subject to Conditions	Decided	
20/10109 Development of industrial units with use B1c, B2 and B8 with ancillary trade counter uses; parking; service yards; landscaping; acoustic timber security fence (Amendment to previous permission 18/11691)	01/10/2020	Granted Subject to Conditions	Decided	
19/11368 Two-storey side extension to allow creation of a 'healthy living centre' (Use Class E) and extension to existing stand to provide additional seating (Outline application with details only of access, appearance, layout & scale)	24/06/2021	Granted Subject to Conditions	Decided	
18/11691 Development of 4 Industrial units with use B1c, B2 & B8 & ancillary counter uses; parking; service yards; landscaping; acoustic timber security fence .	22/11/2019	Granted Subject to Conditions	Decided	
18/10939 Hand car wash; storage unit and canopy	25/09/2018	Granted Subject to Conditions	Decided	
07/90292 Use of land as recreational to provide sports pitches; floodlighting; clubhouse; four stands (one with changing facilities) equipment store; parking	13/09/2007	Refused	Appeal Decided	Appeal Allowed with Conditions

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR6: Sustainable economic growth

Policy STR8: Community services, Infrastructure and facilities

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON5: Retail development and other main town centre uses

Policy IMPL2: Development standards

Policy CCC2: Safe and sustainable travel

Strategic Site 1: Land to the north of Totton

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

TOT10: Land at Little Testwood Farm caravan site

TOT12: Land at Little Testwood Farm

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022

SPG - Landscape Character Assessment

SPD - Parking Standards

Relevant Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

S.66 General duty as respects listed buildings in exercise of planning functions

Relevant Advice

NPPF 2021

Constraints

NFSFRA Fluvial

NFSFRA Surface Water

Small Sewage Discharge Risk Zone - RED

SSSI IRZ All Consultations

Aerodrome Safeguarding Zone

Tree Preservation Order: 33/07/A1

Plan Policy Designations

Open Spaces, Sport and Recreation

Built-up Area

Employment

Private/Education Recreational Land

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: Recommend Permission but would accept a delegated decision

The proposed footpath improvements and access arrangements mean the site could be reached on foot by nearby residents.

The amount of car parking exceeds the parking standards, which is positive. One area of concern is football match days and management of possible unauthorised parking.

Bicycle parking would be provided with bus stops in close proximity; however, an increase in vehicle movements is inevitable due to the expected frequency of visitors to and from the site. It would be strongly advisable for the speed limit to be changed from 40mph to 30mph along the stretch of road leading to the site, also bearing in mind future housing developments on Salisbury Road.

Overall, the development is positive, providing a further choice of supermarket to serve the community within Totton, as well as the proposed housing developments in the local vicinity, alongside this providing employment opportunities for local residents.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecology: Recognises biodiversity net gain can't be achieved on site due to value of existing landscape on site; however, a condition could secure off site mitigation. Designated habitat sites could be protected by way of a Construction Environment Management Plan. On site landscape and ecology needs review and protection.

NFDC Environmental Health (Contaminated Land): Previous site surveys have identified contaminants in the ground that require further assessment to confirm their extent and secure appropriate remediation. No objection subject to appropriate conditions.

NFDC Environmental Health (Pollution): On receipt of additional noise assessment and operation details, has no objection subject to conditions, to cover hours of operation, external activities and deliveries, lighting design and construction management plans.

NFDC Planning Policy: Initial shortcomings in marketing evidence and sequential site testing have been overcome. No objection.

NFDC Tree Team: No Objection Subject to Condition(s)

NFDC Landscape Design: Object to the failure to maintain landscape design standards of extant scheme, engineered solution to re-aligned stream and lack of size and scale of landscape setting within the proposed layout to deliver an attractive scheme.

HCC Highways: Recognising the extant industrial consent, the scheme would not increase peak time vehicle movements to a degree that would prejudice highway safety or capacity. The previously approved access design can accommodate the proposed development. No objection subject to conditions and securing a travel plan.

HCC Surface Water: No objection subject to a condition securing implementation and future maintenance of the proposed surface water drainage strategy.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

3 letters of support:

- Positive support for an affordable food store
- A benefit for the local community

1 letter of objection:

- Concerns regarding congestion and safe access for vehicles, cyclists and pedestrians
- Conflict with town centre viability, failure to address sequentially preferable and allocated sites and loss of employment site.

10 PLANNING ASSESSMENT

Principle of Development

The site is in the built-up area of Totton and allocated for industrial development by Local Plan Part 2 policy TOT12, and would contribute to the employment needs of the district identified by policy STR6 of Local Plan part 1, sub paragraph i) a). It is subject to an extant consent for circa 5,800Sq.m of B1, B2 and B8 employment floorspace across 3 buildings.

The new application seeks consent for 2 buildings: one to be provided as a retail food store (class E) and the second to provide accommodation within the B2 General Industrial use class or B8 storage and distribution use class.

The above referenced policies seek to preserve the site for economic growth generating employment uses, as secured by the 2020 permission.

Approximately half of the proposed scheme would be provided as a Class E food store for the applicant Aldi. The remainder would be an industrial unit available for uses within class B2 (General Industrial) or B8 (Storage and Distribution). The second building is being proposed as a single unit of circa 1,850Sq.m. As such, the inclusion of retail development within the scheme would not be entirely in accordance with provisions of Policy STR6 that seek to preserve existing and allocated employment land for employment use, albeit that the policy does not limit sustainable economic growth to traditional office, manufacturing, industrial and storage uses.

The Local Plan does recognise the needs of other uses that may be compatible with existing industrial development, or which rely on larger sites or the configuration of industrial buildings to operate from, or which can only be met on traditional industrial/employment sites. Adopted policy ECON2, whilst principally seeking to protect employment sites, does allow for alternative uses to occupy them should evidence be presented and criteria met.

In this instance, the applicant acquired the site after it had been marketed for its approved industrial uses for over a year without successfully securing occupiers. The proposal is therefore considered to comply with sub-paragraph ii) b) of adopted Policy ECON2.

Whilst comments from the Council's Policy Officer originally queried the age of the marketing, it has been confirmed that advertising hoardings were retained on site throughout much of 2021. Furthermore, it is accepted that it would be unreasonable to expect an owner to continue to market their newly acquired land holding in case a competitor or alternative use raised an interest. In this case, a pre-application enquiry was presented to the Local Planning Authority in October 2020 and concluded in February 2021. Therefore, it is not considered the applicant has unreasonably withheld the site from the market.

When considering the applicant's evidence, it should also be noted that had the extant consent been completed, there would have been no impediment to any B1 occupation (now class E) subsequently becoming another use within use class E, including a food store.

The principle of the loss of the land for growth generating employment development can therefore be accepted.

Adopted policy ECON5 seeks to prioritise the renewal of and investment of town centres. It directs retail development towards the identified shopping frontages or other appropriate commercial locations within town centre boundaries.

The site is outside the identified Town Centre of Totton and thus its primary shopping area. As a retail use, the foodstore element of this application would be a use that would be expected to be in a town centre. Furthermore, it is acknowledged that the size of the foodstore is in excess of that which policy allows to be delivered in small local shopping frontages.

The application is supported by a retail impact assessment which considers the impact of the proposed store on Totton Town centre, Southampton city centre and nearby local centres. The retail impact assessment includes a sequential test assessment of alternative sites in the Totton town Centre that are identified in the site specific policies for Totton, in Local Plan part 2. Under direction from Policy Officers, it also reviews the feasibility of using part of Eling Wharf (Policy TOT11).

The Council has no evidence to counter the conclusions of the retail impact assessment: namely, that the impact of the proposed store on Totton Town Centre and other centres would not be significant and would be within acceptable parameters. Furthermore, there are no concerns regarding the approach of the assessment undertaken, which is considered proportionate and related to local circumstances. It is accepted that demand for food retailing in the town will grow in the medium term as the land allocated north of Totton (SS1) delivers new homes in close proximity to the application site. The representations received from local residents and the Town Council supporting the application add weight to the recognised benefit of an alternative food store.

In respect of the sequential test assessment, the principal conclusion in most cases is that the small size of the identified sites is not comparable to the size of the site being delivered in this case. In other words, other available town centre sites are not large enough to accommodate retail development of the scale that is proposed. Whilst the Eling Wharf site would be large enough it is equivalent to the application site in terms of being outside the town centre. Eling Wharf is primarily intended for employment development of higher value jobs, and although alternative uses are accepted in principal, these are directed to smaller scale retail, commercial and leisure uses, potentially as part of a mixed use scheme with some residential to take advantage of the waterfront location. This does not readily match the scale of this application proposal, retail development of this scale would not be the best land use

for this waterfront site. As such, there would be no overriding policy expectation that the proposal should be located on the Eling Wharf site in preference to the application site.

It is considered that the sequential test has adequately identified and assessed other sites that would be sequentially preferable within the catchment of Totton, which the application seeks to provide for. Having demonstrated they are not appropriate, available or suitable for the development proposed, the sequential test is passed.

In addition to these policy considerations, it is important to recognise that the retail aspect of the scheme would still bring employment opportunities to a currently underused site in the urban area. The applicant suggests between 30-50 jobs would be created, with career opportunities and training within the company. Such employment levels are likely to be greater than those delivered by Storage and Distribution businesses occupying the site. These economic benefits weigh materially in favour of the scheme.

Based on the 'town centre' first approach to the NPPF and Local Plan Policies, as well as the desire to see a local centre delivered on Strategic Site SS1 and the benefits of using allocated sites in Totton, it is considered appropriate to impose a condition preventing conversion of unit 1, the foodstore, to other Class E uses without the benefit of planning permission.

The delivery of development in the urban area, on land allocated for development, has environmental benefits. Whilst the extant scheme (without any retail element) is more closely aligned to adopted policies, including site allocation, it has not been delivered for such development. The food store would be within walking distance of new and existing residential areas, reducing the need to drive to the site. The scheme would bring economic benefits, both during construction and through on site employment once the site is occupied. Whilst much of the employment may not be in higher value jobs, there is still an important place for service sector employment to provide a range of job opportunities, to mirror growth in the population locally and to deliver employment not currently being provided by the site.

Overall, the principle of the scheme has clear merit and has been demonstrated to comply with policies ECON2 and ECON5 and in part policy STR6 of the development plan. The use of land for employment related purposes is clearly in accordance with policy. Whilst the new retail foodstore would be outside of an existing town centre, it is felt that the siting of a new store of the scale proposed would be justified and appropriate in this location, having regard to the identified retail impact of the development, the lack of availability of sequentially preferable sites, and the economic and social benefits of providing new food retail opportunities in an area where there is expected to be significant growth over the next few years to meet the requirements of the Local Plan.

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

The site is currently cleared of built form. It has been levelled and any landscape features have been removed. As such, it makes little contribution to the townscape arrival into the urban area or to the wider character of the area.

The design of the foodstore is largely typical of many similar foodstore developments, especially those delivered by Aldi, and retail warehouses in general. It has a heavily glazed entrance feature wrapping around the most prominent corner of the building adjacent to the entrance to the site from the service road. Glazing extends to the height of the building and continues across the west elevation facing into the car park. This gives clear legibility to the elevations and engages with customer areas on the site. The remaining three elevations are largely blank, two of

which would abut the site boundaries. The service yard is located at the east end of the site at the rear of the building, largely obscured from views from the public realm along Salisbury Road or when entering the site or when visiting the adjoining sports facilities.

The building would have a mono-pitch roof sloping down towards the northern boundary to add some interest to the skyline.

The design and appearance of the industrial building is equally typical of such a form of development, and shares the appearance of the buildings approved in 2020. As with the foodstore, it would include detailing to identify the entrance to the building for staff and visitors. Large roller shutter doors would be included in the rear, east elevation, accessed directly from the service yard. Glazing would rise up the building and serve first floor rooms at the west end of the building to give a degree of interest and surveillance.

Materials would be largely similar across the two buildings, consisting of insulated panels, metal cladding and a standing seam roof. The industrial building would use cedar cladding.

There is little by way of reference for the design of the buildings in the surrounding built form near the site, especially given the variety of uses and characteristics of those buildings and sites. The design of the two buildings are entirely functional to their respective needs and uses, are not materially at odds with the 2020 extant scheme and would preserve the character of the area.

The layout of the site places the food store in the north-east corner, which is the rear of the site, with the customer car park in front of it. As such, the site would be dominated by the parking. However, it would retain a greater openness to the streetscene rather than the dominant rear elevation of a large industrial warehouse close to the edge of the site, considered acceptable by the extant scheme. It is also acknowledged that the shape of the site and the position of the access limits the flexibility to position the building closer to the front of the site while still maintaining an active frontage that engages with its customer car park and Salisbury Road, and which can still be efficiently serviced.

Unit 2 would sit forward of the food store. It would also be taller, so more visible than the food store. This would have no greater impact on the character of the area than considered acceptable by the extant scheme.

The scheme proposes less built form than the extant scheme, both in terms of floorspace and bulk. As such, it has a looser grain and would not be as dominant in longer views of the site and would preserve an openness across the frontage. This achieves a degree of transition from the urban character to the south along Salisbury Road and the open countryside to the north. Preservation of an open ditch for the stream on the site would contribute positively to the layout, creating a substantial landscape space around the southern edge of the site. Whilst this limits space for a landscape setting through the centre of the development, it provides a space where landscape planting has a more realistic chance of establishing rather than narrow strips commonly dotted vulnerably throughout such sites.

Both buildings illustratively show the inclusion of adverts and signs. These do not form part of this application and would need to be subject to an application for advertisement consent in due course.

Overall, it is considered that the proposal strikes an acceptable balance between the operating needs of the forms of development proposed, the character and

appearance of the area and the constraints of the site.

Landscape impact and trees

The revised design of the food store car park presents greater opportunity for the provision of a landscape setting at the front of the site and throughout the car park. This presents better screening along the roadside frontage and provides vertical layers of landscape separation across the car park.

The site is covered by an area Tree Preservation Order. However, the majority of the trees are located to the edges of the site, or outside it. Some trees planted on the access road serving the sports facility are young, forming part of the landscape scheme for that site.

It is these latter trees that require removal to facilitate the revised access drive to serve the proposed development. There is no objection to this as their loss can be adequately be compensated for.

An Ash and Goat Willow T6 & T5 respectively are proposed for removal to facilitate the development, but are reported as being outside the site, so their removal may not be in the gift of the applicant. Whilst their removal would not be resisted, should ownership prevent their removal, this would not be an issue for the implementation or acceptability of the development.

The scheme makes provision for new landscaping across the site, including circa 15 trees, positioned throughout the food store customer car park and along the new route of the stream. This would adequately compensate for the loss of the trees indicated for removal. A condition would be used to ensure the landscaping scheme is revised to reflect revisions to the layout of the buildings and is then implemented, managed and maintained.

The stream crossing the site is another significant landscape feature. In response to the implemented scheme, Ordinary Watercourse consent has been given to re-route it, including a section of culvert where it passes below the widened access road. Whilst this erodes its landscape quality, it forms part of the implemented scheme so there would be limited justification to resist this solution. The revised route would be graded and landscaped to accommodate a variety of wet and water tolerant plant species. This would be secured by the same condition as the trees referred to above.

The landscape officer objects to the failure to achieve the same quality and extent of landscape setting across the site as the extant scheme. Ultimately, this should not render this scheme unacceptable; it is just not as successful in this particular respect. The different layout has a quite different impact on the wider landscape, whereby the smaller buildings of the proposed scheme would neither require the extent of screening nor dominate the landscape in longer distance views as the approved scheme would, especially from the east where the entire east edge of the site is filled with built form.

Overall, the scheme would achieve an acceptable landscape setting and preserve features of the landscape and the wider landscape character of the area.

Listed Buildings

There is a listed building at Testwood House, to the north of the site. There is already a very large industrial building positioned abutting the listed building.

The proposed scheme would have no direct impact on the fabric or structure of the Listed Building. Considering the extant scheme, the allocation of the site for

industrial development, coupled with the intervening distances and uses between the listed building and the buildings subject to this application, it is considered there would be no harm to the significance of the Listed Building, and its setting would be preserved.

Highway safety, access and parking

The access from Salisbury Road, as previously designed and as proposed by this development, adequately accommodates the volumes, nature and size of vehicles likely to be visiting this site, such as to preserve highway safety along Salisbury Road.

Two refuges are proposed for Salisbury Road to enhance the safety of pedestrians crossing. It is highly likely that there would be an increase in visitors or staff accessing the site on foot and bike from the new residential community likely to be delivered to the west of Salisbury Road. Furthermore, this would be of benefit for visitors to the football club and would enhance the attractiveness of travelling on foot or by bike.

A 'right turn' lane would be provided on Salisbury Road, for vehicles entering the site. This was designed for the extant scheme, capturing the scale of large vehicles generated by those proposals. It would therefore be sufficient for this scheme.

Hampshire CC as Highway Authority have indicated these works are required to make the scheme acceptable in highway safety terms. They would require the benefit of a S.278 agreement and could be conditioned to ensure delivery before either proposed building is occupied.

Sufficient parking is provided on site to meet the needs of the respective developments, including the use of Unit 2 for uses in class B2 or B8. Dedicated disabled, 'parent & child' spaces are proposed, as well as spaces provided with charging facilities for electric vehicles. Sheltered cycle racks are included for both buildings.

Concerns raised by the Town Council regarding the car parking being used by visitors/spectators to the neighbouring sports pitches are a management issue for the operator of the respective sites. The success of the respective teams/clubs occupying the neighbouring site is the most likely influence over parking demand, a matter that the clubs would need to address in any event.

Access and manoeuvring space within the site is sufficient for the type of vehicles likely to visit. HGVs would undertake servicing and deliveries at the east end of the site away from customers visiting on foot or by bike, minimising potential conflicts with safety.

An employee travel plan can be secured by condition, including any mechanisms for monitoring and review in conjunction with HCC Highway Officers.

The Town Council's representation suggests the speed limit on Salisbury Road should be reduced to 30mph. Whilst this would inevitably have highway safety benefits, it is not in the gift of the applicant to deliver this, and is not a matter that has been raised by the Highway Authority. The point where the speed changes from 50mph to 40mph, approaching Totton, is already proposed to be changed, moving it further away from the site. As such, it is anticipated that vehicles will be driving at 40mph for a significantly greater distance than existing, consequentially reducing the speed at which they would approach the site.

The scheme would meet its transportation needs and preserve highway and pedestrian safety.

Residential amenity

The nearest residential neighbours to the site are the house at Little Testwood Farmhouse, those staying at the Gypsy and Traveller caravan site adjacent to the north and the residential care home to the west, across Salisbury Road.

The two proposed buildings would not give rise to any overbearing impact, overshadowing or loss of privacy or outlook to the care home residents, nor to the amenity of occupiers of Little Testwood Farmhouse, due to the respective position of the proposed and existing buildings.

The proposed food store would give rise to some shading onto the caravan site and a reduced visual outlook. At the time of the case officer's site visit, it was not readily possible to place caravans close to the common boundary of the 2 sites where any impact would be most likely to occur. It is not, in any event, readily possible to fully assess the principal outlook from a caravan that can be oriented on any axis, as best suits the occupier/owners preference. Nor have pitches been marked out across the site. The proposed foodstore is considerably smaller, especially in height, compared to the extant scheme, which was considered to preserve the amenity of occupiers of the caravan site.

The shape of the mono-pitch roof form of the proposed foodstore and its separation from the common boundary would preclude any materially harmful shading or loss of outlook from caravans on the adjoining site, irrespective of the presence of material storage adjacent to the common boundary. A staff room and meeting room would have windows in the north elevation, looking towards the caravan site. However, being at ground floor level they would not allow views over the existing boundary treatment. As such, neighbouring occupiers would have sufficient, privacy, light and outlook to meet their needs.

The proposed uses do have the potential to generate noise at levels and times of day that would affect residential amenity. This would be from fixed plant and equipment associated with chillers in the foodstore, the manoeuvring and undertaking of deliveries to both sites and potentially external activities occurring at unit 2.

A noise assessment has been undertaken, which confirms the likelihood that noise from the identified sources would exceed background noise levels. For the proposed foodstore it is possible to enclose plant and equipment and the delivery bay with acoustic enclosures to limit the effect of the noise on the amenities of the neighbours. However, as the nature of the business occupying unit 2 is not known at this time, a more precautionary approach to prevent noise disturbance would be appropriate, such as limiting external activities and the timing of deliveries.

A plan indicating the levels and spread of external lighting proposed for the site has been provided. This demonstrates that the amenity of nearby residential neighbours would not be affected by illumination.

Ecology

There is no evidence of any protected habitats or species inhabiting the site or relying on it for support.

Due to the presence of the stream crossing the site, feeding the protected habitats in the River Test, Solent and Southampton Water and the proximity of the habitats created at Testwood Lakes, close to the site, a Construction Environment Management Plan is advocated by the Council's Ecologist.

The supporting Preliminary Ecological Appraisal indicates it would be appropriate to include a Landscape and Ecological Management Plan to deliver, manage and maintain landscape and ecology on the site with the implementation of the development.

Since clearance and ground works commenced on the extant scheme, recolonisation has occurred. It would not be possible to achieve sufficient biodiversity net gain on site as a result of the quality of the baseline. A condition could be used to secure sufficient enhancement in accordance with the presented metric calculation.

The commercial and industrial nature of the development would not give rise to overnight stays or additional recreational pressure on protected New Forest and Solent habitats. As such, in accordance with Policy ENV1, the development is screened out of causing adverse impacts on the integrity of those habitats.

Other matters

The stream crossing the site is proposed to be diverted to enable delivery of the southern development parcel. This was accepted by the extant scheme and consent has been received, by the applicant, from Hampshire County Council for such Ordinary Watercourse Consent works.

An acceptable drainage strategy has been designed to maintain current surface water run off rates. Not only is the ground potentially contaminated but it is not sufficiently free draining to rely on soakaways for drainage. Attenuation tanks would be provided on site and water released to the stream crossing the site at greenfield rates. This would avoid impacting on flooding up or down stream.

The majority of the site is in flood zone 1. Whilst at present part of the site is at risk of fluvial flooding, culverting and re-routing the stream would move that area to the southern portion of the site. The elevations of plot 2 give indication to the ground sloping away to the south-east corner of the site, ensuring the buildings are not at risk of fluvial flooding.

Contaminated land conditions were imposed on the extant scheme. Initial investigations were undertaken and identified the presence of contaminants in the ground that required remediation. A remediation scheme was submitted and approved. However, from the documentation presented to the Local Planning Authority on the application it is not clear that such work was completed or if verification was ever produced. It would be appropriate to impose conditions to ensure such works are completed and verification submitted.

Subject to a Construction Management Plan being secured, incorporating a dust management plan, there would be no material impact on air quality, especially from the operational phase of the development. Should a future occupier of the industrial unit undertake activities or processes that give rise to levels of fumes or dust that require chimneys, stacks or mechanical ventilation or filtration, then the merits of those proposals would be assessed at that time. Environmental permits or enforcement by Environmental Health Officers could require such features should occupation give rise to impacts on air quality.

The application is supported by a BREEAM pre-assessment of the sustainability credentials of the respective buildings to demonstrate compliance with Local Plan policy IMPL2 and that an 'Excellent' rating can be achieved. A condition could be used to ensure that this rating is achieved and demonstrated.

It is noted that the site falls within a minerals safeguarding area. Upon consultation for the extant scheme, Hampshire County Council advised the site was too small to justify consideration.

Developer Contributions

None required for this form of development.

11 CONCLUSION

The proposed retail use has been demonstrated to comply with relevant policies relating to the use of the site. The minor conflict with STR6 arising from inclusion of the retail unit is outweighed by the benefits it delivers. Unit 2 would be consistent with adopted policies. The scheme would have economic, environmental and social benefits, preserving the character and appearance of the area. The amenity of local residents, including those residing at the adjoining caravan site can be preserved. Improved pedestrian accessibility would be secured and highway safety maintained.

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:

Site Location Plan Drg No.1000 Rev P6, received 16/06/22
Proposed Site Plan Drg No.1300 Rev P15, received 05/12/22
Proposed Foodstore Floor Plan Drg No.1301 Rev P2, received 16/06/22
Proposed Foodstore Roof Plan Drg No.1302 Rev P2, received 16/06/22
Proposed Unit 2 Floor Plan Drg No.1350 Rev P4, received 16/06/22
Proposed Unit 2 Roof Plan Drg No.1351 Rev P2, received 16/06/22
Proposed Foodstore Elevations Drg No.1400 Rev P5, received 16/06/22
Proposed Unit 2 Elevations Drg No.1450 Rev P3, received 16/06/22
Proposed Site Sections Drg No.1501 Rev P10, received 16/06/22
Proposed lighting strategy Drg No.P186-721-A, received 20/09/22

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development indicated as "Aldi Foodstore" on the plans hereby approved shall only be used as a Supermarket, primarily for the sales of food stuffs and for no other use purposes, whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 as amended or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To recognise the particular circumstances justifying the proposed use and to preserve the vitality and viability of town and local centres and in accordance with STR3, ECON5, ECON6 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and TOT15 of the New Forest District Local Plan Part 2: DM policies and Sites 2014.

4. The respective buildings hereby approved shall not be occupied until the access, manoeuvring space, servicing provisions and parking spaces shown on the approved plans for the parking of vehicles and cycles, associated with that part of the development have been provided. The manoeuvring and parking spaces shown on the approved plans shall be kept free from obstruction at all times.

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

5. Before first occupation of the respective buildings hereby approved, charging points for electric vehicles and infrastructure for future installation of charging stations, as shown on the approved plans, shall be installed and made available for use.

The equipment shall then be maintained in accordance with the manufacturer's instructions and thereafter be retained.

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

6. Prior to the commencement of use of the development hereby approved, the access from Salisbury Road, the visibility splays, footways, the crossing refuges and right turn lane on Salisbury Road, all as shown in principle on the plans hereby approved, shall have been completed in accordance with details as agreed by a S.278 agreement with the Local Highway Authority and made available for use.

Reason: In the interests of highway and pedestrian safety, in accordance with STR1 and CCC2 of the New Forest District Council Local Plan Part 1: Planning Strategy 2020.

7. Prior to commencement of development above Damp Proof Course of the first building to reach that stage, revised details of the scheme of landscaping of the site shall be submitted and approved in writing by the Local Planning Authority. This scheme shall include:
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) treatment of the boundaries of the site and other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

The approved scheme of landscaping shall then be implemented in accordance with the programme for implementation and thereafter maintained as agreed.

Reason: To ensure that the development takes place in accordance with the revised site plan and 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. Prior to first occupation of the scheme hereby approved, the drainage strategy proposed by document Ref:12036w002a, received on 13/07/22, shall be completed. It shall thereafter be maintained in accordance with the maintenance schedule included therein and retained.

Reason: In the interests of ensuring sufficient sustainable drainage is provided that would not contribute to existing flood risk and in accordance with ENV3 and CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

9. Prior to construction above Damp Proof Course, a scheme for the delivery of Biodiversity Net Gain and a Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Methods for delivering at least a 10% increase in existing BNG of the site in accordance with the most up to date Natural England biodiversity metric;
- Responsibilities for delivering BNG
- Description of the habitats to be managed;
- Ecological trends and constraints on site that might influence management;
- Clear timed and measurable objectives in the short, medium and long-term for BNG;
- Appropriate management options and actions for achieving aims and objectives;
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Preparation of a work schedule;
- Details for a formal review process when objectives are not fully reached;
- Key milestones for reviewing the monitoring;

- The establishment of a standard format for collection of monitoring data to make it repeatable and consistent;
- The identification and definition of set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.

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

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

The agreed methods of delivering BNG shall then be implemented in accordance with agreed timetable and thereafter managed and monitored as agreed.

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

10. 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 condition No's 11, 12 and 13 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 14 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. Where a remediation scheme has been approved in accordance with condition 12, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. No development shall take place, (including any works of demolition), until a Construction Environmental Method Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall include scaled drawings illustrating the provision for:
- 5) The parking of site operatives' and visitors' vehicles;
 - 6) Loading and unloading of plant and materials;
 - 7) Management of construction traffic and access routes;
 - 8) Details of construction access and construction vehicle tracking;
 - 9) Storage of plant and materials used in constructing the development;
 - 10) Details of the method of cleaning wheels and chassis of all HGVs, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction;
 - 11) A Dust Management Plan, including means to minimise dust disposal entering the stream on site;
 - 12) Tree Protection measures in accordance with BS5837 for the trees indicated for retention;
 - 13) Hours of construction operation.

The agreed CEMP shall then be adhered to for the duration of construction of the development hereby permitted.

Reason: In the interests of the environment and protected habitats near the site, residential amenity and Highway safety, in accordance with the provisions of policy ENV3 of the New Forest District Local plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

16. No deliveries shall be received or dispatched from the site, nor external activities carried out in the rear service yard to unit 2, as shown on the approved plans, other than between the hours of 07:00-23:00.

Reason: In the interests of residential amenity and in accordance with Policies ENV3 & CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020

17. Prior to commencement of construction of the foodstore above damp proof course, designs and specifications of the acoustic enclosures for the plant and equipment, and delivery bay, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate, in accordance with BS 4142:2014+A1:2019, that the noise levels at the nearest sensitive receptor shall be no more than 35dBA between 23:00 and 07:00hrs.

The agreed details shall then be implemented prior to first use of the foodstore and thereafter maintained and retained.

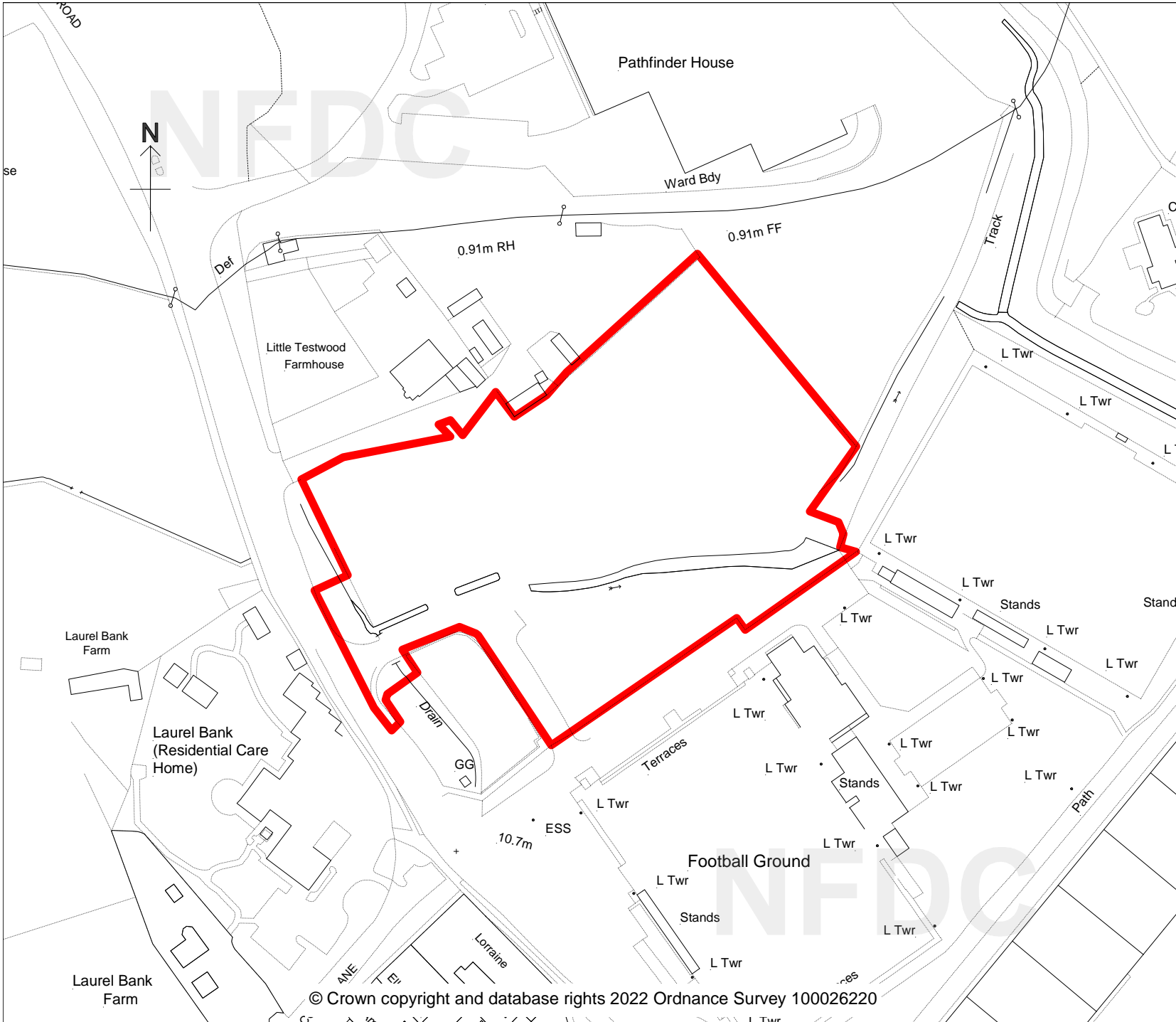
Reason: In the interests of the amenity of nearby residents and in accordance with ENV3 & CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

18. Within six months of occupation of a building on the site, a final BREEAM certificate shall be submitted to and approved in writing by the Local Planning Authority certifying that the building has achieved a BREEAM 'Excellent' standard.
- Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy IMPL2 of the Local Plan Part 1 for the New Forest District outside the National Park.
19. Prior to occupation of a building, a Full Travel Plan for that building, based on the principles set out in the Draft Travel Plan received 16/06/22 shall be submitted to and approved in writing by the Local Planning Authority. It shall include measures for future monitoring and review. The intentions, measures and requirements of the Travel Plan shall then be implemented upon occupation and in accordance with the timescales included therein.
- Reason: To ensure that sustainable modes of travel are duly promoted.
20. Prior to the commencement of development above Damp Proof Course, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation, review and monitoring. The scheme shall then be implemented and maintained in accordance with the approved timescales.
- Reason: In the interests of ecology and in accordance with STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local plan Part 2 Sites and DM policies 2014

Further Information:

James Gilfillan

Telephone: 02380 28 5797



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

December 2022

Little Testwood Farm
Salisbury Road
Calmore, Totton
22/10714

Scale 1:1800

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the internet, it will not be to
scale.

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Planning Committee 14 December 2022

Application Number: 21/11058 Full Planning Permission

Site: HILL VIEW FARM, NORTH END LANE, HARBRIDGE,
ELLINGHAM, HARBRIDGE & IBSLEY SP6 3DB

Development: Agricultural dwelling

Applicant: Mr Napthine

Agent: Symonds and Sampson

Target Date: 06/10/2021

Case Officer: James Gilfillan

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of the development
- 2) Impact on the character and appearance of the area

This application is to be brought to committee due to the objection of the Parish Council

2 SITE DESCRIPTION

The application site is on the east side of Lomer Lane at Bleak Hill close to the west edge of the district. It is a small parcel of a much larger land holding largely consisting of agricultural fields. There are some existing agricultural buildings present adjacent to the application site. The application site is currently a small enclosed field used as part of the wider holding.

The site is outside the built up areas identified by the local plan, nor is it in, or alongside, any of the small villages listed.

Vehicle access to the application site exists from North End Lane to the east, via a hard surfaced track.

Land to the west, outside the applicants control, known as Lomer Copse, is designated as a Site of Importance for Nature Conservation. (SINC)

The farm does not currently have a residential dwelling associated with it.

3 PROPOSED DEVELOPMENT

Erect a detached house for persons employed in agriculture locally and associated residential curtilage.

4 PLANNING HISTORY

16/10663 Agricultural barn for hay & implement store and provision of new access track (Agricultural Prior Notification) - 09/06/2016 Details not required to be approved Land at FERNHILL COPSE & LOMAR LANE YARD, NORTH END LANE, ELLINGHAM, HARBRIDGE & IBSLEY

14/10812 Retention of access and driveway; continued use of land as mixed agricultural & equestrian, use of building as stabling horses and menage for private purposes, hard standing; siting of two storage containers and access pathways - 30/10/2014 Granted Subject to Conditions
Land at LOMER LANE, HARBRIDGE, ELLINGHAM, HARBRIDGE & IBSLEY

09/94990 Agricultural Barn and track (Agricultural Prior Notification) - 07/01/2010
Details not required to be approved
Land of Fern Hill Copse, Bleak Hill, Harbridge

08/92824 2 barns; access track; hardstanding; landscaping - 14/11/2008 Granted
Subject to Conditions
FIELD, LOMER LANE, HARBRIDGE, ELLINGHAM, HARBRIDGE & IBSLEY

5 PLANNING POLICY AND GUIDANCE

The New Forest District Local Plan Part 1 - 2016-2036

Policy STR1: Achieving Sustainable Development

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 IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2 Sites and Development Management Policies 2014

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

DM21: Agricultural or forestry workers dwellings

DM22: Employment development in the countryside

Local Plan Part 1: Core Strategy (2009)

Saved Policy CS21: Rural Economy

Supplementary Planning Guidance

SPD - Mitigation Strategy for European Sites

SPG - Residential Design Guide for Rural Areas

National Planning Policy Framework (NPPF) 2021

Constraints and Plan Policy Designations

Countryside

Avon Catchment Area

Small Sewage Discharge Risk Zone - RED

Plan Area

6 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge & Ibsley Parish Council: Object to:

The unproven need for an agricultural workers dwelling, as a major aspect of the applicants business plan has not been implemented;

The excessive scale of the proposed house and its curtilage;

Failure to demonstrate nutrient neutrality and avoid surface water run off;

Failure to provide construction management or environmental statements, or protect fauna and achieve bio-diversity enhancement.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: Identifies the site is in the River Avon catchment and demonstrating nutrient neutrality is required. No ecological enhancements are included in the proposals, but solutions can be achieved.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

3 letters in support.

- Appropriate location for such a dwelling, which would not be intrusive in the landscape
- The design is appropriate
- Occupiers would not be overlooked
- Important to be on site for animal welfare
- Important to maintain supply of small holdings in the forest
- Important to support the continued improvement in the agricultural enterprise

3 letters object to;

- Discharge of nutrients and water harmful to the environment and down stream flooding
- Impact on views from the New Forest National Park
- Applicant has not ensured access along public footpaths across his land, nor shown it on his plans
- Unauthorised buildings
- No public engagement
- Loss of productive agricultural land
- Increased light pollution
- Design inappropriate and not innovative or architecturally interesting or eco-friendly, too large nor modest sized
- Lack of ecological enhancements
- Need for further buildings to support business growth
- Concerns regarding the routing of construction traffic relying on SATNAV

10 PLANNING ASSESSMENT

Principle of Development

The scheme proposes to erect a detached house and form a residential curtilage. The house would be for the family of the owner of the land farming the surrounding land.

The site is in the open countryside, outside any of the towns and main villages defined by policy STR4. It is relatively close to Harbridge which is included as one of the small rural villages that don't have settlement boundaries, but not so close to comply with the strategic approach to the location of new development advocated by policy STR3. The primary objective is therefore to conserve and enhance the countryside and natural environment.

However DM20 presents opportunities when housing could be acceptable outside those identified areas. Para d) allows agricultural workers dwellings in accordance

with DM21, where it is of an appropriate scale and appearance in keeping with the rural character of the area.

Policy DM21 sets the policy criteria for assessing need for an agricultural workers dwelling, requiring evidence of a clearly established need and the agricultural activity is established, profitable and has a prospect of remaining so, imposing measures to ensure the dwelling is for a person primarily employed in an agricultural enterprise and clarifying that the need could not be fulfilled by existing accommodation.

Paragraph 80 of the National Planning Policy Framework also recognises that there will sometimes be a need for agricultural workers dwellings and allows for restricted occupancy homes in the countryside where:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

The application is supported by an appraisal of the business' viability and explanation of need for the proposed dwelling. The Council has employed the services of an independent consultant to review that assessment. Their report concludes:

"I am firmly of the opinion that there is an essential need for staff to be readily available at most times to provide for the health and welfare of the cattle and other livestock at Hill View Farm."

"I consider that if this farm is to continue to be managed properly, and the welfare of livestock is to be managed appropriately, staff should be readily available at most times."

"I have calculated the figures (excluding the donkeys) and, whilst I do not calculate a figure of 1.2 workers, I do agree that the livestock currently require a full-time worker."

"The (applicants) Statement indicates that the applicant has been farming at Hill View Farm in excess of three years; the provision of three years accounts confirms this statement. The farm accounts (provided, in confidence) demonstrate that the farm reported taxable profits in each of the last three years. The Balance Sheet reveals a business with assets that considerably exceed long-term borrowings; and long-term borrowings that are steadily reducing as they are repaid. The farm is profitable and appears sustainable"

At the time of the report the consultant reviewed available properties in the area, confirming none would be appropriate for the needs of the applicant, or that would improve on the applicants current situation of separation from the farm estate.

It is considered that the principle of the proposed siting of a dwelling for an agricultural worker can be accepted. Sufficient justification and evidence has been provided to justify the development in accordance with adopted local policy DM21 and guidance at para 80 of the NPPF.

Concerns raised by representations objecting to the loss of agricultural land are given little weight. The amount of land lost to the curtilage of the proposed dwelling is very small in comparison to the overall amount of land available and the purpose of the proposal is in order to ensure that the agricultural enterprise can operate more efficiently and effectively, making better use of the remaining land.

In addition to demonstrating need, the scheme would also have economic benefits during construction and for the agricultural enterprise and social benefits for the well being of the occupant and the welfare of the livestock.

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

Being in the open countryside the site is rural in character, dominated by agricultural landscape and buildings. There are individual houses and clusters of agricultural buildings located sporadically throughout the surrounding area.

The position of the proposed house is adjacent to a small cluster of existing barns and stores associated with the agricultural enterprise undertaken by the applicant, as such it would not appear unduly isolated in the wider landscape, having a visual relationship with those buildings.

The design, detailing, proportions and articulation of the proposed house would preserve the rural setting, complemented by the materials. There are no other houses in close proximity that the house would be viewed in the context of.

Objections regarding the design not being good enough or innovative enough are misapplying policy regarding isolated houses in the countryside. With sufficient acceptable evidence justifying the need for the dwelling for agricultural workers, para.80 e) of the NPPF does not need to be passed.

Concerns are raised by the Parish Council regarding the size of the dwelling, especially its exceedence of the 100Sq.m threshold in policy DM20. The policy does not specifically set this as a size limit for agricultural workers dwellings, but applies 100Sq.m to replacement dwellings and extensions to dwellings, that might exceed the 30% increase over the original dwelling they are replacing or extending.

Nor does Policy DM21, specific to Agricultural Workers dwellings, impose a size limit for such dwellings. Amendments to reduce the floor area of the proposed dwelling, would not be readily appreciated over the distances the dwelling would be viewed, or reduce its profile or outline to the extent of having any impact on its presence.

The size would not be out of character with the scale of dwellings in the locality, nor due to its position adjacent to the existing agricultural buildings, a significant distance from public vantage points and the backdrop of trees the scale of the building would not be readily appreciated or be imposing in the character of the area

Considering the size of the proposed dwelling with the national technical housing standards where 132Sq.m is the largest minimum size for a 2 storey dwelling and the rural location of the site, it would be reasonable to remove permitted development rights for extensions and alterations permissible by the GPDO.

The proposed residential curtilage would be sufficient for amenity and setting needs, including the provision of parking. There are no landscape character designations covering the site that preclude the erection of residential outbuildings in accordance with the provisions of the GPDO, on any existing properties. Furthermore permitted development for agricultural buildings would apply across the agricultural holding, subject to previous works and the provisions of the GPDO. As such it would be unreasonable to limit the erection of residential outbuildings in this instance.

The proposed dwelling would preserve the rural character and appearance of the area.

Landscape impact and trees

The immediate landscape around the site would be unaffected. The mature dense copse of trees at Lomer Copse, immediately to the west is outside the application site and would be unaffected by the proposed siting of the proposed dwelling. As such it would continue to provide the mature backdrop to the site in views from the east across the Avon Valley.

The provision of a single agricultural workers dwelling would preserve the character of agricultural activities and land use that frame much of the edge of the National Park. The site is approximately 2.5km from the boundary with the New Forest National Park, as such it would not be readily perceived as a particular feature on the rising ground nor appreciated in the context of the scenic character of the National Park, the setting and quality of which would be preserved.

Heritage Assets

There are no heritage assets close enough to the site for there to be a relationship with their significance, setting or integrity.

Highway safety, access and parking

The site is served by an existing access from North End Lane, the scale of vehicle movements generated by the single house would be readily accommodated by the existing road network and access, especially given the applicant would already be travelling to the site on a daily basis.

The site is not well served for use of public transport, cycling or walking to local services, however that is a consequence of its rural location and association with agricultural activities, an essential aspect of its principle.

Concerns regarding the route taken by delivery vehicles conflicting with highway safety are given little weight. Such occurrences would be limited in number and occurrence on lightly trafficked roads. On such a small scheme the matter of delivery access and routes would be left to the applicant to manage.

Further matters raised regarding maintaining public rights of way, have no bearing on this application. The siting of the house and its curtilage would have no impact on PROW's crossing the applicants agricultural holding.

Residential amenity

The application site is sufficiently isolated from other residential properties that residential amenity would be preserved. Occupiers of the proposed house would benefit from adequate, privacy, outlook, daylight, amenity and residential garden to meet their reasonable needs.

Ecology

The site of the proposed house is currently a form of agricultural paddock associated with the operation of the existing farming activities. There are no protected habitats on the site and is unlikely to offer extensive supporting habitat. The woodland to the west, Lomer Copse, is designated as a SINCC. The application site is separated from the woodland by an existing estate track and the position of the proposed house is a further 25m away, as such there would not be a direct impact on the integrity of the woodland and the ecology it supports, during construction or occupation

Concerns regarding light pollution are given little weight. The single dwelling would not give rise to significant light spillage, lighting associated with the existing agricultural use, essential to winter working, would be highly likely to exceed any residential lighting. There would be no imperative to provide lighting along the access track due to it being on private land. Whilst it is known that external lighting

can have implications for nocturnal species the small scale of the scheme would not justify imposition of any controls or conditions regarding external lighting.

The occupier is highly likely to invest in a residential landscape setting, introducing plant species that would add to the biodiversity of the site. A condition could be used to secure installation of bird or bat boxes or bricks in the construction of the proposed house.

New Forest recreational impact

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

Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

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

New Forest Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Other matters.

Surface water flooding is noted to occur along the length of the stream running down hill from Lomer Copse, through Fern Hill Copse, to the east towards the River Avon. Whilst there would be a marginal increase in the rate of surface water run off from the roof and driveway of the proposed house, it would be required to comply with sustainable drainage provisions of the building regulations, as such it is not considered there would be any justification for further consideration or assessment of surface water drainage associated with the proposals or a likelihood of materially altering flood risk in the vicinity of the site.

Discharge of foul water would also be dealt with in accordance with the Building Regulations and matters associated with the release of nutrients can only be related to the development proposed and the identified impact on European designated habitats, which has been addressed above.

Whilst it would always be encouraged, for a single house development there is no expectation that an applicant would engage in public consultation.

Should the business prove successful and further buildings be required, they would be assessed on their merits, against the provisions of the development plan or GPDO at that time. Policies already seek to ensure the economic viability of rural communities is sustained, as such there would be no reason to resist this application on the basis of future needs.

Developer Contributions

As part of the development, the following will/has been secured via a Section 106 agreement:

- New Forest Recreational Infrastructure: £6,282.00
- New Forest Recreational Non-Infrastructure: £999.00
- New Forest Air Quality Monitoring £91.00

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	135.5		135.5	135.5	£80/sqm	£18,841.85 *

Subtotal:	£18,841.85
Relief:	£0.00
Total Payable:	£18,841.85

11 CONCLUSION

Evidence has been provided to demonstrate a reasonable need for a dwelling for an agricultural worker to be provided on site. The proposed dwelling has been located in a position where there are existing buildings and the wider rural character and appearance of the landscape would be preserved.

There would be no direct impact on habitats and species close to the site and mitigation for the impact on important features of nature conservation interest across the New Forest have been secured.

The application is recommended for approval.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

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

- i. the completion and provision of a planning obligation entered into by way of Unilateral Undertaking in accordance with Section 106 to secure:
 - New Forest Recreational Infrastructure: £6,282.00
 - New Forest Recreational Non-Infrastructure: £999.00
 - New Forest Air Quality Monitoring £91.00
- ii. the imposition of the conditions set out below.

Proposed Conditions:

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

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

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

Location plan Drg No: 4456:18 received 18/11/22
Site Plan Drg No: 4456:17 received 18/11/22
Proposed Elevations Drg No: 4456:16 received 18/11/22
Proposed Floor Plans Drg No:4456:15 received 18/11/22

Reason: To ensure satisfactory provision of the development.

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The dwelling is only justified on the basis that it is necessary to provide accommodation for an agricultural worker in accordance with Policy DM21 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. The development hereby approved shall not be occupied unless

- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites. The Strategic Appropriate Assessment supporting the Local Plan has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the River Avon. Further detail regarding this can be found in the appropriate assessment that was

carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

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

Reason: Due to the size of the proposal and justification for the principle of the dwelling, to ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

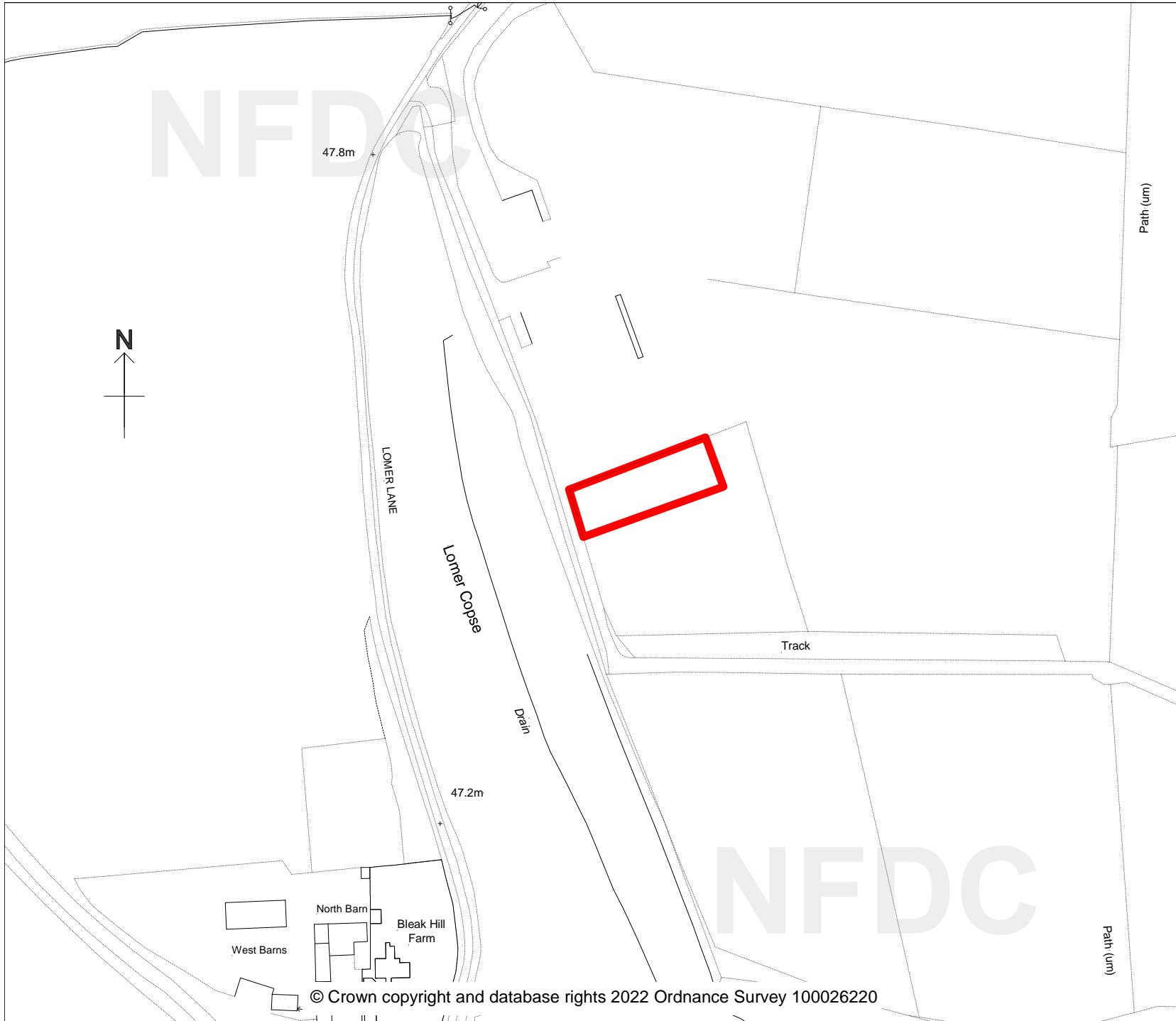
6. Prior to commencement of construction of the dwelling above damp proof course details of measures to secure bio-diversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implement prior to first occupation and thereafter maintained and retained.

Reason: In the interests of enhancing bio-diversity in accordance with policy STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the NPPF.

Further Information:

James Gilfillan

Telephone: 02380 28 5797



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

December 2022

Hill View Farm, North End Lane
Harbridge
Ellingham, Harbridge & Ibsley
21/11058

Scale 1:2000

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

Planning Committee 14 December 2022

Application Number: 20/11403 Full Planning Permission

Site: REDBROOK BARN, RINGWOOD ROAD, FORDINGBRIDGE SP6 2ET

Development: Use of existing redundant agricultural barn to four dwellings with associated car parking, new access and landscaping

Applicant: Mr and Mrs Lewis

Agent: Pell-Stevens Architects

Target Date: 04/03/2021

Case Officer: Stephen Belli

Extension Date: 16/12/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development including Housing Land Supply
2. Planning history of the site
3. Design, site layout and impact on local character and appearance of area and landscape
4. Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
5. Impact on highway safety, including matters relevant to car parking and public right of way affected;
6. Impact on ecology and in particular protected species;
7. Habitat Mitigation and Air Quality
8. Flood Risk and Drainage

This application is to be considered by Committee because the recommendation is contrary to the view of Fordingbridge Town Council.

2 SITE DESCRIPTION

This former farm complex is located within the countryside to the south of and about 1 mile from the centre of Fordingbridge and situated to the east of the A338 Salisbury to Ringwood Road. The site comprises a dwelling to the front on the roadside (known as Redbrook Farm), a single and two-storey brick outbuilding, and barns and stables to the rear of the dwelling. To the north of the existing access track is a large barn (the application building). The surrounding area contains terraced dwellings to the south (known as 1-7 Redbrook Cottages) served by a separate access, a detached dwelling to the east (known as Redbrook Farm Cottage), and open fields elsewhere in a rural setting.

The applicants own the barns complex the subject of the application as well as the barns to the east of Redbrook Farm now used for offices along with the access track which is also a public footpath. Both Redbrook Farm House and Redbrook Farm Cottage are in a separate ownership with rights of access over the existing track and footpath. To the south of Redbrook Farm Cottage is a small complex of stables and a yard accessed from the same access track. These are also in the applicant's ownership.

3 PROPOSED DEVELOPMENT

The current planning application relates to the detached barn located in a field adjacent to the existing access track leading to the converted buildings and dwellings. It is proposed to convert the agricultural barn to 4 no. dwellings (3 x 2 bed and 1 x 3 bed).

The building is prominent when viewed across relatively open land from the A338. It is slightly larger than other buildings in the vicinity including the converted farm buildings. It has a large footprint and is a relatively tall structure clad with corrugated steel sheeting and iron panels, although it is proposed to subdivide the structure to create four semi-detached units. Parts of the lower parts of the building have concrete blockwork at a lower level with metal cladding above. The existing building will be rebuilt, retaining the existing structural frame, but providing new timber cladding, and fair faced blockwork with internally insulated walls, corrugated metal roofing and glazing and doors to make it fit for purpose. The footprint and height of the building will be as the existing with a 6 metre wide bay being demolished to form two pairs of semi detached units. The western pair will be all single storey (units 1 & 2) with the eastern pair (units 3 & 4) having part of it at first floor level (unit 3).

A new access is proposed from Ringwood Road (A338), with the existing access stopped-up by the installation of bollards allowing pedestrian use by residents and the general public to continue but with no vehicular access. The existing dwellings would instead be provided with access via the newly constructed access road.

Turning and car parking spaces for 12 vehicles would be provided to the north west of the building for residents and visitors. Extensive tree and hedgerow planting to the north, west and east of the buildings is proposed. A new surface water drainage scheme is proposed and foul water will be dealt with via a new package treatment plant to be located to the west of the buildings immediately adjoining an existing plant which serves the office complex.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10786 Use of redundant agricultural barn as office: associated car parking, new access and landscaping.	10/11/2021	Granted subject to conditions	Decided
20/11075 Use barn as 4 dwellings (Prior Approval) (Class Q application)	12/11/2020	Prior Approved Refused	Decided
18/10864 Use as office (Use Class B1); bin/cycle store; associated parking; new access; landscaping	28/11/2018	Granted Subject to Conditions	Decided
10/95394 Use barn for storage (B8)	09/06/2010	Refused	Appeal Dismissed
08/92771 Use building as Class B1 (variation of condition 3 of PP91340)	16/09/2008	Granted Subject to Conditions	Decided
07/91340 Use building as Class B1	14/05/2008	Granted Subject to Conditions	Decided

05/86215	Use outbuildings as storage	08/12/2005	Granted Subject to Conditions	Decided
05/86016	Use as veterinary practice D1	10/11/2005	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
 Policy STR6: Sustainable economic growth
 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 IMPL1: Developer Contributions
 Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
 DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas
 SPD - Mitigation Strategy for European Sites
 SPD - Parking Standards
 SPD - Air Quality

Relevant Advice

National Planning Policy Framework (NPPF):

Chapter 5 - Delivering a sufficient supply of homes
 Chapter 11: Making effective use of land
 Chapter 12 - Achieving well designed places
 Chapter 14 - Managing Climate Change and flooding

Para 80 on rural housing

Constraints

Plan Area
 Avon Catchment Area
 Flood Zone 2 and 3
 FP39 - Fordingbridge
 Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - Recommend refusal under PAR4 as the application is not a conversion of an existing building, but a rebuild.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency - no objections, but advise that the Local Planning Authority must assess if they are happy with the access/egress and evacuation plan as the site has flood zone 2 and 3 on the site. Also give informatives on flood resilient measures and flood warnings for future occupiers.

Ecologist - have reviewed the Ecology Report which has been produced by a suitably qualified Ecologist. Given the findings of the original report, I do not think it necessary to undertake another survey. However, request that the mitigation and enhancement measures detailed in the report are secured by condition.

HCC Highways - this site is accessed directly from the A338 a busy A class traffic route which overall does not have a good personal injury incident record. The proposal involves the reuse of a barn for residential purposes and a replacement vehicular access, the existing is to be downgraded to a pedestrian access. The revised position for the vehicular access is better than the existing one in that it provides longer visibility to the south, although there is street furniture and a tree on the verge that does break the view up. It would be helpful if these features were accurately shown on the site plan. The retention of a pedestrian access is acceptable as it leads to a bus stop on the west side of the road. There is no footway connection from the existing access to the bus stop on the eastern side of the road and I recommend either a footway is provided along the verge linking to the retained pedestrian access or a footpath is provided from the bus stop to the new access road that passes behind it this should assist in encouraging non car modes of transport. The level of parking to be provided is a matter for the LPA. No objection subject an amended drawing showing either one of the options for providing a pedestrian access to the bus stop on the eastern side of the road, conditions to ensure provision of the new access arrangement, stopping up of the existing access and provision of the bus stop footway link. Also give an informative.

HCC Countryside Services - Following receipt of amended plans, the objection is withdrawn, subject to a highway agreement being secured for the installation of the bollards on Fordingbridge Footpath 39.

Southern Gas Networks - give informatives

Scottish and Southern Electricity - give informatives

9 REPRESENTATIONS RECEIVED

The following is a summary of the single representations received.

- The 'conversion' does not meet the amendment to the planning regulations which state that any conversion must not be subject to 'any major structural alterations'. This building currently has: no foundations, no walls, no floor, no windows or doors and no roof that would meet the current building regulations for a conversion. The structural engineers report from the previous planning application suggested that the steel stanchions in the lean to aspect of the barn 'MAY BE ABLE TO BE ADAPTED FOR CONVERSION PURPOSES'. These steels are to be located/adapted in what is likely to be

the largest of the four houses planned. Given that there is absolutely no further part of the current barn structure suitable for conversion this would mean a 75% deficit in terms of conversion for the other three houses which would absolutely require brand new works throughout and major structural alterations. I believe this to be a new build and not a conversion.

- Additionally we have absolutely no intention of giving up our entitlement for our right of way as per existing access
- It is disputed whether the building has been in agricultural use since 2007 and therefore does not meet the tests applied by Class Q.

10 PLANNING ASSESSMENT

Principle of Development

The application site lies beyond any built-up area, within the countryside where there is a presumption against new housing development. However, the principle of conversion of this building to residential may be acceptable under the prior approval procedure, the conversion of agricultural buildings or storage buildings to dwellings being permitted development if the tests applied by Classes Q (agricultural use) or P (storage or distribution use) of the General Permitted Development Order are passed. The previous scheme, submitted for a prior approval under Class Q, failed on the need for a new access road and the garden areas being beyond the footprint of the existing buildings (both these reasons could be overcome).

Added to that paragraph 80 of the 2021 National Planning Policy Framework (which post dates Policy DM20 above) states that isolated new homes should be avoided unless certain criteria are met one of which is the development would re-use redundant or disused buildings and enhance its immediate setting.

The benefits of the proposal in terms of new housing provision must also be weighed against the potential harm caused to visual amenity, highway impacts, ecology and amenity impacts, which are examined in the following sections, at the end of which a conclusion on the planning balance is reached.

Housing Land Supply

The Council cannot 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. When published, this will be the formal position of the Council. However it is anticipated that the updated housing land supply position will remain below the required 5 years. 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. The current proposal is for a modest level of housing provision and it could in the absence of any identified harm be considered that there is little to weigh against the proposal.

Planning history of the site

Planning permission has been granted in the past for the re-use of some of the more substantial single and two storey brick buildings to the east of Redbrook Farm House for offices (Class B1) for occupation by the company known as PDQ Airspares Limited. PDQ Airspares Limited have occupied these buildings for a number of years and are involved in the sourcing and despatch of air and spacecraft spares on a global scale.

In addition, the buildings the subject of the current application also benefit from a change of use planning permission for conversion to offices with a new access road from the A338.

The principle of conversion of this building to residential may ordinarily have been acceptable under the prior approval procedure. While an application for prior approval was refused under ref. 20/11075, it was only refused for technical reasons associated with Part 3 Class Q, as the proposal relied on an unimplemented vehicular access, which could not be permitted under Class Q. Furthermore the proposed curtilage arrangements were beyond what may be permitted under Class Q and there was no phosphate mitigation solution ensuring that the proposed development would be phosphate neutral to mitigate any likely significant effect on internationally important River Avon.

The phosphate issue has now been resolved with the new strategic mitigation project at Bickton Fish Farm. It is also reasonable now to consider a proposal for a scheme with a new access and larger curtilage, that would otherwise be acceptable under Class Q under the submitted planning application. It is also material to consider that the building benefits from an extant approval to be converted to office accommodation under ref. 21/10786. This permission could allow the access to be installed now so this technical objection to a Class Q approval falls away, as does the phosphates issue.

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

These matters need to be considered under the provisions of Local Plan Policies ENV3, ENV4 and the Residential Design Guide for Rural Areas, which seek to ensure that all new development is appropriate and sympathetic to its setting and landscape. Specifically, it needs to be considered whether the design, materials, layout, vehicular access, parking and turning arrangements proposed would preserve or enhance the quality of the area including allowances for meaningful landscaping.

The existing building is basically a metal clad shed, formerly in agricultural use. It is not a small building, but it is not out of scale with the buildings around it (which include the original farmhouse to the west, the adjacent cottage to the east and the barn already converted into offices opposite). That said the buildings have no architectural merit as they currently stand representing modern metal clad portal frame buildings.

The visual impact of the proposal would be consistent with the buildings around it. A section of the building would be removed to form a gap between units 2 and 3, which would reduce the scale of the existing building and improve its outline when viewed in the landscape. The existing corrugated cladding would be replaced with new timber cladding, fair faced blockwork, corrugated metal roofing and glazing to make it fit for purpose. New window and door openings are required in the building to make it habitable, but some elevations have limited new openings to maintain an agrarian feel. Overall the external changes to the building would significantly enhance the appearance of the building in a manner which would be in keeping with the rural character of the area. This would comply with policy set out in the NPPF.

Notwithstanding the re-cladding of the portal frame and insertion of glazing, the main changes to the site will be in relation to the environment around the building, through the introduction of formalised access, car parking, circulation arrangements and gardens, which have been amended during the course of the application

determination process. The draft landscape scheme suggests using new native hedgerows as the main structure, arranged along boundaries that more closely reflect the traditional field pattern, whilst offering a more ornamental but valuable and varied planting structure (with increased biodiversity value) close to and around the building and car parking that will provide a suitable and pleasant environment. In addition the applicant's sketch landscaping scheme indicates extensive areas of tree planting. Full details of landscaping, planting and boundary treatments may be submitted and agreed by condition.

A new garden curtilage is located immediately to the rear of each of the four units and is a small compact area which will have no long-range landscape impact. That said it is considered important to restrict the curtilage to that shown on the submitted plans and not to allow this to creep outside into those areas shown as being designated for planting and landscaping of the buildings. This can be achieved through a planning condition.

It is concluded that the conversion of the building to four dwellings, hardstandings and landscaping arrangements along the lines indicated would not harm the open appearance of the land and would significantly enhance the character of the area, in accordance with Policies ENV3, ENV4 and the Residential Design Guide for Rural Areas and in line with NPPF government guidance.

Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 of the Local Plan Part 1 seeks to ensure that all new development is appropriate and sympathetic to its setting and should not cause adverse impacts upon residential amenity, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution. There are some dwellings in and around the vicinity of the existing and proposed commercial buildings, the impact of the proposal on which needs to be considered.

Access to the proposal would be via a new point of access from Salisbury Road, rather than the existing point of access adjoining Redbrook Farm. All the traffic to the new dwellings would not pass Redbrook Farm House, being diverted into the new car park to the north. Consequently, the impact of the development in terms of increased traffic noise and disturbance posed by residential use of the building would not have a significant adverse impact upon residential amenity. Construction traffic should also use the newly created access rather than the current access road again to protect residential amenity for the existing dwellings.

None of the converted buildings would have any greater impact on light reaching the two adjoining dwellings than the existing buildings given the works will be within the current envelope of the existing buildings.

No windows would directly overlook existing premises - the southern elevation of Plot 1 is completely blank and would not directly overlook Redbrook Farm House. Windows on the eastern elevation of unit 4 are at ground floor level only and do not directly affect the privacy of Redbrook Farm Cottage it is considered. The proposal would have no direct impacts upon adjoining occupiers in respect of noise, light, visual intrusion and privacy and the amenity space afforded to the new dwellings would be acceptable in accordance with Policy ENV3.

Impact on highway safety, including matters relevant to car parking

The applicant seeks to relocate access to the building and stop-up the existing access. The existing access has below standard visibility due to its location on the

inside of a bend. The relocation of the access further north allows egress onto a straighter section of Ringwood Road in a safer manner and no objections are raised by the Highway Authority, subject to conditions to ensure the existing access is closed and that parking is provided in accordance with the submitted plans and that a footway link to a nearby bus stop is provided.

The Highway Authority leaves the matter of parking to the LPA to assess. The proposal provides 12 spaces where the parking standards require a total quantum of 9 car parking spaces, which have been provided in full. The layout of the car park is also in accordance with the required standards. In addition the plans indicate a new cycle storage facility for each dwelling the provision of which can be covered by planning condition.

Closure of the existing access is objected to by a resident. However following submission of amended plans the County Rights of Way Section have removed their objection to the proposed alterations to FP39, subject to details of bollards being agreed by highway agreement. It is proposed that the details should be confirmed to the LPA by condition and an informative note added to the decision to confirm the need for an agreement with both the Rights of Way team and the Highway Authority in respect of the works to the footpath and any works on the highway verge i.e. the new access and the path to the bus stop.

With regard to the objection by Redbrook Farm Cottage this is a civil matter between the parties concerned. Existing residents will have a right to use the new point of access, which will be a safer point of access/egress, and will retain the right to walk along the footpath.

It should be noted that Policy IMPL2 related to development standards places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, details of which can be secured by condition.

Impact on ecology and in particular protected species

With regard to the ecological impacts of the development proposed, an ecology report was submitted with the formal planning application to ensure any potentially harmful impacts of the development on ecological interests are addressed and that biodiversity net gain achieved. The Council's Ecologist raises no objections to the proposal, subject to the development being implemented in accordance with the recommendations of the submitted ecology report.

Habitat Mitigation

a) Recreational Impacts

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission was to mitigate that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant has completed a Unilateral Undertaking under S106 of the Act, which secures the recreational mitigation contribution.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site, which has been secured by the same Unilateral Undertaking referred to above.

c) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019).

The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

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

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be provision of EV charging points, bus stop footway link and native planting within the landscape scheme.

Flood Risk and Drainage

The footprint of the development is within Flood Zone 1, where no flood risk is identified. However, the access is within Flood Zones 2 and 3 and the Environment Agency advise that the Local Planning Authority must assess if they are happy with the access/egress and evacuation plan. The LPA is content to apply the Agency's suggested informative for future occupiers of the development.

Other Matters

The Town Council and an objecting party raised concerns over whether the proposed scheme is a true conversion. In this respect, it is pointed out that in determining any prior approval under Class Q or P, the Council would generally accept that all external cladding and blockwork could be replaced, provided the development would not result in the external dimensions of the building extending significantly beyond the external dimensions of the existing building at any point, and that the structural frame of the existing building is maintained. In response the applicant has provided additional information explaining that the existing frame of the building is to be retained in its entirety, apart from the middle section between the buildings to create a gap between units 2 and 3. This will be ensured by condition. Officers are therefore satisfied that the scheme is a conversion and within the spirit of Class Q and P development.

The NPPF refers to the re-use of redundant or disused buildings and the development enhancing the immediate setting. Clearly the buildings would be re-used albeit re-clad externally, and there is no doubt that the immediate setting would be enhanced as well as the physical appearance of the buildings.

There is some dispute as to whether the building has been used for agricultural purposes for the requisite period of time, a notified party suggesting it has been used for storage use. Even in that instance Class P of the General Permitted Development Order 2015 allows the change of use of industrial and general business conversions (including B8 storage) to dwellings under the prior approval procedure. The general steer from Central Government is now supportive of the re-use of existing buildings for alternative uses without a requirement for planning permission. Nevertheless, this is a planning application, although the applicant's fall-back position is the same whether the building was last used for agricultural purposes or storage.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	373.75		373.75	373.75	£80/sqm	£38,295.00 *
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Subtotal:	£38,295.00
Relief:	£0.00
Total Payable:	£38,295.00

11 CONCLUSION

In light of the form of development proposed, the proposal would have no harmful impact upon the rural character of the area, highway safety, ecological interests, neighbouring amenity, flood risk or protected habitats, subject to conditions, in accordance with policies of the development plan and is accordingly recommended for approval. As the appropriate recreation and air quality monitoring mitigation has been secured by a Unilateral Undertaking the planning balance here is therefore one of approval subject to conditions

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 and reports:

00 01	Location plan 1/2500
00 02	Location plan 1/1250
01 00	Block plan existing
01 01	Site plan existing
01 02	Ground floor plan existing

01 03 Roof plan existing
01 04 South and north elevations existing
01 05 West and east elevations existing
01 06 Section AA existing

03 00 rev C Block plan proposed
03 100 rev C Nutrient land use proposed
03 02 rev A Ground floor plan proposed
03 03 rev A First floor plan proposed
03 04 rev A Roof plan proposed
03 10 North elevation proposed
03 11 West elevation no.1 proposed
03 12 West elevation no.3 proposed
03 13 South elevation proposed
03 14 East elevation no.4 proposed
03 15 East elevation no.2 proposed
03 20 Section AA proposed

Protect a cycle product info (colour olive and moorland green)
Conversion and structural strategy report July 2021
Ecology Report by KP Ecology (April 2018)
Letter from KP Ecology (September 2018)
Air quality statement (September 2020)

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials along with the details of all soil and vent pipes, rainwater goods, meter boxes, and all new windows and doors, including materials and colours to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan Part 1

4. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as

set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753 and Step 3 under Section 26.7.1 of the SuDS Manual in relation to drinking water supply or a similar approved method. In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before any other construction works take place on the site of the development hereby approved, other than works in connection with the new access track, the existing vehicular access from the site to Ringwood Road (A338) shall be permanently stopped up to vehicular traffic and effectively closed with the footway provided or verge reinstated, in accordance with further details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy ENV3 (iv) of the Local Plan Part 1

6. Prior to first occupation of any dwelling on the site provision for car parking and cycle storage shall have been made within the site in accordance with the approved plans and shall be retained thereafter to serve the development hereby approved.

Reason: In the interests of highway safety in accordance with Policy ENV3 (iv) of the Local Plan Part

7. Prior to construction of the barn conversion or any other works commencing the new vehicular access track shall be constructed and completed to at least base course level together with a non-migratory surface for the first 10 metres from the public highway. Any gate or other interference with the passage of vehicles shall be provided a minimum of 10 metres measured from the nearside edge of carriageway of the adjacent highway and that area shall be surfaced in a permeable non-migratory material for at least this distance. The access, car parking, and turning areas shall be completed in full prior to occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety in accordance with Policy ENV3 (iv) of the Local Plan Part 1

8. Prior to first occupation of the development hereby approved, the pedestrian link between the site and the bus stop on the eastern side of the A338 shall be constructed and made available for use at all times, in accordance with drawing no. 03-00 Rev C Proposed Block Plan.

Reason: In the interests of highway safety and to encourage sustainable travel modes in accordance with Policy ENV3 (iv) of the Local Plan Part 1

9. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new tree planting (species, size, spacing and location);
 - (c) details of all new shrub planting;
 - (d) areas for hard surfacing, including the access road and car parking areas, and the materials to be used;
 - (e) other means of enclosure and for the avoidance of doubt there shall be no use of close boarded fencing on the site to separate curtilages or in any other place;

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

The hard and soft landscaping scheme including all tree and shrub planting as may be approved shall be fully implemented prior to first occupation or in accordance with any phasing submitted to and agreed in writing with the Local Planning Authority. Any trees or shrubs which die, become damaged or diseased within 5 years of the full completion of the development, or planting whichever is the later, shall be replaced with the same species in the first available planting season (November to March) unless the LPA has agreed in writing to a change of species beforehand.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan Part 1

10. The works hereby approved shall be undertaken in strict accordance with the ecological measures of mitigation and compensation as outlined in the Ecology Report by KP Ecology (April 2018) and Letter from KP Ecology (September 2018), unless otherwise first agreed in writing with the Local Planning Authority. The identified ecological enhancements identified shall be installed prior to first occupation of the dwellings hereby approved and thereafter retained in perpetuity

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

11. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling 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 and thereafter retained.

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

12. The development hereby approved shall be implemented as a scheme of conversion, retaining the internal structure of the existing barn in its entirety, in accordance with Section 4.0 of the Conversion and Structural Strategy by Pell-Stevens (July 2021).

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

13. 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 AA, A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. The development hereby approved shall not be occupied unless
- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;

- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

- 15. The residential curtilage of each new dwelling shall be limited to that shown coloured pink and annotated as Area 2 Residential urban land on approved plan 03 100 rev C. There shall be no use of other areas within the site shown as Area 4 Greenspace (which includes the areas to the north, east and west of the new dwellings hereby approved) for residential curtilage purposes.

Reason: To restrict the impact of residential curtilage use together with any residential paraphernalia, and in the interests of protecting designated landscape areas so as to comply with Local Plan policy ENV3.

- 16. Prior to any works taking place above slab level on any of the dwellings hereby approved the details of the proposed package treatment plant shall be submitted to and agreed in writing with the Local Planning Authority. The plant as agreed shall be installed prior to first occupation and maintained in perpetuity to serve the development. Any new or replacement plant shall be first agreed in writing with the LPA and similarly maintained once installed.

Reason: To ensure adequate and suitable foul drainage systems are in place to serve the development and to comply with Local Plan policies ENV1 and ENV3.

Further Information:

Stephen Belli
Telephone: 023 8028 5430

NFDC



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

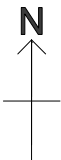
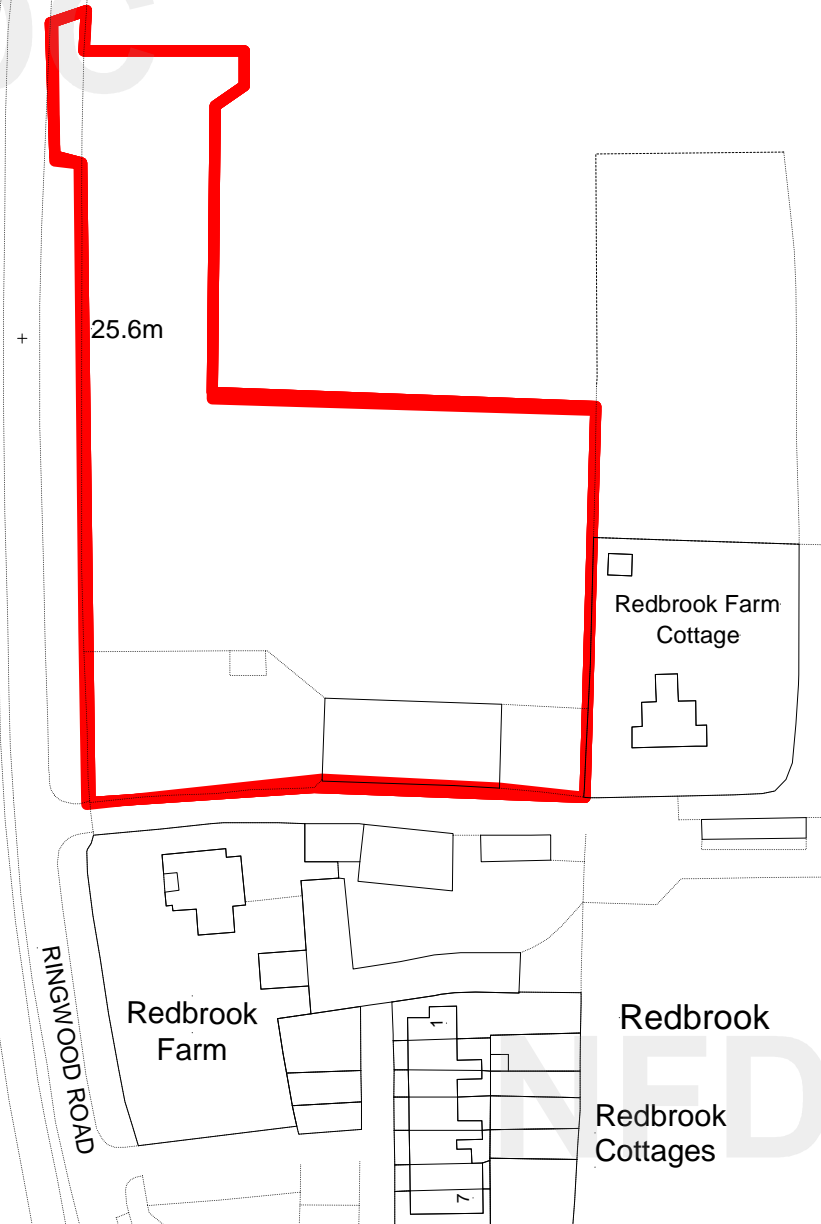
December 2022

Redbrook Farm
Ringwood Road
Fordingbridge
20/11403

Scale 1:1250

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

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Planning Committee 14 December 2022

Application Number: 19/11369 Full Planning Permission

Site: 25-27 SOUTHAMPTON ROAD, RINGWOOD BH24 1HB
(SUBJECT TO LEGAL AGREEMENT)

Development: Convert first-storey to residential use; add two additional storeys to create six residential apartments; Improvements to front and rear elevations; Improvements to rear service yard including demolition of existing cold store and rebuild to form new cold store, bicycle and bin store with associated planting

Applicant: Mr Urel

Agent: Chapman Lily Planning Ltd

Target Date: 08/01/2020

Case Officer: Stephen Belli

Extension Date: 02/05/2023

UPDATE REPORT

This application was first considered by Planning Committee on 11 March 2020. The Committee resolved to approve the application as follows

Delegated Authority be given to the Chief Planning Officer to GRANT PERMISSION subject to:

- i) The completion within 6 months of the date of this resolution, of a planning obligation entered into by way of a section 106 Agreement to secure appropriate habitat mitigation measures: and
- ii) The imposition of conditions as set out in the report

A further resolution was then taken by Committee to extend the period for the Agreement to be completed until March 2021.

The reason for the delay in processing the application has been due to phosphate mitigation. Until recently there has been no strategic solution and applications for residential development in the Avon Valley have been on hold.

The position has now changed with the introduction of the Bickton Fish Farm mitigation scheme. This means the application can be approved subject to the imposition of a Grampian condition requiring the applicant to provide a phosphate mitigation scheme (with an understanding they can purchase phosphate credits from the owners of the mitigation scheme). Natural England have agreed this new approach to dealing with phosphates. A revised Appropriate Assessment under the Habitat Regulations 2017 has now been carried out to take this into account.

The other change relates to the Policy background. In July 2020 the new Local Plan 2016-2036 was adopted. The policy changes however do not have any impact on the principal matters for consideration, with two exceptions both relating to air quality. A contribution is now required based on £91 per dwelling to allow for air quality monitoring and this can be collected through the same S106 referred to above. The second change relates to the new SPD on Air Quality adopted in June 2022. The applicant has provided the necessary Air Quality Statement in which he confirms no solid fuel appliances will be used, gas boilers to meet minimum

standards of less than 40mgNOx/kWH, and an electric vehicle charging point will be located in the rear courtyard.

PREVIOUS REPORT

The previous report is set out below. The Recommendation has been amended to take the above into account and the phosphate mitigation condition to deal with phosphates has been added.

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this planning application:

- Principle of development including 5 year housing land supply
- Impact on Conservation Area
- Highway safety and parking
- Impact on local residential amenities
- Ecological matters

This application is before Committee due to the objection of the Town Council

2 THE SITE

The application site comprises two adjacent properties in the same ownership. They are located within Ringwood town centre on the western side of Southampton Road, which, in this part, is a two-way road linking the B3347 to the north, and High Street / Christchurch Road to the south. There is no entry to vehicles accessing the road from the north from the B3347. There is some limited vehicular parking on the public highway opposite. Southampton Road is predominantly lined with commercial (retail) properties on the west side, which have large, modern shopfronts, vertical plain brick facades topped off by flat roofs. The buildings here are tall and generally two storey but some elements are three storey. In addition the property to the south has a 2nd floor roof extension which is partially visible from the street.

The pavement here is wider than normal and the applicants have taken the opportunity to provide an outdoor seating area (on land which appears not to be public highway) to serve the restaurant and adjoining building which has recently been given planning permission under reference 19/11228 for a change of use from shop to café. Whilst the two buildings were formerly separate they are now joined internally as the applicant has removed the dividing wall between the two.

The site lies within the Ringwood Conservation Area, but there are no Listed Buildings in close proximity.

The site has the use of an open service yard /parking court to the rear, accessed off Meeting House Lane. At first floor, the two units are separate, and are generally used for storage purposes related to the café/restaurant uses.

3 THE PROPOSED DEVELOPMENT

The application seeks full permission to convert the existing first storey across the two formerly separate premises to residential use and add two additional storeys to

create six residential apartments on three floors above the restaurant/cafe. The front elevation facing Southampton Road will be provided with new windows and doors and a re-painted façade.

There are also proposed enhancement works to the rear service yard to provide a dedicated planting area, bin storage, cycle storage and new replacement cold store, along with re-painted facades. The floor areas are broken down as follows:

First floor - 2 x two double bedroom flats
 2nd floor - 2 x two double bedroom flats
 3rd floor – 2 x one double bedroom flats

The first-floor flats will be provided with Juliet style balconies fronting Southampton Road but no outdoor seating areas. The second and third floor flats will be provided with an outdoor seating area which will front onto Southampton Road. The 2nd floor block will be mostly hidden from street view by a solid parapet wall. The 3rd floor block will be more prominent from street level, however, and will appear as a roof extension. The existing building has a height from street level of 8.4 m (including the existing parapet wall). The 2nd and 3rd floor extensions will increase the overall height of the building to 12 metres. The second and third floor extensions are staggered back from the front elevation plane of the building to reduce their impact when viewed from the street.

Internally, the plans show new customer toilets and baby change facilities and improved staff welfare facilities contained within the buildings.

Pre application discussions took place and the Case Officer gave generally positive advice that the principle of the development would be acceptable but that the architectural detailing needed to be good quality, reflecting the position of the site in the Ringwood Conservation Area.

Amended plans submission

Amended plans have been submitted which set out various alterations to the façade of the building and further improvements to the rear service yard. The plans have been amended to address concerns raised about the original scheme. These have been the subject of a re-consultation exercise which is due to end on 6th March. Any comments will be included in the update sheet. Members are referred to the applicant’s planning support statement and the amended plans received on 20th September which set out in more detail the proposed works along with perspective drawings showing how the extension will look from the front and rear.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
19/11228 Change of use of premises from A1 to A3 & A5	17/01/2020	Granted
15/10752 Use of part of first floor as 1 flat (Prior Approval Application)	08/07/2015	Prior Approval not required
03/78643 Use for sales of food and drink for consumption on premises and hot food for consumption off premises (Certificate of lawfulness for existing use) (Class A3)	27/08/2003	Granted
00/69978 2 storey additions & alterations	25/01/2001	Granted Subject to Conditions

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS**Core Strategy****CS1** – Sustainable development principle**CS2** – Design quality**CS3** – Protecting and enhancing heritage and nature conservation**CS9** – Settlement hierarchy

- Level 1 – Larger towns and service centres – Totton & Eling, Hythe and Dibden,
- Lymington and Pennington, New Milton and Barton on sea, and Ringwood
- Level 2 - Small towns and employment centres – Fordingbridge, Marchwood
- Level 3 – Defined villages – Ashford, Blackfield & Langley, Bransgore, Everton,
- Fawley, Hardley & Holbury, Hordle, Milford, & Sandheath
- Level 4 – rural villages (countryside) – Breamore, Damerham, Elingham, Harbridge, Ibsley, Martin, Rockbourne, Sopley, & Whitsbury

CS10 – Spatial strategy in aff. Housing, settlement hierarchy, employment, accessibility, green belt**CS13** – Housing types, sizes and tenure**CS25** – Developer contributions (see later CIL and govt. advice on tariffs)**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

DM3 Protecting and enhancing our special environment

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications ended on 31 January 2020.

It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered to be relevant.

- 1 Achieving sustainable development
- 3 Strategy for locating new development
- 4 Settlement hierarchy
- 5 Meeting our housing need
- 6 Sustainable economic growth
- 10 Mitigating the impact of development on International Nature Conservation sites
- 11 Heritage and conservation

- 13 Design quality and local distinctiveness
- 14 Landscape character and quality
- 16 Housing type, size and choice

Supplementary Planning Guidance and other Documents

SPD Mitigation Strategy for European Sites

SPD Parking standards

SPD Housing design, density and character

SPD Ringwood Conservation Area Appraisal

SPD Ringwood Local Distinctiveness

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Planning and Compulsory Purchase Act 2004

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

Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.

S72 duty – special attention to the desirability of preserving or enhancing the character or appearance of the area:

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit

Relevant Advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal

The Committee had no objection to one additional storey, but considered that the resulting height created by a second additional storey would be out of keeping with the surrounding buildings. Members also supported the Planning Officer's comments with regard to the cycle store and bin shed.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

NFDC Building Control

Recommends that internal layout is changed to ensure that position of kitchens is not an issue for means of escape. Stairwell needs proper ventilation and fire appliance access should be factored in.

NFDC Conservation

Initial Comments - Whilst the building is of limited architectural value, it occupies a key and prominent position within the Conservation Area. Views gained of the new roof extension will be limited. That said the proposals should be improved in terms of detailing of windows, doors, cladding and railing details to ensure a good quality finish. Rear yard area also important and should ensure that there is better treatment here for cycle and bin storage with appropriate hard and soft landscaping. Overall, there are several design issues and the quality of the proposal should be improved. However, bulk and scale of the proposed extensions are acceptable.

Further Comments - have looked through the submitted information and drawings. The design approach shown on the revised drawings has improved greatly. The applicant has clarified and addressed the majority of the issues raised. The application is therefore now supported. There is a need for a set of robust conditions to ensure that quality is carried through into the details and materials on site.

Conditions should cover the following:

- All external materials as samples and not just details
- Large scale drawings of all external windows and doors
- Large scale detail of the canopy and supporting posts.
- Landscape details and materials for agreement.

New Forest Ecologist

No objection - notes the agent's comments in respect of potential for bat species - all parties should note that the weight that can be ascribed to such opinion is limited due to lack of professional knowledge, and it should not be relied upon for defence in law. Bats can use crevices and features in even flat roofed buildings. However, would accept that for the purposes of planning the risk and potential of presence is sufficiently low not to require further information at this stage. Notes the immediate environs are urban in nature, although with the River Avon within 500m and open greenspace within 250m, due diligence should be shown.

The location is likely to be suitable for provision for swifts and if the Council were minded to approve would recommend that details of a scheme of swift bricks informed by professional ecological advice at a rate of one per new unit of accommodation be provided either prior to commencement or prior to development processing past demolition phase. Mitigation is also required for protected areas and species in the locality in the normal way.

NFDC Environmental Health (Pollution)

Initial comments – objects due to lack of detail relating to noise transfer between floors and harm to new residents. Requests acoustic survey and mitigation report. Also concerned about potential cooking fumes, extraction system and potential impact on new flats.

Further comments – following receipt of acoustic report and other details, withdraws objection and recommends approval subject to noise limitation conditions and times of plant operation.

Hampshire County Council Highways

No objection - Access to the proposed flats is to be from the rear of the building from Eastern Service Road, which is an unclassified road. No car parking is proposed. The suitability of this lack of provision is a matter for the district council to consider as the Local Parking Authority. The provision of well-designed cycle parking is essential for supporting the development of cycling as a practical transport choice. A cycle store for 6 bikes is proposed in the service yard area. For the two end stands to be accessible, the doors of the store will need to extend across the full width. The applicant may wish to amend the application drawings to address this issue.

Wessex Water Authority

No objection – offers standard advice relating to dealing with surface water drainage and connection to water systems.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

No comments received

11 OFFICER ASSESSMENT

Principle of development including 5 year land supply

The site lies within a central town centre location and within the settlement boundary of Ringwood, as shown in the Local Plan Part 2, and is within reach of a range of facilities and alternative transport options. To that end, the site lies in a generally acknowledged sustainable location.

However, paras 7 and 8 of the NPPF define sustainable development as also taking into account economic, social and environmental objectives. All three must be balanced to determine whether or not a development is sustainable and not just its location within a settlement boundary.

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main

Modifications concluded on 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and, as proposed to be modified, is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five-year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

Impact on Ringwood Conservation Area including design and site layout

S72 of the Listed Buildings and Conservation Areas Act 1990 places a duty on all Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Paragraph 189 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting, confirming that the level of detail should be proportionate to the asset's importance. Para 192 states that LPAs should take account of the positive contribution that proposals can bring in enhancing local character and distinctiveness. Where development would lead to harm, paragraphs 195 and 196 require development proposals to demonstrate whether the level of harm would be substantial or less than substantial. Where there is harm, this should be weighed against the public benefit. Paragraph 200 notably goes on to state:

'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

Core Strategy policy CS2 has now been added to by Policy 13 of the Emerging Local Plan. Development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive.

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) 2019.

The Ringwood Conservation Area Appraisal is also relevant and underlines the need to ensure that development in the Conservation Area is not harmful and where possible brings improvements and reflects local character and distinctiveness. The Appraisal also encourages improvements to often overlooked but potentially ugly service yard areas.

With this proposal, there are considered to be three key issues in terms of the development's design, layout and Conservation Area impact. Firstly, the impact of the proposed roof extensions, secondly the overall impact of the works to the front façade, and thirdly the impact of the works on the rear elevation and service yard area. These are discussed in turn below.

Roof Extension - Dealing first with the roof extensions, the Ringwood Conservation Area Appraisal recommends that no buildings within the Conservation Area are greater than 3 storey in height (i.e. there should not be four floors, as would be the case here).

However, whilst this advice is relevant, it is also considered that each proposal needs to be judged on its merits, having regard to the immediate context. In this case, there is another building close to the site with a similar roof extension (albeit raising the building to three storeys in total) two doors to the south. The new roof extension will be seen in context with that extension and also with other tall buildings to the north of the site. Coupled with this local context the roof extensions have been angled such that they do not follow the current front facade of the building but are set back. This will result in views of the extensions from the street being more limited. The 2nd floor extension will be mostly hidden by the existing parapet wall. The 3rd floor extension will, however, project higher than the nearby roof extension and will be seen from street level. This point has been picked up in the objections of the Town Council. However, the 3rd floor extension has been set back further and staggered above the 2nd floor. This limits significantly the impact.

Given that there are other tall building blocks nearby there are no objections to the 3rd floor extension on this occasion. The applicant's agent in their re-submitted plans provides further perspective sketches to provide an indication of local impact. The impact here will be very localised, and both the Case Officer and the Conservation Officer consider the proposal does not harm the Conservation Area and is acceptable in principle. Whilst the Conservation Area Appraisal recommends no four storey buildings, this has to be balanced against the direct impact of the proposal on that part of the Conservation Area. On this occasion a balanced view is taken that there is no harm and the higher building is acceptable, taking into account also the following points.

Front façade alterations – the existing front façade has received different treatments between the two premises, being formerly in two different ownerships but originally built in the 1960s as one new building. No. 27 has an exposed brick frontage but No.25 has had some of its bricks painted white, which results in a strident jarring appearance. The section of walling above the windows has been rendered with a concrete colour finish which underlines the poor appearance. The poor window detailing helps to underline the need for some renovation of this dated and tired elevational treatment. The applicant, following his acquisition of No. 27, has now started to unify the two properties by introducing signage above the shop fronts. This proposal now seeks to take that design approach forward.

The latest plans now show improved window and balcony detailing, along with better details for the roof extensions. The marrying of the two premises together with a new unified paint scheme (removing the strident white painted finish) will greatly assist in 'lifting' the quality of the building overall and will have a beneficial impact on the Conservation Area. This part of Southampton Road is specifically mentioned in the Ringwood Conservation Area as being an element of poor re-development from the 1930s onward. The Appraisal specifically requires proposals to make a positive contribution.

Service yard and rear facade improvements – the rear elevation of the building and the appearance of the existing service yard is poor. The rear elevation is cluttered with air conditioning units, flues and vents, along with makeshift structures used in connection with staff facilities and storage. The yard area has a hard and unwelcoming appearance. The proposals as now amended show significant improvements to the rear elevation, by removing the flues, vents and air conditioning units, along with the makeshift structures referred to. The new service yard building is appropriately located to one side and will contain all necessary cold storage and bin and refuse storage under cover, along with an undercover cycle store for the new residents. Added to this, an improvement to the surfacing of the yard, which is currently a mix of tarmac and concrete, with a new unified brick paviour and a dedicated pedestrian route to the

flats, together with new landscaping, will significantly improve the appearance of the service yard and this part of the Conservation Area. The proposed new 3rd floor extension will be more noticeable from the rear service yard but again will be seen in context with other tall structures nearby and will not therefore create an incongruous feature out of character with the area.

Highway safety and parking

With regard to highway safety, the rear service yard of the premises will still remain, albeit its surfacing will be improved and the appearance of the yard softened with new hard and soft landscape features. The buildings and business uses will retain the rear servicing ability, and there is sufficient room here for vehicles to reverse into the yard, area. The latest plans show a dedicated route for pedestrians to access the rear flats entrance.

With regard to car and cycle parking the site lies in a town centre location within easy reach of a range of transport options and public car parking. The Council's SPD on parking does, however, require 9 car parking spaces to serve the six new flats, along with 10 cycle parking spaces. In this case space at the rear is at a premium and no room is available for car parking. The proposal does, however, make provision for 6 secure cycle parking racks within the new service building. This building could be extended to increase cycle parking, but this would remove the potential for landscaping and make it more difficult for service vehicles to enter and leave the site safely. Government advice is that strict adherence to local parking standards, particularly in town centre locations should be avoided if there are other public benefits that flow from a development proposal. There needs therefore to be a balance between the overall public benefit of the scheme, the location of the site within reach of sustainable travel options, and the need to provide car and cycle parking set out in the 2012 SPD.

Impact on residential amenities

The plans have a limited impact on nearby flat residents on either side of the application site. No objections have been received. The outlook for all existing residents will be improved at the rear given the improvements set out above. Noise from the existing air conditioning units will be reduced, with a new air con unit located to the rear of the new service yard building. The new flat residents will benefit from outdoor seating space for the four flats on the 2nd and 3rd floor. The 1st floor flats will be provided with a number of Juliet style balconies to overlooking the main shopping street. The earlier expressed concerns of the Council's EHO in relation to the impact of noise and cooking smells on the new flat residents have now been overcome in the amended plans.

Ecological Impact

a) Habitat Mitigation and ecological impact off site

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, the applicant has been invited to enter into an Agreement under Section 106 prior to the grant of planning permission or to provide their own mitigation strategy. The applicant has agreed to enter into an agreement and this is currently being prepared. Planning permission will not be issued until the agreement is completed.

b) Impact on phosphates affecting water courses

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations'), an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, and therefore there is no further requirements on developments.

c) On site biodiversity enhancement

Development Plan policies require on site enhancement wherever possible. In this case, the Council's Ecologist has no objections to this application provided some on site biodiversity enhancements are made and suggests the introduction of 6 no. swift boxes. This can be dealt with via a planning condition requiring these to be in place prior to occupation of any of the units. In addition, the developer will be reminded of the need to take care not to disturb any protected wildlife species such as bats when carrying out works to the roof space. This will be covered by an informative.

12 CONCLUSION ON THE PLANNING BALANCE

In summary, the impact on the Ringwood Conservation Area and heritage asset is considered to be beneficial given the improvements to both the front and rear elevations of these buildings which at present have an appearance which do not support the better qualities of the Ringwood Conservation Area. On balance, it is considered that the additional height of new building will not have an adverse impact on the Conservation Area, taking into account the setback nature of the roof extensions, and the limited views of the extensions.

The scheme brings forward 6 no. smaller units of residential accommodation in a sustainable town centre location. This adds to local housing stock at the lower end of the housing market and will, it is considered, enhance and improve the vitality of the town centre.

The site does not provide any car parking for the new flats and underprovides cycle parking. That said the site lies in a sustainable location close to public transport options and public car parking.

Appropriate mitigation can be achieved to offset any harmful off-site impact on protected European sites through additional recreational pressure; any impact from additional nutrient enrichment of the River Avon can be mitigated through CIL; and further biodiversity enhancement can be made through an appropriate planning condition.

Therefore, the balance overall on this occasion is one of approval subject to the conditions as set out below.

13 OTHER CONSIDERATIONS

Crime and disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £7344.00 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.

Based on the information provided at the time of this report this development has a CIL liability.

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. 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

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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	429	192	237	237	£80/sqm	£24,210.47 *
Restaurants and cafes	175	367	-192	-192	No charge	£0.00 *

Subtotal:	£24,210,47
Relief:	£0.00
Total Payable:	£24,210.47

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2020 this value is 1.28 (rounded)

13 RECOMMENDATION

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

- i) the completion by 28 April 2023, of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitat mitigation measures, and air quality monitoring contributions
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans:
- PL100 rev B - Site, location and existing floor plans, and proposed site layout
 - PL101 rev B - Proposed floor plans and section
 - PL102 rev B - Existing and proposed elevations
 - PL103 rev B - Existing and proposed elevations and sections
 - PL104 rev B - Existing and proposed elevations and sections
 - PL105 rev B - Proposed sections, cold store cycle and bin store
- Environmental Noise Impact Assessment SA - 6333 submitted on 20 February 2020.
Air Quality Statement November 2022

Reason: To ensure satisfactory provision of the development.

3. Within one month of the commencement of development, samples of the facing and roofing materials to be used, along with large scale plans showing the details of all balconies, screen walls, brise soleil features including any canopy and support posts, and all windows and doors including finished colours and means of opening, to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. The residential development hereby permitted shall not be occupied until the cycle spaces shown on the approved plan have been completed and made available for all new flat occupants. Such spaces shall be kept available in perpetuity to serve the residents of the flats.

Reason: To ensure adequate cycle storage provision is made in the interest of sustainable travel and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

5. The development shall not be occupied until all new hard surfacing and planting beds have been laid and created in the rear service yard, together with the completion of the new service yard building.

Reason: To ensure appropriate provision is made for servicing and in the interests of the visual appearance and amenity of this part of the Ringwood Conservation Area.

6. Prior to the occupation of any part of the development hereby permitted, the development shall be completed and carried out in accordance with the measures and design details set out within The Environmental Noise Impact Assessment SA - 6333 submitted on 20 February 2020. There shall not be any deviation from this Noise Impact Assessment unless otherwise approved in writing by the Local Planning Authority beforehand.

Reason: In the interests of the amenity of new and existing residents and in accordance with Core Strategy policy CS2.

7. The combined Noise Rating Level from the kitchen exhaust flue, air conditioning units and any other plant or equipment shall not exceed the Background Noise Level between the hours of 07:00 to 23:00 at 3.5 metres from any noise sensitive premises in accordance with BS4142:2014. The plant shall not be operated between 2300-0700 hours.

Reason: In the interests of the amenity of new and existing residents and in accordance with Core Strategy policy CS2.

8. Within 3 months of the commencement of development a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) a specification for new planting including all shrubs and trees (species, size, spacing, location, planting methodology and means of protection and support for new trees);
- (b) areas for hard surfacing and the materials to be used, along with the materials to be used for the new planting bed enclosures;
- (c) any other means of fencing, walling or means of enclosure (including the planting beds);
- (d) a method and programme for the implementation of the landscaping and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. The development hereby approved shall not be occupied unless
- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

- proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

11. Within one month of the commencement of any part of the development, a scheme for the provision and installation of 6 no. swift bird boxes shall be submitted to and agreed in writing with the Local Planning Authority. The scheme as may be agreed shall be fully implemented prior to the occupation of any of the residential flats hereby approved and maintained as such thereafter.

Reason: To ensure the development makes provision for on-site biodiversity enhancement in accordance with Core Strategy policy CS3 and Local Plan policy DM2.

Further Information:

Stephen Belli
Telephone: 023 8028 5430

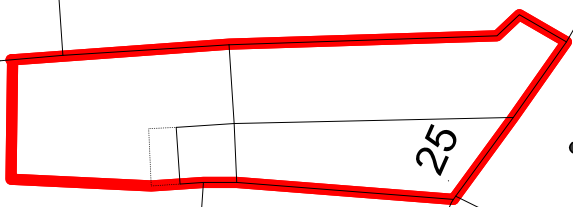
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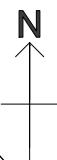
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New Forest DISTRICT COUNCIL

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

December 2022

25-27 Southampton Road
Ringwood

19/11369

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the internet, it will not be to
scale.

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Planning Committee 14 December 2022

Application Number: 22/11065 Full Planning Permission

Site: PHEASANTS WALK, POPLAR LANE, BRANSGORE BH23 8JE

Development: Bay window extension; porch; canopy to the front; boundary fence to the rear

Applicant: Mr Colley

Agent: Extension Design Building Plans Ltd

Target Date: 10/11/2022

Case Officer: Jacky Dawe

Extension Date: 15/12/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact upon the character and appearance of the area and street scene
- 2) Neighbour amenity

This application is to be considered by Committee due to a contrary view of Bransgore Parish Council.

2 SITE DESCRIPTION

The application site falls within the Built up Area of Bransgore. It is situated along a narrow rural lane, the property comprises a fairly large detached dwelling with an open front and gravel driveway.

3 PROPOSED DEVELOPMENT

Permission is sought for a front canopy and porch with a bay window extension. These elements were approved as part of the previous consent and the current application seeks to change these elements only.

A 2.2m high fence is also included which runs the full length of the rear boundary and part of the two side boundaries of the rear garden.

A previous consent 21/10781 is currently under construction which was for a side and rear extension and pitched roof to the garage. The porch and canopy to the front were also included.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10781 Single-storey rear and side extension; single-storey front extension; pitched roof to existing garage	16/09/2021	Granted Subject to Conditions	Decided
77/NFDC/08094 House and garage and construction of pedestrian/vehicular access with alterations to existing access.	24/08/1977	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

Relevant Advice

Chap 12: Achieving well designed places

Constraints

SSSI IRZ Water Supply
SSSI IRZ Wind and Solar Energy
SSSI IRZ Waste
SSSI IRZ Residential
SSSI IRZ Rural Non Residential
SSSI IRZ Rural Residential
Planning Agreement
Avon Catchment Area
Aerodrome Safeguarding Zone
Plan Area
SSSI IRZ Discharges
SSSI IRZ Infrastructure
SSSI IRZ Minerals Oil and Gas
SSSI IRZ Compost
SSSI IRZ Air Pollution
SSSI IRZ All Consultations
SSSI IRZ Combustion

Tree Preservation Order: 53/02

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: Recommend Par4, Refusal.

Following a site visit the committee noted that difference in land levels meant the fence height proposed would have a considerable negative impact on the neighbouring property in terms of visual intrusion and shading, and therefore felt it was appropriate to recommend refusal.

The proposals for the property were considered acceptable.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

National Park Authority: comment - no comment

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 1

- varied ground levels, gravel boards and trellis will make a 3m high fence
- existing trees and shrubs 4m
- will prevent light reaching greenhouse and reduce crop growth
- no objection to extension

10 PLANNING ASSESSMENT

Principle of Development

The principle of the development is acceptable subject to relevant material considerations relating to residential amenity, character and appearance of the area and Policies.

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

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 proposed front porch and canopy addition have been designed to reflect the style of the existing property and also emulates the neighbouring property Pine Cottage which has a similar feature.

The proposed extensions and fence are proportionate additions to the existing dwelling and would not detract from the character of the area or appear overly prominent within the street scene.

Neighbour Amenity

The front canopy and porch are single storey and set away from the site boundaries and so would have no adverse impact on neighbour amenity.

There is an existing fence along the rear boundary of approximately 1.7m in height which is relatively low for a rear boundary, this fence is softened by planting, the shrubs are of varying heights, some of which exceed the fence by a considerable amount. The existing side fences are approximately 1.9m in height. All dimensions are subject to variation due to the inconsistencies in ground levels to all boundaries. The plans show a fence of 2.2m high including the provision of the gravel board. There is no mention of a trellis. Concerns have been raised by a neighbouring property and the Parish Council about the height of the fence and its negative impact on the neighbouring property in terms of visual intrusion and shading of the fence due to the difference in land levels.

Under permitted development rights a fence of up to 2m high above ground level can be constructed which is not adjacent to a highway without planning permission. The proposed fence would exceed this permitted development limit by 0.2m. However the lower ground level at St Georges Drive needs to be considered.

There is existing planting beyond the fence in the garden of number 18 St Georges Drive, which is to the south west of the application site, any shading caused by the new fence would fall in the host garden.

There are also a number of trees outside of the side boundary which are to the south which would also cause shading to the host dwelling and number 18.

Overall it is considered that despite the levels on site the impact of the increased fence height of 2.2m, which is only 0.2m above what be allowed under permitted development, would not cause sufficient unacceptable harmful impact to the neighbours amenity to justify a refusal.

11 CONCLUSION

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice and the views of consultees and interested third parties.

It is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene and it is recommended that permission be granted.

12 OTHER CONSIDERATIONS

None

13 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:

COLL102 = ALL PLANS

Reason: To ensure satisfactory provision of the development.

Further Information:

Jacky Dawe
Telephone: 023 8028 5447



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

December 2022

Pheasants Walk
 Poplar Lane
 Bransgore
 22/11065

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 scale.

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PLANNING COMMITTEE– 14th December 2022

UPDATE ON OUTLINE PLANNING APPLICATION 19/10581: SITE OF FAWLEY POWER STATION, FAWLEY ROAD, FAWLEY, SO45 1TW

Development: Land within the New Forest District Council comprising the demolition of ancillary power station buildings and provision of 1,380 new homes, 95,300 square metres of new commercial, civic and employment space (Use Classes A1, A2, A3, A4, B1, B2, B8, C1, C3, D1 and D2), enlargement of the dock and creation of a canal within part of the turbine hall basement, refurbishment of the remainder of the turbine hall basement to create up to 2,100 space car park, surface car parking, a boat stack, public open space, Suitable Alternative Natural Greenspace, primary access road through the site, flood defences/sea wall, raising site level, hard and soft landscaping, associated infrastructure and engineering works (Outline Application with details only of Access) (AMENDED PLANS RESUBMISSION)

Applicant: Fawley Waterside Ltd.

Agent: Deloitte Real Estate

1. RECOMMENDATIONS

1.1 That the committee note the content of the report.

2. INTRODUCTION

2.1 Members will recall that this significant outline planning application was considered at a special Planning Committee in July 2020.

2.2 At the July 2020 Committee, the Planning Committee resolved to Delegate Authority to the Chief Planning Officer to grant permission subject to:

- i) The National Park Authority also resolving to approve their application 19/00365;
- ii) The completion of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in Section 12 of the report; and in addition to include the provision of the cycleway from the development to Holbury, prior to first occupation;
- iii) The completion of a Landowner Agreement between Hampshire County Council and the applicants in respect of the Marine Management Plan Area;
- iv) The imposition of the conditions set out in the Committee report (with a slightly amended condition 69), and any additional / amended condition deemed necessary by the Chief Planning Officer as a result of continuing Section 106 discussions.

Members also concluded that the proposed cycle infrastructure from the site to Holbury should be in place prior to first occupation and that this be included in the S106 agreement.

3. BACKGROUND

3.1 A significant period of time has elapsed (2 years and 5 months) since the original Committee resolution was passed. It is considered appropriate to provide an update to the Planning Committee before a final decision is issued, which is now expected to be in January 2023.

- 3.2 Accordingly, this report will set out the key actions since July 2020. The report will also consider national and local changes to planning legislation, policy and the site since July 2020, with a view to ensuring that the original resolution remains sound and fit for purpose.

4. POST JULY 2020 COMMITTEE ACTIONS AND CONSIDERATIONS

- 4.1 On 28th July 2020, the National Park Authority resolved to approve their application 19/00365. As such, the first requirement of the July 2020 Committee resolution has been satisfied.
- 4.2 The path to securing a completed Section 106 legal agreement (in respect of those matters set out in Section 12 of the original Committee report) has proved to be long and complicated. This is perhaps not surprising given the scale and complexity of the proposed development, its cross-authority nature, and the different ownership interests. However, the Section 106 legal agreement, whilst not yet completed, is now at a final agreed stage, such that completion is expected to take place during January 2023 if not before. The legal agreement will secure cycle infrastructure from the site to Holbury before first occupation, in line with members' wishes.
- 4.3 A Landowner Agreement between the applicants and Hampshire County Council in respect of the Marine Management Plan Area (which is in the form of a Collaboration Agreement) has been agreed and is awaiting final signature. The signed Collaboration Agreement is intended to be appended to the completed Section 106 legal agreement.
- 4.4 The July 2022 Committee resolution was subject to 69 draft conditions. As noted in the introduction to this report, delegated authority was granted to the Chief Planning Officer to add / amend conditions as deemed necessary as a result of continuing Section 106 discussions. Accordingly, the original draft conditions have been reviewed, and 4 of those conditions are no longer considered necessary, those conditions being Draft Condition 25 (B3053 Crossings), Draft Condition 32 (Implementation of the Stone Stream Wetland), Draft Condition 57 (Tree Planting to Southern Edge of Southern Quarter), and Draft Condition 59 (Nitrates: Nutrient Neutrality). The requirements of these original 4 draft conditions are all now addressed within the Section 106 legal agreement, thereby making the conditions unnecessary.
- 4.5 A number of the other draft conditions have needed some minor rewording. However, a few of the draft conditions have needed more significant amendment to take account of changed circumstances since July 2020, the most significant change being to the original draft condition 62 (Biodiversity Net Gain), which has been reworked to align with specific obligations within the draft Section 106 legal agreement.
- 4.6 A complete revised list of draft conditions (65 in total) is attached for information purposes as an Appendix to this report. This schedule of conditions has been informally agreed in writing by the applicant's agent.

5. POST JULY 2020 REVIEW

- 5.1 Due to the length of time that has elapsed since the July 2020 Committee, Officers have carried out a review of changes to legislation, policy and the site, with a view to making sure that the original Committee resolution is still sound. Relevant legislative changes, policy updates and site changes are therefore considered below.

A. Updates to the National Planning Policy Framework

A revision to the NPPF was published in July 2021. This new version has placed an increased emphasis on design, particularly in terms of achieving beautiful places, providing tree lined streets, responding to design guides and codes, and delivering sustainable development.

With its very strong design ethos, it is considered that the proposed Fawley Waterside development is consistent with the new NPPF. The application is accompanied by a detailed design code that will ensure that Fawley Waterside is a beautiful and sustainable place. Tree lined streets will be a key feature of the new settlement (notably the main access road serving the development and the Urban Forest).

B. National Design Guide

The new National Design Guide was published in January 2021. It sets out how one recognises well-designed places and outlines the government's priorities for well-designed places in the form of 10 characteristics.

It is considered that the proposed Fawley Waterside development is consistent with the National Design Guide. Through adherence to the submitted Design Code and Design and Access Statement, the proposed development would be a well-designed place that embraces the 10 characteristics of well-designed places.

C. Updates to Planning Practice Guidance in respect of Flood Risk and Coastal Change

New guidance was issued in August 2022, which includes new guidance on how surface water flood risk should be considered and addressed, as well as additional advice on SUDS, the sequential and exception tests, and taking an integrated approach to flood risk management.

The applicant's Flood Risk Assessment and Surface Water Drainage Strategy are still considered to be fit for purpose in the light of the new guidance. The original broad conclusions on flood risk and surface water drainage as set out in the July 2020 Committee report are still considered to be sound and appropriate. The conditions of the Planning Permission and the obligations within the Section 106 legal agreement will ensure that the development is safe from a flood risk perspective. More detailed consideration of surface water drainage proposals will still need to be considered through the conditions of the outline planning permission.

D. Environment Act 2021

The Environment Act was passed in November 2021. Under the Act, new development needs to ensure that there is at least a 10% increase in biodiversity. Biodiversity Net Gain must be guaranteed for at least 30 years through landscape / ecological management plans.

The need to achieve Biodiversity Net Gain had already been addressed by the applicants and is being secured through conditions and the Section 106 legal agreement. There is therefore no conflict with the requirements of the Environment Act.

E. Mitigation for Recreational Impacts on New Forest Sites - Supplementary Planning Document

This SPD was adopted in May 2021. It replaced the Council's previous 2014 Mitigation Strategy.

It is considered that the Fawley Waterside development is consistent with the new SPD, noting that the SANG obligations in the Section 106 legal agreement have been drawn up in the light of the new SPD.

F. Parking Standards - Supplementary Planning Document

This SPD was adopted in April 2022. It replaces a previous SPD from 2012 and is designed to ensure consistency with current national policy. It includes additional/amended guidance on the size of car parking spaces and the provision of parking spaces for electric vehicles.

The Design Code addresses the issue of electric vehicle charging, and the requirement was previously addressed through a draft planning condition. The need to deliver electric charging points is now also picked up within amendments to the Building Regulations. The applicant has reviewed their Parking Strategy in the light of the new SPD and has provided a response to confirm their view that the SPD does not materially change the assumptions that were made in the original planning application, a conclusion which is accepted by officers. The implications of this new SPD for this application are minor, and detailed parking layouts and numbers of spaces for different vehicle types will ultimately still need to be determined at reserved matters stage.

G. Air Quality Assessments in New Development - Supplementary Planning Document

This SPD was adopted in June 2022. The SPD explains how development plan policies are to be applied in respect of air quality, and it sets out an approach to the air quality impact of development schemes.

The outline application was accompanied by an Environmental Statement, which included a detailed Air Quality Assessment. It is considered that the proposed development is consistent with this new SPD. More detailed assessments will be carried out at reserved matters stage.

H. Waste Management Facilities in new residential development – Technical Guidance Note

This Guidance Note was prepared in 2021-2 and replaces a previous 2007 SPD. The Note sets out the requirements for waste collection storage for new residential development. It seeks to ensure that the need for waste segregation, recycling and collection is taken into account in the design and layout of developments by providing sufficient and suitable waste storage areas for each property.

The submitted Design Code includes a section on refuse storage and collection, and makes it clear that appropriate bin storage areas will be provided in line with the Council's standards. The Design Code sets out acceptable principles. Detailed designs for refuse storage can ultimately be approved through reserved matters applications.

I. Town and Country Planning (Use Classes) (amendment) (England) Regulations 2020

There have been significant changes to the Use Classes Order (which defines Use Classes) since July 2020.

However, the regulations make it clear that any planning application submitted before 1st September 2020 should be determined by reference to the old Use Classes Order rather than the more recent amendments. Therefore, the Use Class references within the original Committee report and draft conditions remain relevant and do not require updating.

J. Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

This has been the subject of various changes since July 2020. In the light of these changes the draft condition removing permitted development rights (originally draft condition 43) has been updated to reflect some of the more recent permitted changes.

K. Updated Natural England Guidance on Nutrients

Since July 2020, Natural England have updated their guidance on how a nutrient budget should be prepared and calculated.

As a result of the most recent guidance that was issued in March 2022, it has been necessary for the applicants to submit an updated strategy for reaching nutrient neutrality, with an amended report being submitted to the Local Planning Authority in June 2022. The original strategy was able to conclude that 149% of the nitrogen that would be generated by the development would be removed / offset. The amended strategy (which proposes the same key mitigation measures) demonstrates that 133% of the nitrogen that would be generated by the development would be removed / offset, and that nutrient neutrality is capable of being achieved at all times.

Having regard to the updated guidance and the amended nutrient strategy, a written addendum to the original Appropriate Assessment has been completed, which maintains the original conclusion that the development would not have an adverse impact on the integrity of designated European nature conservation sites, taking into account the specific mitigation measures that are to be secured through the Section 106 legal agreement.

L. Changes to Site Context

Since July 2020, there have been significant changes to the site context as a result of the ongoing demolition of the former power station buildings (pursuant to Demolition Prior Notification application 19/10131). The most significant power station structures, including the turbine hall, boiler house and chimney have now been demolished, leaving a more open site than existed in July 2020.

However, these changes were fully anticipated at the time the application was considered by Committee in July 2020, and they do not materially affect the Local Planning Authority's assessment of the proposed development. The former status of this site as a power station remains a relevant consideration when considering the visual impact of the proposed development.

M. Conclusion on additional post July 2020 considerations

It is considered that the report to Committee in July 2020 and the associated recommendation remain appropriate and policy compliant, having regard to subsequent changes to legislation and policy at both a national and local level since July 2020.

6. CONCLUSIONS

- 6.1 Once the Section 106 legal agreement is completed, the Executive Head of Planning, Regeneration and the Economy can proceed to grant planning permission for the proposed development subject to the amended set of conditions attached to this report.

7. APPENDICES

Appendix A: Amended Schedule of Conditions

27 July 2020 Committee Report can be found here:

<https://democracy.newforest.gov.uk/documents/s15385/Report.pdf>

For further information contact:

Ian Rayner
Development Management Team Leader
023 8028 5449
ian.rayner@nfdc.gov.uk

Background Papers:

None

PLANNING COMMITTEE – 14th DECEMBER 2022

APPEAL DECISION UPDATE FORMER LYMINGTON POLICE STATION, SOUTHAMPTON ROAD SO41 9GH 21/10938

DEVELOPMENT: Demolition of the existing building and redevelopment of the site to form 32no. retirement apartments including communal facilities, access, car parking and landscaping.

Applicant: Churchill Retirement Living

Agent: Planning Issues

1. RECOMMENDATIONS

1.1 That the Committee note the content of the report.

2. INTRODUCTION

2.1 The above planning application was considered by Planning Committee at its 8th December 2021 meeting, resolving contrary to officer recommendation, to refuse planning permission.

2.2 Churchill Retirement Living (CRL), the applicant, appealed that decision. A public inquiry was held in April 2022.

2.3 The Council and CRL contested the appeal respectively. Lymington Town Council, Lymington Society, District and Town Councillors and residents appeared to give written representations only.

2.4 The Inspector Dismissed the appeal. A copy of that decision is attached at appendix A to the background papers.

2.5 This report provides a synopsis of the Inspectors reasoning leading to the decision.

3. BACKGROUND

3.1 The planning application was refused for seven reasons.

1. The proposed development would not deliver sustainable development and not create a mixed or balanced community and is thereby contrary to local plan policy HOU1 of the Local Plan 2016-2036 Part One: Planning Strategy which seeks to create a mixed and balanced community by providing a mix and choice of homes by type, size, tenure and cost.

2. The proposed development is of a scale and mass that is considered to be inappropriate and out of keeping with the area resulting in an adverse impact on the character of the surrounding area and the existing character of the adjacent Conservation Area. In these respects, the proposal is considered discordant with local plan policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy and saved policy DM1 of the Local Plan Part 2: Sites and Development Management.

3. The proposed development, by reason of the proximity of the proposed apartments

to the maturing protected trees on site, would not allow for these trees to grow into their natural size and form. This is likely to result in the future unsympathetic pruning and potential loss of these trees which would be detrimental to the amenity of the area.

4. The proposal makes insufficient provision for on-site parking to serve the development and inadequate turning on site to enable emergency service vehicles to turn on site and leave in forward gear. The development is likely to lead to additional pressure on on-street parking within the surrounding local area, to the detriment of amenity of the area.

5. The proposed development has insufficient outdoor amenity space. Such a lack of outdoor amenity space would fail to meet the reasonable amenity needs and may consequently adversely impact the health and wellbeing of future residents, contrary to the provisions of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.

6. Failure to secure mitigation for recreational and air quality impacts on protected New Forest habitats.

7. Failure to secure the provision of Affordable Housing.

3.2 It was common ground between the Council and CRL that Reasons 6 and 7 could be resolved by way of a S.106 legal agreement being completed. An agreement was presented to the Inspector, by agreement, after the Inquiry closed.

4. INSPECTORS ASSESSMENT AND CONCLUSIONS

4.1 Reason 1. Prior to the exchange of evidence, by agreement of Planning Committee, the Council agreed not to defend this reason. The reason for refusal remained and objectors of the scheme sought to present evidence. The Appellants presented evidence to support their case.

4.2 In considering the issue of need for the type of accommodation being proposed the Inspector commented, “the appeal scheme would offer a specialised form of accommodation that is an important part of the mix of housing required to meet the diverse needs of the ageing local population. It also has the potential to reduce the instances of people living in accommodation that is poorly suited to their needs or moving to higher support settings (such as extra care housing and registered care homes) than they require. Consequently, I conclude that the proposal would contribute appropriately to addressing the diversity of housing needs of local people”. (para 26)

4.3 Reason 2. The Councils Conservation Officer consultation response identified ‘Less than Substantial harm’ to the Lymington Conservation area would arise. In undertaking the Heritage Balance, the Planning Officer concluded the public benefits would outweigh the limited harm. The Planning Committee did not accept this conclusion and concluded the harm to heritage assets and the character and appearance of the area was unacceptable and would outweigh the benefits.

4.4 Concluding “that there would be no harm to the setting of the Conservation Area as a designated heritage asset”. (para 48)

4.5 The Inspector also found “the proposed development to be an acceptable design response to the site.

4.6 Reason 3. The Councils Arboricultural consultation response objected to the proposals due to the poor tree-building relationship that would arise. In recommending

approval for the application, the Planning Officer outweighed these concerns in the Planning Balance.

- 4.7 Having considered the potential growth rates of the trees, resilience to pruning, age and contribution to the character and appearance of the area, the Inspector concluded “In the context of the appeal site, it is my judgement that the contribution that the trees make to the character and quality of the surrounding area would not be adversely affected as a consequence of the proposed development. Moreover, any future works to the protected trees would require consent under the TPO regime. This process would ensure that any works are justified in light of the amenity value of the tree in question”. (para 63)
- 4.8 Reason 4. Hampshire County Council, as Local Highway Authority, did not object to the application, so were not willing to support the Council in defending reason 4.
- 4.9 In respect the quantum of parking provided, the Inspector concluded “I consider that the appellant’s assessment of parking demand for the appeal scheme is reasonably founded. The parking ratio is at the lower end of provision promoted by CRL, but given the highly accessible location of the site, this is justified”. (para 76)
- 4.10 Given the level of parking available on Queen Elizabeth Avenue, evident in both the appeal Site Visit and surveys presented, the Inspector considered “that the proposed development would not harm residential amenity or local character in Queen Elizabeth Avenue insofar as on-street parking is concerned. Since there is no existing parking stress, and even worst-case estimates of parking demand could be accommodated on-street, there would also be no environmental harm as a result of emissions from an increased number of vehicles seeking parking spaces or navigating the local road network”. (para 80)
- 4.11 Reason 5. In considering the provision of amenity space for residents the Inspector concluded “the proposal would have no harmful effects on the living conditions of future occupiers in terms of the provision of outdoor amenity space, consistent with the aims of ENV3 and the Framework’s aims to promote healthy, inclusive and safe communities and achieve well-designed places. In addition, the proposal would accord with the National Design Guide insofar as it seeks the provision of good quality external environments that support the health and well-being of their users”. (para’s 94 & 95)
- 4.12 Other Considerations. As part of the Planning Balance, the Inspector considers the benefits of the scheme at para’s 158-165. The provision of specialist elderly housing attracting very significant weight, the scheme efficiently re-using the brownfield site is given substantial weight, which together with the identified economic, environmental and social benefits of the scheme, carry significant weight in favour of the proposals.

5. APPEAL DECISION REASONS.

- 5.1 In order to determine the Appeal, the Inspector was required to adopt the role of Competent Authority for assessment of the appeal scheme against the Conservation of Habitats and Species Regulations 2017.
- 5.2 Accepted by the Inspector, the impact or additional recreational activities and air quality on protected habitats in the New Forest and Solent could be and were mitigated by the obligations secured by the S.106 legal agreement.
- 5.3 However, the Inspector was not satisfied, with sufficient certainty, that the adverse impacts that would arise from increased Nitrates being discharged from the site in waste water, could be mitigated.

- 5.4 The Council and Appellant had agreed that a condition could be used to ensure the Developer secured offsetting mitigation credits from one of the identified projects around the Solent. The Inspector was not provided with such evidence to give assurance that this approach would meet the requirements of certainty required by the Habitats Regs.
- 5.5 The concern arises from the degree of detail, provided by the parties, to demonstrate the Council does and the Inspector should, have confidence in the deliverability of the offsetting mitigation projects.
- 5.6 The Council has entered into legal agreements with neighbouring Planning Authorities and offsetting project providers to have certainty that the mitigation will be delivered, monitored and enforced. The Inspector does not appear to have recognised that situation in arriving to the decision reached.
- 5.7 This led to a conclusion that “I am unable to conclude that an adverse effect on integrity of the Solent SPA, SAC and Ramsar sites as a result of nutrient discharge from the proposed development, alone or in combination with other plans or projects, can be ruled out”. (para 137)
- 5.8 And when undertaking the Planning Balance “The appeal scheme would fail to comply with Policy ENV1 of the LP Part One, since I have found that it would not adequately mitigate its impacts on international nature conservation sites”. (para 168)

6. CONCLUSIONS

- 6.1 The Inspector could not support the Council on any of the substantive reasons for refusal, finding in favour of the Appellant in all respects.
- 6.2 The Appeal was dismissed, solely in respect of the failure to demonstrate harm to water quality in the Solent habitats could be avoided or mitigated.

For further information contact:

James Gilfillan
Senior Planning Officer
023 8028 5797

James.gilfillan@NFDC.gov.uk

Background Papers:

Appendix A – Appeal Decision.



Appeal Decision

Inquiry held on 26, 27, 28, 29 April and 3 May 2022

Site visit made on 28 April 2022

by Jessica Powis BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/B1740/W/21/3289313

**Former Lymington Police Station, Southampton Road,
Lymington, SO41 9GH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living against the decision of New Forest District Council.
 - The application Ref 21/10938, dated 18 June 2021, was refused by notice dated 10 December 2021.
 - The development proposed is demolition of existing building and redevelopment of the site to form 32no. retirement apartments including communal facilities, access, car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised site plan (ref: 10109LY-PA01C) was submitted during the course of the appeal. The plan sought to provide space for on-site manoeuvring by emergency vehicles. The revised plan was the subject of further consultation prior to the Inquiry opening and I was provided with a copy of the responses. Having considered the responses, and having regard to the modest extent of the revisions, I am satisfied that no party would be prejudiced by my decision to accept the revised site plan.
3. During the Inquiry, it emerged that the Council had recently adopted (6 April 2022) an updated Parking Standards Supplementary Planning Document (SPD) (CD-31). It was agreed between the parties that as a result, the 2012 version of the SPD (CD-30) had been superseded.
4. Shortly after the Inquiry closed, late submissions were received from Hampshire County Council in relation to the drafting of a proposed condition relating to surface water drainage matters. I sought the views of the main parties on that submission but since the appeal is dismissed for other reasons, I have not reached a finding on the condition. Also after the Inquiry closed, and by prior agreement, I received a completed section 106 agreement containing planning obligations relating to a number of matters. This is considered in my reasoning below.

5. The Council accepts¹ that it cannot demonstrate a five year supply of deliverable housing sites. It is common ground that for the period 2021/22 to 2025/26, there is a housing land supply of approximately 3.07 years, a shortfall of 809 dwellings.
6. The Council's decision on the application included reasons for refusal relating to the effects on European designated sites and the provision of off-site affordable housing. During the course of the appeal, the Council withdrew its objections with regard to these matters on the basis that the proposed development could be made acceptable in these respects through the imposition of conditions and planning obligations. The affordable housing matters are dealt with in a later section of this decision.
7. In terms of the effects on European sites, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). As such, I am required to carry out an Appropriate Assessment of the proposed development in circumstances where it would be likely to have significant effects on European sites, alone or in combination with other plans or projects.
8. Therefore, despite the Council's withdrawal of objections on habitats matters, and in light of the Written Ministerial Statement (WMS) on 'Improving Water Quality and Tackling Nutrient Pollution'² and the Chief Planning Officer Letter³ on the same subject, I sought the views of the parties after the closure of the Inquiry about the use of a 'Grampian' condition to secure mitigation of the effects of nitrate discharge on European sites in the Solent.
9. Since my findings in respect of habitats effects have proven to be determinative, this matter forms a main issue in the appeal.

Main Issues

10. The main issues in this appeal are:
 - whether or not the proposal would contribute appropriately to addressing the diversity of housing needs of local people;
 - the effect of the scale and massing of the proposal on the character and appearance of the area, with particular regard to the setting of the Lymington Conservation Area, and effects on non-designated heritage assets;
 - the effect of the proposal on protected trees on the site;
 - whether or not the proposal would make adequate provision for on-site parking and turning areas for emergency service vehicles;
 - the effect of the proposal on the living conditions of future occupiers, in terms of the provision of outdoor amenity space; and
 - the effect of the proposal on European sites.

¹ Statement of Common Ground, para. 8.4 (CD-56)

² Statement made by George Eustice MP (20 July 2022)

³ 'Nutrient Neutrality and Habitats Regulations Assessment Update' (21 July 2022)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093278/Chief_Planner_Letter_with_Nutrient_Neutrality_and_HRA_Update_-_July_2022.pdf

Reasons

Appeal Site and Proposed Development

11. The appeal site occupies a corner plot at the junction of Southampton Road and Queen Elizabeth Avenue, to the north of Lymington town centre. The existing L-shaped building and garages were constructed in approximately 1952 for use as Lymington Police Station. The site is now unoccupied.
12. The proposed development would involve the demolition of the existing buildings and their replacement with a single building comprising 32 retirement living apartments together with communal facilities, landscaping and parking.

Main Issue 1: Whether the Proposal Addresses Local Housing Needs

13. The Council's first reason for refusal alleged that the proposed development would not deliver sustainable development or create a mixed and balanced community and would therefore be contrary to Policy HOU1 of the Local Plan 2016-2036 Part One ('LP Part One', adopted July 2020). Before the Inquiry opened, the Council stated that having reflected on the evidence, it would not be defending the grounds relating to a mixed and balanced community and would no longer be alleging conflict with Policy HOU1. Its objection on sustainable development grounds remained and is dealt with under the overall planning balance in a later section of this decision.
14. At the Inquiry, the Council confirmed⁴ its view that there is a demonstrated need for housing for older people in the south of the New Forest district and that the proposal would contribute to meeting that need. This position was informed by the identification within the LP Part One of a 12,800 person increase in the population aged over 75 up to 2036, resulting in a significant need for new specialist accommodation for older people district-wide. The projected need for this accommodation in the south of the district, based on the Council's demographic projections and housing mix analysis undertaken for the Local Plan review⁵, was estimated to be around 952 units over the plan period (to 2036), of which 318 would be of the type proposed by the appeal development. These figures were agreed between the parties (CD-56).
15. The Planning Practice Guidance⁶ ('the Guidance') describes some of the broad categories of specialist housing for older people, based on the level of support or care services provided. The proposed development falls within the category of 'retirement living or sheltered housing' and would include a lounge, guest suite and communal gardens with a house manager on site during office hours. The apartments would be available to purchase on the open market with a service charge to cover maintenance and upkeep.
16. Notwithstanding the Council's withdrawal of its objection, concerns about the need for the proposed development in Lymington formed a clear theme in the representations of interested parties, and a petition at the application stage attracting approximately 1410 signatures indicated the strength of feeling amongst the local community. Lymington and Pennington Town Council⁷ (LPTC), The Lymington Society⁸, the New Forest West Labour Party and local

⁴ Paragraph 3 of ID-12 and paragraph 6.2 of CD-56

⁵ Paragraph 8.8 and 8.9 of CD-56

⁶ PPG Paragraph 010 Reference ID: 63-010-20190626

⁷ ID-4

⁸ ID-5, ID-7

individuals expressed a view that there is an over-provision of older people's housing in the town at the expense of housing for younger people and families, leading to an erosion of the mixed character of the town's population.

17. It is clear that as a district, the New Forest has a considerably older population than the national average, with people aged 65 and over comprising 29.7% of the population in 2020⁹. This is projected to increase over the coming two decades, reaching around 37.4% of the district's population by 2040.
18. It is noteworthy that within these figures is a projected increase in the population within the district that is aged over 85, from 4.82% in 2020 to 7.89% in 2040⁹. This will inevitably lead to a diverse range of needs in terms of specialised accommodation to help older people adapt to living with mobility difficulties, conditions such as dementia, or requiring help with domestic and self-care tasks. The high levels of owner-occupation among older people in the district (cited by the appellant as approximately 86.12% for those aged 65-74, declining to 82.56% for those aged 85 and over¹⁰) also indicate a need for market housing that accommodates these varied needs.
19. I have not been presented with any estimate of the number of units of specialised housing for older people that is likely to be required in Lymington itself, but have seen no evidence to challenge the figures agreed between the Council and the appellant (952 units over the period to 2036, of which 318 units would be of the type proposed in the appeal scheme) which apply to the south of the district. The New Forest district boundary is tightly drawn around the main settlements in the south of the district, with Lymington and New Milton being the only two towns falling within the top tier of the settlement hierarchy identified as a focus for new development in Policy STR4 of LP Part One. It is therefore reasonable to expect that Lymington will play an important role in accommodating the need arising in the south of the district.
20. Whilst I note the argument that providing additional older people's housing in Lymington could attract more older people into the area, the above analysis offers compelling evidence that whether or not this was the case, a strong need is very likely to arise from the existing population in the local area. I acknowledge that there may also be high levels of need for other types of housing, such as affordable housing and housing for younger people and families, in the town. However, I must determine the application in front of me on its merits.
21. I have paid close attention to evidence from a number of parties about the current level of supply and vacancy rates of comparable specialised accommodation in Lymington. Various figures have been quoted based on property website searches and data from local estate agents, including in submissions from LPTC¹¹ and The Lymington Society¹². I note that some of the vacancy figures include properties that are not directly comparable to the appeal scheme because they offer a different category of care or support, for example Farringford Court (extra care) and Bucklers Mews, Pyrford Gardens and Lynewood Court (age-restricted housing). As a result, it is not possible to derive precise or reliable vacancy levels from these figures.

⁹ APOE-11, section 4.

¹⁰ APOE-11, section 6

¹¹ In ID-4 and in oral and written representations of LPTC

¹² In ID-7 and the oral and written representations of The Lymington Society

22. The appellant's efforts to do so¹³ give a gross vacancy rate of between 8% and 14% for comparable properties in Lymington. The appellant acknowledges that the upper end of this range is higher than industry averages but it attributes this to slower than anticipated sales rates at the Knights Lodge scheme (19 of 44 apartments are not yet occupied) as a result of restrictions associated with the Covid-19 pandemic. I do not consider this analysis to be unreasonable.
23. Permission was granted for 44 retirement living apartments at Stanford Hill in 2021 and construction is underway. The Stanford Hill site is located a short distance to the south of the appeal site and will offer a similar type of property. However, Stanford Hill aside, I note the appellant's analysis¹⁴ that comparable developments in Lymington have been provided at a rate of approximately 2.9 units per annum in the period 1995 to date, compared with provision at an average rate of approximately 10.6 units per annum in the period 1978 to 1994.
24. Consequently, even taking the Knights Lodge and Stanford Hill schemes into account, I do not consider that the proposed development would result in an overprovision of comparable specialised housing for older people within the town, given the scale of the need identified above.
25. I recognise that retirement housing of the type proposed may not be attractive to all older people, many of whom might prefer to live within a neighbourhood with a more mixed demographic. However, I equally consider that the appeal scheme would offer benefits that make it attractive to some older people, for example through the availability of shared facilities, a house manager and opportunities for social interaction.
26. In my view, the appeal scheme would offer a specialised form of accommodation that is an important part of the mix of housing required to meet the diverse needs of the ageing local population. It also has the potential to reduce the instances of people living in accommodation that is poorly suited to their needs or moving to higher support settings (such as extra care housing and registered care homes) than they require. Consequently, I conclude that the proposal would contribute appropriately to addressing the diversity of housing needs of local people.
27. Taking all of these matters into consideration, I am satisfied that the proposed development complies with Policy HOU1 of the LP Part One, insofar as it seeks to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost.

Main Issue 2: Effect on Local Character and Heritage Assets

Non-Designated Heritage Assets

28. The former police station which currently occupies the appeal site is agreed¹⁵ to be a non-designated heritage asset due to its historic and architectural interest. The main building is a two-storey red brick structure with a broadly L-shaped plan built in the neo-Georgian style. It is a relatively unaltered example of a purpose-built mid-century police station, comprising a simple façade, casement windows and hipped, red clay pantile roof. The building has some local historic

¹³ ID-11

¹⁴ ID-11

¹⁵ Paragraph 8.14 of CD-56

interest as an example of the development and history of the Hampshire Constabulary. Its setting comprises the surrounding yards, garaging and parts of Southampton Road, Queen Elizabeth Avenue and Eastern Road.

29. The proposed development would necessitate the total loss of the former police station. Paragraph 203 of the National Planning Policy Framework ('the Framework') states that the effect of an application on the significance of a non-designated heritage should be taken into account in determining the application.
30. In October 2021, Historic England decided not to add the building to the List of Buildings of Special Architectural or Historic Interest (CD-61). The building was not found to demonstrate a high level of architectural interest or national historic interest, nor was any group value identified. While local interest in the heritage value of the building is evident in the submissions of the Council, The Lymington Society and other local residents, the former police station is not identified as an important unlisted building in the Lymington Conservation Area Appraisal (CAA) (July 2002)¹⁶ or as an important building or street frontage in the Lymington Local Distinctiveness Supplementary Planning Document (SPD) (February 2011)¹⁷.
31. Moreover, the identification of the appeal site on the Council's brownfield land register for the provision of approximately 20 dwellings appears to be incompatible with the argument that the former police station is of such heritage value that it should be retained. I saw on my visit that the number of residential units anticipated within the brownfield land register could not realistically be achieved through retention and conversion of the existing buildings; they simply do not comprise adequate floorspace.
32. Taking account of all of the evidence, including my own observations on site, I consider that the building holds limited historic interest and, whilst a well-executed and preserved example of its type, particular architectural interest in terms of rarity or special quality has not been demonstrated. This leads me to find that the former police station is of low heritage significance. The appeal proposal would lead to the complete loss of the asset, which equates to the highest level of harm.
33. To the immediate west of the appeal site addressing Queen Elizabeth Avenue is the Old Police House, now a dwelling in private ownership. The appellant disputes the Council's position that the Old Police House should also be treated as a non-designated heritage asset.
34. The Old Police House is a two-storey dwelling exhibiting the same red brick construction and hipped pantile roof as the former police station. There is a pleasing symmetry in the fenestration on the front façade, with a centrally positioned doorway within a sandstone portico.
35. The records suggest that the Old Police House was designed by the same architect as the former police station and constructed at the same time. The two buildings are situated in close proximity to one another. Read in conjunction with the former police station, the Old Police House holds some historical interest and has some group value. However, the two buildings are now clearly separated by fencing and function independently of one another. A

¹⁶ Map 7 of CD-33

¹⁷ Character Area 1: Town Centre map of CD-32

number of alterations and extensions have been made to the rear of the Old Police House that somewhat undermine its architectural interest. Overall, I consider it to be of low heritage significance.

36. The former police station lies within the setting of the Old Police House. The loss of the former police station would undoubtedly cause harm to the setting of the Old Police House, which takes its principal value from its close historical, architectural and physical association with the former police station. Without the former police station, the Old Police House would be less legible in its context. In my estimation, the proposed development would give rise to a moderate level of harm to the Old Police House.
37. In this sense, the appeal proposal conflicts with Policy DM1 of the LP Part Two which expects that development proposals will conserve and enhance heritage assets, with particular regard to local character and setting, amongst other things.
38. As required by paragraph 203 of the Framework, the direct and indirect effects of the appeal proposal on the significance of these non-designated heritage assets is carried forward into my overall judgement on the planning balance set out later in this decision.

Local Character and Designated Heritage Assets

39. The appeal site sits amongst principally residential development to the north of the town centre. It is bounded along its eastern edge by the A337 Southampton Road which is a main vehicular route into the town. This contributes to the urban character of the locality. The former police station building, set back from the road by a front parking area, signals the previous civic use of the appeal site. Mature trees along the north and east boundaries give the site a pleasant, verdant quality.
40. The appeal site is outside of, but adjacent to, the Lymington Conservation Area and as a matter of common ground falls within its setting¹⁸. In conducting my assessment of the effects on the Conservation Area, I have paid close attention to the good practice advice¹⁹ from Historic England.
41. The Lymington Conservation Area encompasses an area around the core of the historic town together with the quayside and river frontage to the east. Its significance is derived from its role as an important port dating back to the 12th and 13th centuries and used to export salt extracted locally, the industry upon which Lymington's prosperity was based. The Conservation Area Appraisal (July 2002)²⁰ describes how the town's medieval structure has remained largely unaltered to the present day, meaning that the historical development of the town is highly legible. The town's growth in the late 18th and 19th centuries is also evident in the wealth of buildings of varied historical and architectural interest.
42. The appeal site lies immediately beyond the north-western boundary of the Conservation Area²¹. This part of Southampton Road marks a point of arrival

¹⁸ Section 3.3 of CD-14

¹⁹ Historic England Good Practice Advice Note 2 (GPA2)(2015) and Good Practice Advice Note 3 (GPA3)(2017)

²⁰ CD-33

²¹ Map 7 of the CAA (CD-33)

into the Conservation Area and is therefore a sensitive setting location from which the Conservation Area is experienced.

43. Due to their pronounced set back from Southampton Road and the presence of the established trees along the northern and eastern boundaries, the existing buildings on the appeal site are not prominent in the local townscape. Whilst the former police station has value in its own right as a non-designated heritage asset as discussed above, it does not contribute materially to the legibility or appreciation of the Conservation Area. Overall, it makes a neutral contribution to the setting of the Conservation Area and as such, its loss would not cause harm to the Conservation Area's significance.
44. The proposed development would replace the existing police station buildings with a taller building with a wider span and modern residential character. The proposed building would comprise three storeys together with dormered accommodation in the roof level, stepping down to two storeys with dormered roof accommodation along the Queen Elizabeth Avenue elevation. It would be set further forward than the existing building and would occupy a considerably larger footprint within its plot.
45. The area to the north of the junction of Eastern Road and Avenue Road with Southampton Road marks a transition point between small-scale, close-knit terraced housing within the Conservation Area to the south and coarser-grained residential development outside of the Conservation Area to the north. This change in density and character of the built form moving north along Southampton Road is described in the Lymington Local Distinctiveness SPD (adopted February 2011) wherein the appeal site sits within Character Area 1: Town Centre. At this junction, the existing developments of Buckland House and Farringford Court stand at greater scale than the surrounding built form and serve to somewhat punctuate the edge of the Conservation Area.
46. Though it would be visible from viewpoints within the Conservation Area on Southampton Road and to the rear on Eastern Road, the proposed building would not appear discordant with the development immediately surrounding it. Buckland House and Farringford Court exhibit similarities to the appeal development in their height, mass and residential character. The proposal would not diminish or overpower the loose 'gateway' effect created by the corner structure of Buckland House and the corner 'tower' of Farringford Court.
47. In this sense, the proposal would not undermine the sense of arrival into the Conservation Area. Neither would its scale or mass be so incongruous as to detract from the rich historic quality of the terraced houses along the western side of Southampton Road that characterise development in the 'Western Zone' of the Conservation Area. Overall, the proposed development would not degrade the historic or architectural significance of the Lymington Conservation Area as a whole; it would have a neutral effect.
48. Consequently, I conclude that there would be no harm to the setting of the Conservation Area as a designated heritage asset. In this sense, the appeal proposal would comply with Policy DM1 of the Local Plan Part Two: Sites and Development Management ('LP Part Two', adopted 14 April 2014) insofar as it seeks to conserve and enhance the historic environment and heritage assets. It would also accord with the requirement of the Framework to give great weight to the conservation of the significance of designated heritage assets.

49. Considering the effect on the character and appearance of the site and surrounding area more widely, for the reasons set out above I find the proposed development to be an acceptable design response to the site. I have found that the height of the building would not be excessive in the site context and the massing would not undermine local distinctiveness. The proposal broadly conforms with the design guidelines set out within the Lymington Local Distinctiveness SPD (2011).
50. I therefore conclude that the scale and massing of the proposal would not have an adverse effect on the character and appearance of the site and surrounding area. There would be no conflict with Policy ENV3 of the LP Part One to the extent that it requires high quality design that contributes positively to local distinctiveness and enhances the character and identity of the locality, including through good architecture.
51. Furthermore, the proposal would satisfy the requirements of the Framework to create high quality buildings and places which reflect local design policies. It would also accord with the ten characteristics of well-designed places set out in the National Design Guide (January 2021).

Main Issue 3: Effect on Protected Trees

52. There are eight trees on the appeal site that are subject to a Tree Preservation Order (TPO) (No. TPO/0006/15). The trees fall into two groups:
- G1, which consists of five silver maples (tree numbers T2-T6) running along Southampton Road; and,
 - G2, which consists of two silver maples and one cedar (tree numbers T7-T9) on Queen Elizabeth Avenue.
53. The trees were donated by The Lymington Society and planted as part of a commemorative community planting scheme in 1980. The parties agree²² that Trees T4 and T5 (both maples) are currently 'C grade' trees, meaning that they are of low quality with a remaining life expectancy of at least 10 years, with the remainder categorised as 'B grade', meaning they are of moderate quality with a remaining life expectancy of at least 20 years. The Council considers that in the current site context the trees have the potential to mature and be considered 'A grade' trees in the future.
54. The trees are of a substantial height and prominence, together forming an important landscape feature in the streetscene. In my view, they make a positive contribution to the character and quality of the area in the vicinity of the site, most notably along Southampton Road and Queen Elizabeth Avenue.
55. It is common ground between the main parties that the construction of the proposed development would not harm the protected trees, subject to the imposition of a condition that controls tree protective and construction measures. However, the Council alleges that once constructed and occupied, the proximity of the proposed building would prevent the trees from growing to their natural size and form and would be likely to give rise to pruning and ultimately potential loss of the trees, to the detriment of the amenity of the

²² Section 4 of NPOE-3

area. These concerns were echoed by interested parties including LPTC²³ and The Lymington Society²⁴.

56. The proposed building would sit approximately 6 metres from each of the trees, with the exception of T7 which would be at a greater distance due to its position in the north-eastern corner of the site. Six metres is the root protection area (RPA) radius identified for the cedar, with RPA radii of between 3 and 5.4 metres identified for the silver maples. So, the foundations of the proposed building would be in relatively close proximity to the root systems of the trees in some parts of the site and it is possible that this could form a barrier to future root growth and penetration, potentially affecting the stability and growth prospects of the trees.
57. That said, the building would be outside of the RPAs. Moreover, the removal of the current hardstanding in the vicinity of the trees and its replacement with soft landscaping would be likely to improve aeration and porosity of the ground which could promote root intensification. On balance, I do not consider that the proposed building would cause harm to the root systems of the protected trees such that their vitality would be adversely affected.
58. Nonetheless, above ground level the relationship between the building and the protected trees would be relatively close. There would be the potential for shading of some internal and external spaces, seasonal nuisance (such as blocked gutters and slippery footpaths as a result of fallen leaves) and safety concerns from future occupiers²⁵. All of these factors are likely to lead to future pressure to manage the growth of the trees through pruning.
59. The appellant acknowledges that the minimum separation distance between trees and buildings is widely accepted to be approximately 2 metres. In the immediate term, Tree T9 (cedar) would need to undergo crown spread reduction to create space for construction and achieve the appropriate separation distance from the building once occupied²⁶. I note that these pruning works would be limited to the southern side of the tree and would involve the reduction in the length of branches by 2-3 metres. On this basis, I am satisfied that this pruning event in isolation would have a very limited effect on the contribution that the tree makes to the character of the area.
60. No other pruning works are identified as required to accommodate the appeal scheme. However, all eight of the protected trees are assessed as 'maturing'²⁷ and it is common ground that they have not yet reached their full height or canopy spread. By the Council's analysis²⁸, if the trees were to achieve their full potential in terms of crown spread, there would be significant interaction with the proposed building along its eastern elevation and part of its northern elevation.
61. As the trees continue to grow and spread, the appellant accepts that regular pruning on an approximately three-yearly cycle could be required to maintain the necessary separation distance from the building. Whilst there is some evidence of pruning having taken place around 2008, it is accepted that cyclical

²³ ID-4

²⁴ ID-5

²⁵ As described in BS5837:2012 and NFDC Tree Protection and Development Guidance 2020 (CD-39)

²⁶ Arboricultural assessment and method statement (CD-15)

²⁷ Appendix 2 of CD-15

²⁸ Appendix 4 of NPOE-3

pruning would represent a material change in the level of intervention with the trees compared with the previous use of the site. Although some pruning may have been necessary had the previous use of the site continued, it is clear that a change to residential use at much closer proximity to the trees would give rise to a greater need for intervention.

62. This greater level of intervention has the potential to leave the trees more vulnerable to pathogens leading to disease or poor growth. However, having regard to the established nature and condition of the trees, the characteristics of their species and the modest scale of the cyclical pruning works that might be required, I have seen no evidence to indicate that future intervention works would be likely to lead to serious disease in the trees in this case. For the same reasons, there is a very low likelihood of any of the protected trees being lost altogether as a result of disease arising from future pruning works required for the appeal scheme. Consequently, I do not consider that the proposed development would conflict with paragraph 131 of the Framework which promotes the retention of trees wherever possible.
63. Cyclical pruning of the protected trees could affect their ability to realise their natural shape and form. However, having regard to the likely scale and frequency of the intervention, this would not have a deleterious effect on the height, shape or appearance of the trees. In the context of the appeal site, it is my judgement that the contribution that the trees make to the character and quality of the surrounding area would not be adversely affected as a consequence of the proposed development. Moreover, any future works to the protected trees would require consent under the TPO regime. This process would ensure that any works are justified in light of the amenity value of the tree in question.
64. For these reasons, I conclude that there would be no conflict with Policy ENV3 of the LP Part One to the extent that it requires new buildings to be sympathetic to the environment and their context in relation to adjoining landscape features. The appeal scheme would also comply with Policy ENV4 of the LP Part One insofar as it seeks the retention and/or enhancement of landscape features that contribute to distinctive character within settlements, including trees.

Main Issue 4: Adequacy of Parking and Turning Areas

65. The revised site plan (ref: 10109LY-PA01C) sought to address concerns that there would be insufficient space for on-site manoeuvring by emergency vehicles. At the Inquiry, the Council agreed²⁹ that so long as the turning area indicated on the revised site plan was kept clear, adequate space would be available for ambulances to turn on site.
66. On the basis of the revised site plan, I am content that there would be adequate space for ambulances and light goods vehicles to turn within the site and exit in a forward gear. The retention of the turning space can be controlled via planning condition. It is unlikely that there would be sufficient space for larger vehicles such as community buses, coaches, refuse trucks and fire engines to manoeuvre within the site but such vehicles could service the site in a satisfactory manner from Queen Elizabeth Avenue.

²⁹ Paragraph 22 of ID-12

67. Turning to the provision of on-site car parking, the appeal scheme provides a total of 12 parking spaces for use by future residents, staff and visitors. During the Inquiry, draft condition wording³⁰ was agreed between the parties to secure the inclusion of two disabled parking spaces as part of this provision.
68. The adopted Parking Standards SPD (CD-31) sets out the recommended car parking standards for the various types of development. Table 9 (Annex 1) of the SPD recommends that housing for the active elderly with warden control provides one parking space per unit of accommodation, equating to a recommendation of 32 spaces for the proposed development. The SPD is clear³¹ that in town centre locations, a reduced car parking provision is acceptable where the site is well served by public and active modes of travel, and where the proposal would not exacerbate parking pressure in the local area.
69. The appeal site falls just outside of the town centre boundary denoted on the relevant map in Annex 2 of the SPD but is a short and level walk from the facilities and services of the town centre. There is a doctor's surgery approximately 450 metres away, and a bank, post office, food shops, pharmacy and library within 850 metres³². A bus stop is approximately 90 metres from the site on Southampton Road, providing hourly services between Lymington, Lyndhurst and Southampton, plus a local service to Pennington, Hordle and New Milton. Bus links to Bournemouth and Christchurch are also available from the Sports Ground, a short walk from the site to the east of Southampton Road. Although more likely to be used by staff and visitors than residents, there are good cycle links to the town centre and railway station. As such, the site is in an accessible location which is likely to reduce the reliance of future residents on the private car.
70. The appellant's analysis of parking levels at a number of other Churchill Retirement Living (CRL) schemes identifies an average parking demand of 0.28 spaces per apartment, which would equate to a total of 9 spaces for the appeal scheme. It submits that 12 spaces are proposed to accommodate for situations above this average. On this basis, the appeal scheme would provide 0.37 parking spaces per unit. The Council contests this analysis on the basis that looking at parking levels at other CRL sites across the south of England is not the most appropriate way to ascertain parking demand for the appeal scheme.
71. Car ownership data from the 2011 census³³ indicates that the appeal site is situated in an area in which 81% of people aged 65 and over own one or more vehicles. According to the Council's analysis, this is higher than car ownership levels in the other CRL schemes quoted by the appellant³⁴. However, I note that the census data is based on middle output areas which for the appeal site covers a large area of the rural New Forest. It is reasonable to expect that car ownership levels within the town of Lymington would be lower than the average for its middle output area since the town offers greater opportunity to access facilities via non-car modes. This is supported by the breakdown of car ownership by ward presented in Annex 3 of the SPD.

³⁰ ID-9

³¹ Principles PS1, PS2 and PS13 of the SPD

³² CD-19

³³ Appendix A of NPOE-6

³⁴ Figure 1.1 of NPOE-6

72. Other relevant considerations are the demographics and personal circumstances of typical purchasers of retirement living schemes. Whilst available to residents aged 60 and over, the average age at first purchase is estimated to be around 79³⁵, with anecdotal evidence from the partially-occupied Knights Lodge scheme in Lymington indicating an average resident age of 83. Moves into this type of scheme tend to be driven by a need to down-size domestically, for greater support to continue living independently and by a medical or other need to give up driving. Given these factors, the census car ownership data, which simply categorises the older population as 'aged 65 and over', should be applied with caution.
73. The Council highlighted an application³⁶ for an extension to car parking at the Hubert Lodge scheme in Hythe as an example of under-provision in other recent CRL schemes. Since consent for the car park extension was granted, the Hubert Lodge scheme provides parking at a ratio of between 0.39 (by the appellant's calculation) and 0.44 (by the Council's calculation) spaces per unit, which is greater than proposed for the appeal scheme.
74. On that specific case, the appellant argues that the original level of parking was found to be acceptable at appeal and the rationale for the extension was that it would be an inexpensive way to maintain additional land acquired as the main construction started. I have not been provided with full details of the parking extension application and it is therefore not possible to know unequivocally why the four additional spaces were applied for. For this reason, it does not necessarily demonstrate that the CRL methodology for calculating parking demand is flawed.
75. I have noted the Council's submissions about parking at the Farringford Court and Belmore Lodge developments spilling over onto surrounding roads. I observed these developments as part of my site visit. Farringford Court provides 'extra care' accommodation, meaning that staffing levels are considerably higher than for the appeal scheme (estimated at 8-10 members of staff per shift versus 1 house manager within office hours for the appeal development). Belmore Lodge is a residential and nursing home which due to the needs of residents and staffing levels means that it is also not directly comparable to the scheme before me. No evidence was presented of parking shortages or their effects at existing CRL sites where there are similar ratios of provision to that proposed for the appeal scheme.
76. Taking all of these matters into account, I consider that the appellant's assessment of parking demand for the appeal scheme is reasonably founded. The parking ratio is at the lower end of provision promoted by CRL, but given the highly accessible location of the site, this is justified.
77. In the scenario that demand exceeded the spaces provided, the parties agree that the most likely result would be overspill parking on Queen Elizabeth Avenue, which is a residential street with sections of unrestricted parking. On my visits, I saw that most houses on Queen Elizabeth Avenue have off-street parking in the form of driveways and garages and a considerable proportion of on-street parking spaces were unoccupied.

³⁵ Homes for Later Living (September 2019) 'Healthier and Happier' (APOE-4)

³⁶ ID-1

78. A parking survey³⁷ was undertaken in March 2022 which found, amongst other things, that between 35% and 42% of the total unrestricted spaces available in Queen Elizabeth Avenue (26) were occupied and none of the single yellow line spaces. I am content that the methodology for the survey is robust and the findings are consistent with my observations on site over a number of days. The survey concluded that no roads within a 200 metre walking distance of the appeal site currently experience parking stress. Whilst the survey and my visits were undertaken on weekdays, I have not seen any evidence to indicate that the situation would be materially different at a weekend.
79. Approximately 15-17 unrestricted spaces were found at the time of the survey to be unoccupied in Queen Elizabeth Avenue, in addition to 33 single yellow line spaces, which is a fair reflection of my observations on site. This leads me to find that even in the scenario that parking demand was at the level envisaged by the SPD before adjusting to account for location (32 spaces, one per unit of accommodation), there would be sufficient space within the existing on-street parking provision together with the 12 on-site spaces to meet all of the demand.
80. Given the above, I consider that the proposed development would not harm residential amenity or local character in Queen Elizabeth Avenue insofar as on-street parking is concerned. Since there is no existing parking stress, and even worst-case estimates of parking demand could be accommodated on-street, there would also be no environmental harm as a result of emissions from an increased number of vehicles seeking parking spaces or navigating the local road network.
81. The Council did not allege any specific highway safety harm as a result of overspill parking but this was a concern expressed by some local residents, particularly at school drop off and collection times when Queen Elizabeth Avenue is used by children on scooters and parents with buggies. I visited the site at times used by school traffic and saw some evidence of this. Due to its limited width, and the need for vehicles to wait for oncoming vehicles to pass, speeds during my visit were low and drivers relatively vigilant. Since the existing unrestricted parking areas have the capacity to accommodate any overspill parking, the proposal would be unlikely to give rise to unsafe parking behaviours such as double parking or parking on double yellow lines. Therefore in my view, the level of any potential overspill parking would not be such that it would present an elevated highway safety risk to pedestrians or other road users.
82. For the reasons set out above, I conclude that the proposed development would make adequate provision for on-site car parking and that residential amenity would be safeguarded. There is an element of conflict with the Parking Standards SPD (adopted April 2022) in the sense that the appeal proposal provides a lower level of on-site parking than recommended for housing for the active elderly. However, the level of provision is justified in this case by the accessible location of the site and the evidenced lack of parking stress in its immediate vicinity. As a result, I have found that sufficient car parking would be provided. Accordingly, I find no conflict with the SPD or with Policy CCC2 of the LP Part One, which seeks the provision of sufficient car and cycle parking in accordance with the adopted SPD.

³⁷ Appendix 9 of APOE-9

83. Furthermore, the appeal scheme would accord with Policy ENV3 of the LP Part One insofar as it requires new development to integrate sufficient car parking spaces so that realistic needs are met in a manner that is not prejudicial to the character and quality of the street, highway safety, emergency or service access or to pedestrian convenience and comfort.
84. In arriving at this view, I have had regard to the Council's view that though desirable in their own right, the provision of disabled parking spaces would be at a cost to general resident parking. Principle PS6 of the SPD advocates the provision of suitable parking spaces for people with disabilities and the supporting text (paragraph 8.3) recognises that residential developments for elderly persons may require relatively higher provision of disabled spaces. On balance therefore, I consider it important that dedicated provision is made within the site for disabled parking, since there is a high likelihood that it would be required.

Main Issue 5: Outdoor Amenity Space

85. The outdoor amenity space serving the proposed development would take the form of landscaped gardens running along the northern, eastern and part of the southern edges of the site. Paved areas for outdoor seating would be incorporated, including a communal patio and a small number of private patios immediately outside some ground floor apartments. There would also be modest private balconies on the first and second floors on the south and west elevations of the building.
86. There is no locally-prescribed standard for the quantum of external amenity space to be provided. The proposed amenity areas and patios would cover an area of approximately 839 m², which would represent approximately 38.3% of the total site area (2,189 m²). As a proportion of site area, this would sit toward the lower end of amenity space provision in other local schemes cited in evidence³⁸, although not markedly so (provision ranging between 34.3% and 44.2% of the total site area).
87. 'Retirement Living Explained: A Guide for Planning and Design Professionals' (2017)³⁹ stresses that specialist housing for older people should seek to provide quality amenity space, stating that '*quantity is less important where there is a shared garden*'. The proposed scheme does not allow for any expansive lawned areas; the gardens are principally linear in form. However, I am mindful that external amenity space in retirement living schemes is typically used for sitting out and for its aesthetic value and interest, rather than for active play or recreation. The HAPPI Report⁴⁰ (2009) highlights that housing for older people should enable '*enough space for tables and chairs as well as plants*'.
88. Examples⁴¹ of other developments delivered by the appellant demonstrate how creative design and planting of smaller or irregularly-shaped spaces can contribute to a high quality environment. The examples also illustrate how delivering and maintaining good quality landscaping schemes forms an important part of the overall package being presented to potential buyers. The

³⁸ APOE-13, Section 6

³⁹ APOE-6

⁴⁰ 'Housing for our Ageing Population: Panel for Innovation'

⁴¹ APOE-13, Section 3

Landscape Strategy Masterplan⁴² shows the attention that has been paid to achieving a visually appealing and functional external area. Delivery of a well-designed landscaping scheme that follows the principles of the masterplan can be secured by condition.

89. The focus of the external space would be the communal patio area in the south-eastern part of the site. This would sit close to the adjacent Buckland House, which is a three-storey building with windows on its northern elevation. During my site inspection, I saw that due to the position of the windows and the oblique angles involved, there is very limited scope for overlooking of the external amenity space from windows on Buckland House. The attractiveness of the external space would therefore not be compromised by overlooking.
90. There is the potential for shading of the proposed patio area by Buckland House due to its height and proximity, which the Council estimates to be approximately 6.09 metres away at its closest point. Submitted evidence⁴³ derived from SUN-Calc and aerial photographs indicate that the patio would be affected by shading from Buckland House. Anecdotal evidence presented at the Inquiry from experience on other similar schemes suggests a lower demand for direct sunlight in gardens, with some residents preferring to seek out natural shade.
91. Having visited the site in the late afternoon in April, I found that the location of the proposed patio was not sunny, but did not feel overly gloomy or so shaded as to deter its use. The patio area would be situated approximately between the two ridge peaks of Buckland House which would assist with the availability of daylight throughout the day. The lawned area to the west of the proposed patio, although modest in size, would receive more direct sunlight, especially in the afternoons.
92. There would also be shading of the external amenity areas in the east and north of the site by the proposed building and existing protected trees. This would be more significant in the spring and summer when the trees are in leaf. However, even then it would be a dappled shade and the trees are not so dense as to prevent a reasonable amount of daylight from reaching the amenity areas.
93. Since much of the amenity space would adjoin Southampton Road, there would be some traffic noise, although the existing line of trees and proposed boundary planting would help to form a natural buffer from the road. Given the urban context of the site, where some element of traffic noise is to be expected, this noise would not be detrimental to the residents' enjoyment of the external space. For the same reasons, I do not consider that the proximity of the gardens to the on-site car park would lead to unacceptable disturbance to their enjoyment.
94. Having considered all of the evidence, I conclude that the proposal would have no harmful effects on the living conditions of future occupiers in terms of the provision of outdoor amenity space. Consequently, the proposal would be consistent with the aims of Policy ENV3 of the LP Part One as it relates to achieving high quality design that contributes positively to quality of life by creating spaces that are visually appealing and enjoyable to be in, and avoids

⁴² CD-18

⁴³ Appendix JRG 5 and JRG 6 of NPOE-1

adverse impacts on residential amenity including through unacceptable overlooking and shading.

95. There would also be no conflict with the Framework's aims to promote healthy, inclusive and safe communities and achieve well-designed places. In addition, the proposal would accord with the National Design Guide (January 2021)⁴⁴ insofar as it seeks the provision of good quality external environments that support the health and well-being of their users.

Main Issue 6: Effect on European Sites

Procedural Matters

96. The Council's sixth reason for refusal alleges that an adverse impact on the integrity of the Solent Special Protection Area (SPA) and Special Area of Conservation (SAC) due to the effects of nitrate discharge could not, in the absence of a Section 106 agreement, be ruled out. However, in the Statement of Common Ground⁴⁵, it was agreed that "*the Council has imposed the wrong 'standard' reason for refusal at No.6. The issue raised by the reason included on the decision notice, can be dealt with by a condition*".
97. The parties agreed that the reason for refusal should have related to the recreational and air quality impacts of the proposed development on the European sites in the New Forest and Solent. A redrafted version of the sixth reason for refusal was provided⁴⁶.
98. Where a plan or project, either alone or in combination with other plans or projects, would be likely to give rise to significant effects on European sites, the Habitats Regulations require the competent authority to carry out an appropriate assessment before granting consent. I am the competent authority in respect of this appeal and will proceed accordingly.

European Sites and Features

99. The Statement of Common Ground identifies the following European sites as potentially affected by the proposed development:
- New Forest Special Area of Conservation;
 - New Forest Special Protection Area;
 - New Forest Ramsar site;
 - Solent and Southampton Water Special Protection Area;
 - Solent and Southampton Water Ramsar site; and,
 - Solent Maritime Special Area of Conservation.
100. The internationally important interest features of the New Forest sites are, in summary: the heaths, woodlands, water and meadow features and the habitats that they provide for species including European honey-buzzard, Hen harrier, Eurasian hobby, European nightjar, Woodlark, Dartford warbler, Wood warbler, southern damselfly and stag beetle.

⁴⁴ CD-24

⁴⁵ CD-56, paragraph 2.13

⁴⁶ Paragraph 2.14 of CD-56

101. The internationally important interest features of the Solent sites are, in summary: the estuaries, coastal lagoons, intertidal flats, reefs, grazing marsh, sandbanks, mudflats, shifting dunes and salt meadows. These features provide habitats for, amongst other things, Dark-bellied brent goose, Eurasian teal, Ringer plover, Black-tailed godwit, Mediterranean gull, Sandwich tern, Common tern, Little tern, Roseate tern and Desmoulin's whorl snail.

Likely Significant Effects

102. By creating 32 additional residential units, it is likely that the proposed development, in combination with other plans and projects, would generate additional recreational pressure on the European sites in both the New Forest and the Solent. Consequently, the appeal scheme would have a likely significant effect on these European sites as a result of recreational disturbance.
103. Similarly, the proposed development is likely to give rise to an increase in transport movements which, when considered in combination with other plans and projects, is likely to have significant effects on the New Forest SPA, SAC and Ramsar due to air quality implications.
104. Furthermore, the proposed development would generate additional wastewater discharge from the site. The consequent increase in nitrates arising from the site, in combination with other plans and projects, is likely to have significant effects on the Solent SPA, SAC and Ramsar.
105. All of these likely significant effects are acknowledged in the appellant's Ecological Appraisal⁴⁷ and the Council officer's Planning Committee report⁴⁸.

Recreational Pressure

106. A Habitats Regulations Assessment⁴⁹ of the LP Part One (adopted July 2020) found that significant effects on both the New Forest and Solent European sites as a result of recreational impacts from any additional residential development in the plan area could not be ruled out. The Council's Appropriate Assessment⁵⁰ in respect of recreational impacts of the proposed development came to the same conclusion and this was accepted by the appellant in the Statement of Common Ground⁵¹.
107. Recreational impacts arise principally from the additional recreational visits made to sensitive designated sites by residents of new dwellings. Increased recreational use of these sites can lead to greater disturbance of birds, whose feeding, nesting and breeding habitats can be interrupted by the presence of humans. The ultimate consequence of this disturbance can be increased bird mortality and reduction in bird populations. In this sense, by creating 32 new residential units the proposed development would, in combination with other plans and projects, adversely affect the integrity of the New Forest and Solent European sites.
108. The Council has produced a Supplementary Planning Document (SPD) entitled 'Mitigation for Recreational Impacts on New Forest European Sites'

⁴⁷ Section 5.1.1 of the Ecological Appraisal, Tetra Tech (June 2021)

⁴⁸ Planning Committee Report 8 December 2021 (CD-62)

⁴⁹ Habitats Regulations Assessment of New Forest District Local Plan Part 1 (January 2018)

⁵⁰ New Forest District Council Appropriate Assessment in relation to recreational impact (CD-40)

⁵¹ Paragraphs 2.14-2.15 of Statement of Common Ground (CD-56)

(adopted 5 May 2021)⁵². The SPD requires all new residential development to contribute toward mitigation measures to avoid adverse effects on the integrity of the New Forest European sites. In a similar vein, the 'Solent Recreation Mitigation Strategy' (December 2017)⁵³ produced by Bird Aware Solent sets out a range of mitigation measures to which new homes built within 5.6 km of the Solent SPA are expected to contribute financially.

109. The mitigation for these recreational impacts involves the provision of new areas of alternative natural recreational greenspace (ANRG), enhancement of existing greenspace and rights of way within settlements, access and visitor management including the employment of rangers and education initiatives, and monitoring.
110. I have been provided with a lawfully executed planning obligation (dated 4 May 2022) which secures financial contributions to access management and monitoring measures as mitigation of the effects on the New Forest European sites in accordance with Policy ENV1 of the LP Part One and the aforementioned New Forest mitigation SPD (2021). The obligation also secures financial contributions to the Bird Aware Solent project by way of mitigation of effects upon the Solent European sites, as required by the same LP policy and the aforementioned Solent mitigation strategy (2017).
111. In addition to this, an 'infrastructure' contribution for habitats mitigation is included within the obligation (Clause 8). Paragraph 2.8 of the CIL Compliance Statement⁵⁴ explains that whilst this element of the contribution is expected to be collected via a CIL payment, the Clause 8 provisions are included to cover any scenario in which no CIL is paid (for example if the development secured CIL relief). This is necessary because the adverse effects cannot be satisfactorily mitigated without it. All of the financial contributions are payable on or before the date of commencement of development.
112. The necessity for these obligations is firmly established by the development plan and supplementary documents. It is clear that they are directly related to the proposed development due to its proximity to the European sites and are fairly related to it in scale and kind, since they are calculated on a per bedroom basis with locally set occupancy rates applied. I have had regard to Natural England's written confirmation⁵⁵ that where mitigation measures are limited to collecting a funding contribution that is in line with the strategic approach agreed in the relevant SPD, then no further consultation under Regulation 63 is required. This clearly stated position allows me to conclude that the requirement for consultation⁵⁶ in relation to my appropriate assessment has been discharged.
113. Consequently, I am satisfied that the obligations meet all of the relevant legal⁵⁷ and policy⁵⁸ tests, and together secure effective mitigation of the adverse effects on integrity of the relevant European sites as a result of recreational pressure.

⁵² CD-29

⁵³ CD-37

⁵⁴ CD-59

⁵⁵ Appendix C of the Council's Appropriate Assessment for recreational impacts (CD-40)

⁵⁶ As per Regulation 63(3) of The Conservation of Habitats and Species Regulations 2017 (as amended)

⁵⁷ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁵⁸ Paragraph 57 of the Framework

Air Quality

114. In addition to this, traffic growth as a result of additional residential development has the potential to give rise to significant adverse effects on the New Forest European sites from nitrogen deposition and ammonia emanating from vehicle emissions, especially near main road corridors. Whilst the data is uncertain, the precautionary principle applies, meaning that the effects need to be closely monitored.
115. Consequently, it is possible that the proposed development could, in combination with other plans and projects, adversely affect the integrity of the New Forest European sites. Accordingly, Policy ENV1 of the LP Part One requires that all residential development makes a financial contribution toward monitoring air quality effects within the relevant European sites. The Council's interim position statement on air quality monitoring⁵⁹ explains the nature of the monitoring work and sets the contribution at £85 per dwelling (index-linked now translating to £91).
116. The completed Section 106 agreement contains provisions requiring that financial contributions are made toward air quality monitoring at a level that generally accords with the Council's interim position statement. Full payment is due on or before commencement of development.
117. Given the clear policy context, the obligations are necessary to make the development acceptable in planning terms. They are also directly related to the development, in the sense that there is a direct relationship between additional dwellings, increased vehicle movements and therefore potential effects on habitats from exhaust emissions. Being calculated as a standard tariff per dwelling, the obligations are fairly and reasonably related to the development in scale and kind.
118. As with the recreational pressure effects outlined above, I am of the view that the duty to consult with Natural England has been satisfied by its written confirmation that no additional consultation is required where there is compliance with an agreed strategic approach (CD-40). The strategic framework for this contribution is clearly established by Policy ENV1(4)(v) of the LP Part One and the Council's interim position statement (CD-34).
119. I am therefore satisfied that the Section 106 agreement is an effective mechanism for securing the monitoring required to avoid or mitigate adverse effects on the integrity of the New Forest European sites as a result of air quality impacts.

Nitrates

120. There is sound evidence that high levels of nitrogen and phosphorus input into the sensitive and important water environment in the Solent region are causing eutrophication at the Solent SPA, SAC and Ramsar sites. These nutrient inputs arise in part from wastewater discharged from housing development and result in dense mats of green algae and other effects on marine ecology which pose a risk to the conservation status of the European sites.

⁵⁹ CD-34

121. Advice from Natural England (2020)⁶⁰ states that there is uncertainty about the potential for future housing developments across the Solent region to exacerbate these impacts. It advises that one way to address this uncertainty is for all new development to achieve nutrient neutrality in order to mitigate its potential effects on the integrity of the sites. This advice applies to the proposed development due to its location within the Solent catchment area⁶¹ and the nature of development, which would result in a net increase in population and therefore have wastewater implications.
122. Following the precautionary principle, and having regard to the conservation objectives of the sites, I take the view that the proposed development, in combination with other plans and projects, would have an adverse effect on the integrity of the Solent European sites. This finding is consistent with the findings of the Council's Appropriate Assessment in respect of nitrates⁶².
123. The parties have proposed that mitigation in this case could be secured via a Grampian condition that prevents occupation of the proposed development until a mitigation package has been approved in writing by the Council that demonstrates that the additional nutrient loading generated by the proposal would not have an adverse effect on the integrity of the European sites.
124. Work is underway by the Council on a district-wide nitrate mitigation solution that would identify the level of, and options for, mitigation required for the housing development anticipated within the Local Plan. Whilst awaiting the outcome of this work, the Council has applied a Grampian condition to residential permissions, which it submits has not attracted any objection from Natural England or the Environment Agency as statutory consultees. The Council states that the condition has been applied to permissions for over a year and has not identified any problems for its subsequent discharge.
125. However, such an approach is specifically addressed in the Guidance⁶³. This sets out very clearly that a positively worded condition is unlikely to pass the test of enforceability and a negatively worded one is unlikely to be appropriate in the majority of cases. Nonetheless, it does note that in exceptional circumstances such a condition may be appropriate where there is clear evidence that the delivery of that development would otherwise be at serious risk, stating that this may apply in the case of particularly complex development schemes, and where the six tests for conditions are also met.
126. The appellant proposes to make financial contributions to an off-site nutrient mitigation scheme. Given that the appeal site is modest in size, comprises brownfield land and is located within an urban area, I am content that off-site mitigation would be appropriate in this case. However, this still requires that there is certainty and transparency about the delivery of mitigation in order to ensure that the identified potential for an adverse effect on the integrity of the European sites is not realised.
127. There are currently no strategic mitigation schemes within the district, although the appellant submitted during the Inquiry that it had a conditional contract in place to buy credits for the 'Heaton Scheme' on the Isle of Wight. The scheme involves agricultural land being taken out of use, with the

⁶⁰ Advice on Achieving Nutrient Neutrality for New Development in the Solent Region version 5 (CD-38)

⁶¹ As shown on Figure 1 of CD-38

⁶² New Forest District Council Appropriate Assessment in relation to nitrates effects (CD-40)

⁶³ PPG Paragraph 010 Reference ID: 21a-010-20190723

reduction in nitrate discharge from that land being offset against the nitrate output from the appeal scheme.

128. I note that in the Stanford Hill appeal⁶⁴, Natural England confirmed that the use of the Heaton Scheme to offset nutrients would be appropriate and a Grampian condition was imposed. However, that appeal, dating from June 2021, had anticipated that an overarching agreement relating to the wider Heaton Scheme was 'imminent'. On the basis of the evidence to this Inquiry, it has still not been delivered. Furthermore, the Stanford Hill appeal was supported by clear information about the nutrient balance, the quantum of land that would be required to mitigate the effects of the scheme, evidence that such land was available within the Heaton Scheme and proof of advanced discussions with the landowner and Isle of Wight Council about securing its delivery.
129. Following my request for further comments on the Guidance requirements after the Inquiry closed, the appellant stated⁶⁵ that it had an agreement in principle in place with another mitigation scheme referred to as 'Kings Manor', although this was not supported by evidence. I understand that Kings Manor is also on the Isle of Wight and would address the same water treatment catchment as the Heaton scheme. The appellant contends that the proposed development would discharge to the Pennington Wastewater Treatment Works in the same way as the Stanford Hill scheme and therefore that the land held within the Heaton scheme, and presumably also the Kings Manor scheme, would be appropriate to offset nitrates in the present case.
130. Mindful of Guidance about the cautious use of negatively-worded conditions, I have carefully reviewed all of the evidence on this matter. The WMS⁶⁶ and Chief Planning Officer letter (dated 21 July 2022) anticipate a nationally focussed, comprehensive response to the issue of nutrient neutrality through a statutory duty on sewerage companies to upgrade treatment works, albeit this is timetabled for 2030 and the legislation required to support it is not in place, or through a Nutrient Mitigation Scheme, developed with Natural England. This process, which proposes mitigation projects against which developers would be able to purchase 'nutrient credits' is not yet developed to a point where there can be any certainty as to its delivery or timetable. The Chief Planning Officer letter acknowledges that '*(t)o date there has been a high mitigation requirement, to achieve the necessary offsetting of nutrient pollution related to development, as well as an insufficient supply of accessible mitigation.*' While it is noted that this letter refers to the grant of conditions or obligations to secure mitigation, that is in the context of the envisaged national Nutrient Mitigation Scheme.
131. Natural England advice is silent on the question of Grampian-style conditions, although it recognises the difficulties for smaller developments and those on brownfield land in achieving nutrient neutrality. It advocates working with local planning authorities to progress strategic mitigation options that enable this scale of development to come forward. Whilst the Council in this case is progressing strategic solutions, it appears from the evidence before me that that process has not yet reached fruition. The Council's Position Statement on Nutrient Neutral Development (4 September 2019) presents an interim

⁶⁴ Appeal reference: APP/B1740/W/20/3265937

⁶⁵ PD-6

⁶⁶ 'Improving Water Quality and Tackling Nitrate Pollution' Statement made by George Eustice MP (20 July 2022)

nitrogen mitigation solution which includes suggested wording for a Grampian condition that closely reflects the wording before me.

132. Whilst I acknowledge the alignment between the Council's 2019 position statement and the proposed approach in this case, I am clear that in order to satisfy the provisions of the Habitats Regulations, the delivery of required mitigation must be certain. To my mind, any condition applied for this purpose must successfully demonstrate that the proposal meets the exceptional circumstances for negatively worded conditions identified in the Guidance⁶⁷ and must meet the tests for conditions set out in the Framework⁶⁸.
133. Notwithstanding the comments⁶⁹ from both of the main parties on the acceptability of a conditional approach, this is not a particularly complex development scheme, nor is there clear evidence that its delivery would be at serious risk without imposition of the condition such as to amount to exceptional circumstances as set out in the Guidance. With anticipated solutions to the availability of strategic sites to manage nutrients within the catchment still being developed, as well as national initiatives to support this underway but not confirmed or in place for this catchment, there is a significant risk of a delay in delivery and a clear level of uncertainty.
134. I am aware of the Council's view that the circumstances and direction of travel presented by the WMS and Chief Planning Officer letter represent exceptional circumstances, however I am not satisfied that this is the case. Even accounting for the shortfall in housing in this case, the demonstrated need for older people's housing and the financial contributions of the scheme to the provision of affordable housing, I do not consider that the exceptional circumstances anticipated by the Guidance have been demonstrated.
135. While I note that the Council and the appellant in this case appear agreed on the conditional approach, and that a previous Inspector has accepted it in relation to a different appeal, such matters are ones of fact and degree. In the present case, there is an absence of information addressing the level of anticipated nitrate discharge and therefore the amount of land that would be required to offset the effects of the proposal such that adverse effects on integrity can be avoided. There is also insufficient evidence that there is capacity within an appropriate offsetting scheme, and little certainty that such a scheme can be funded and secured within a timescale that aligns with occupation of the proposal. For these reasons, it is not possible to conclude that the proposed condition would meet the six tests set out in the Framework, particularly the tests of precision, enforceability and reasonableness.
136. I understand the Council's appetite for flexibility on mitigation, given the rapidly evolving nature of approaches to achieving nitrate neutrality and the time that would pass between consent and occupation of the scheme. However, in this particular case, I do not consider that the degree of flexibility being sought can be achieved within the bounds of the Habitats Regulations. I refer particularly to the obligations upon the competent authority imposed by Regulations 63(5) and (6) and Regulation 70(1) and the adequacy of any planning conditions or obligations proposed in that context. In my planning judgement, the evidence supporting the approach in this case is not sufficient

⁶⁷ PPG Paragraph 010 Reference ID: 21a-010-20190723

⁶⁸ Framework Paragraph 56 and PPG Paragraph 003 Reference ID: 21a-003-20190723

⁶⁹ PD-5 and PD-6

to provide the necessary level of certainty that the scale of required mitigation is understood and that an appropriate mitigation solution is secured, such that an adverse effect on integrity of the sites can be avoided. In these circumstances, it is not possible to rely on the proposed mitigation to dispel all reasonable scientific doubt as to the absence of adverse effects of the proposed development on the integrity of the European sites.

137. For these reasons, I am unable to conclude that an adverse effect on integrity of the Solent SPA, SAC and Ramsar sites as a result of nutrient discharge from the proposed development, alone or in combination with other plans or projects, can be ruled out.
138. In arriving at this conclusion, I have had regard to the decision of another Inspector to accept the use of a Grampian condition in relation to a site in Norwich⁷⁰. I note that in that case, which concerned a single dwelling, the condition applied pre-commencement, rather than pre-occupation. Whilst I accept that a different conclusion was reached in that case, decisions in relation to the adequacy of mitigation are highly fact-sensitive and this does not alter my reasoning as set out above.

Appropriate Assessment

139. The proposed development would be likely to give rise to adverse effects on the integrity of the New Forest and Solent European sites in terms of its recreational, air quality and nutrient discharge effects.
140. Policy compliant mitigation of the recreational and air quality effects can be secured by the submitted planning obligations. However, I am not satisfied that mitigation of an adverse effect on the integrity of the Solent European sites in terms of nitrates can be secured by the imposition of a condition.
141. I therefore conclude that the appeal scheme would be unacceptable in the context of the Habitats Regulations. It follows that the proposed development would fail to comply with Policy ENV1 of the LP Part One, which requires new development to mitigate its impacts on international nature conservation sites.

Other Matters

Affordable Housing

142. One of the Council's reasons for refusing the application related to the absence of an appropriate contribution toward the provision of affordable housing. However, during the course of the appeal, the parties agreed⁷¹ the sum for a financial contribution to the provision of off-site affordable housing and that this could be secured via a planning obligation.
143. A completed Section 106 agreement⁷² (dated 4 May 2022) to this effect was received shortly after the Inquiry closed, by prior agreement. Clause 3 of the s106 agreement requires that no more than sixteen of the dwellings are occupied until all affordable housing contribution payments have been made.

⁷⁰ Appeal reference: APP/L2630/W/21/3289198

⁷¹ Statement of Common Ground (CD-56)

⁷² PD-3

144. The Council has provided a CIL Compliance Statement⁷³ (12 April 2022) which sets out the justification for the affordable housing obligations. I have considered this Statement and the content of the agreement itself in the context of the tests for planning obligations contained in the Framework⁷⁴ and legislation⁷⁵.
145. I am satisfied that the obligations are necessary to secure the provision of financial contributions to affordable housing as required by Policy HOU2 of the LP Part One and the Framework. Since the appeal scheme comprises a specialised form of housing for older people, I take the view that exceptional circumstances exist in this case warranting the provision of a payment for off-site provision, as opposed to the on-site provision envisaged by the policy.
146. I am content that the obligations are directly related to the proposed development, since it comprises 32 residential dwellings. The Council's Housing Strategy (December 2018) and a statement⁷⁶ from the Council's Housing Strategy and Development Service Manager satisfactorily demonstrate how the contributions would be used to deliver affordable homes within the district.
147. I note that the offered sum falls below the target of Policy HOU2(ii) for 50% of new homes to be affordable housing. However, I have considered the Report on Affordable Housing and Viability⁷⁷ (October 2021) and agree that taking account of viability considerations, the sum is reasonably related to the development in scale and kind.
148. I find the completed Section 106 agreement to be legally sound and enforceable. Consequently, I am content that the obligations secure an appropriate contribution to the provision of affordable housing.

Effect on Living Conditions

149. Concerns were raised by local residents about the potential effects of some specific aspects of the proposed development on the living conditions of occupiers of neighbouring properties. One such concern was the potential effect of noise emitted from the proposed electricity substation on the occupiers of the adjacent Old Police House.
150. The technical noise report accompanying the appeal assessed the potential noise emitted from the substation and found that it would be substantially lower than the typical background noise levels measured at the site. A very low risk of disturbance to occupiers of neighbouring properties was predicted and I have not been presented with any evidence to dispute these findings.
151. The appellant confirmed that these conclusions would not be altered by the decision to move the substation within the site as a result of the revised site layout plan and the Council took the view that this would make no material difference to its position that no mitigation for noise would be required. On the basis of this evidence, I am satisfied that there would be no harm to the living conditions of neighbouring residents due to noise emitted from the proposed substation.

⁷³ CD-59

⁷⁴ Paragraph 57

⁷⁵ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁷⁶ Appendix 3 of CD-59

⁷⁷

152. Another matter raised by local residents was the possibility of nuisance for neighbours from odour and vermin should arrangements for refuse storage be inadequate. Having reviewed the plans and supporting information, I am content that adequate provision for refuse storage has been made and that it is possible to satisfactorily control the details of the bin store via planning condition. Consequently, there will be no harm to the living conditions of neighbouring residents as a result of odour or vermin related to refuse storage.
153. Concern was also expressed that the proposed building could, due to its height and proximity, feel overbearing, oppressive and lead to a loss of natural light and privacy for occupiers of Buckland House to the south of the site. I observed Buckland House on my site visits and considered the relationship with the proposed building.
154. The southern extent of the proposed building would sit relatively close to Buckland House. However, it would have similar eaves and ridge heights to Buckland House, meaning that it would not feel unduly tall or oppressive. Due to its L-shaped layout, there would be a greater degree of separation between the bulk of the proposed building toward the west of the site and Buckland House. For these reasons, I find that the proposed building would not feel unacceptably close or overbearing to occupiers of Buckland House and I have seen no evidence to demonstrate that there would be a loss of natural light. I am also content that there would be no harmful overlooking from windows or balconies of the proposed building due to the separation distances involved and the use of obscured glazing in windows and doors on the south and west facing elevations, which can be secured by condition.
155. Drawing these matters together, I consider that any potential effects on the living conditions of neighbours have been either mitigated by design or where necessary, can be adequately controlled through the imposition of conditions. Consequently, I find that there would be no harm to the living conditions of occupiers of neighbouring properties as a result of the proposed development.

Effect on Local Health Services

156. It was put to me that the appeal scheme could place an unacceptable pressure on local primary care services which are already at capacity due to the additional older people who would be resident in the building. However, I was not presented with any specific evidence to support this.
157. The appellant estimates on the basis of experience on other similar developments that a majority of the future residents of the scheme would already live in the local area. On this basis, a proportion of future residents would already be users of the local health services. Given this, and in light of the potential for specialist retirement housing to decrease risks to health and wellbeing, I do not find that the appeal scheme would lead to unacceptable pressure on local primary care services.

Benefits of the Proposed Development

158. It is not disputed that there is a strong need for new housing in the District and currently a shortage of housing land. Moreover, I have found that there is a clear and compelling need for specialist housing for older people in Lymington. The provision of 32 apartments to help meet this need is a benefit attracting very significant weight in favour of the proposal. The location of the

appeal site, a short level walk from the facilities of the town centre, means that it is accessible and would promote healthy communities, also weighing significantly in favour of the scheme.

159. The appeal site is previously developed land and appears on the Council's brownfield land register. Figure 2.5 of the LP Part One shows that 61% of the local plan area is subject to Framework policies that protect areas or assets of particular importance, indicating the constrained nature of the District for new greenfield housing allocations. In this context, substantial weight must be given to the value of efficiently re-using this vacant brownfield site within the settlement of Lymington for new homes, in line with paragraph 120 of the Framework.
160. In terms of its environmental benefits, the appeal scheme commits to delivering a biodiversity net gain (secured by condition) together with specific nature conservation measures such as water efficiency measures and integral swift bricks. The proposal would generate renewable energy through solar photovoltaic panels and would provide electric vehicle charging points, helping in the shift to a low carbon economy. Combined, I assign moderate weight to the environmental benefits of the appeal scheme. This is notwithstanding my findings in respect of the effects on European sites which are considered further in the Planning Balance, below.
161. During the construction period, the proposal would generate employment in the construction sector and have wider supply chain benefits. I have been referred to a report⁷⁸ which estimates that for a typical scheme of 45 retirement apartments, approximately 85 construction jobs are created. Whilst this could be expected to be lower for the appeal scheme which proposes 32 apartments and accepting that the jobs are temporary in nature, these are nonetheless material economic benefits.
162. The same report estimates that once occupied, such a retirement apartment scheme creates approximately 6.4 permanent jobs and adds £13 million in gross value added to the local area through demand for repairs and renovations, management and care and high street expenditure. I once again acknowledge that the appeal scheme would be smaller than the typical scheme to which these figures apply, and that a proportion of residents could be expected to already live and spend in the local area. Nevertheless, it is reasonable to expect that the proposed development would generate additional spending at local businesses, supporting their viability and the vibrancy of the town centre. This aligns with the Framework's aspiration⁷⁹ to building a strong, competitive economy by supporting economic growth locally. Together, I judge that the economic benefits of the appeal scheme weigh moderately in its favour.
163. A report⁸⁰ submitted in evidence makes the case that retirement apartments such as the appeal scheme can have a range of health and social benefits for individuals by allowing them to maintain their independence for longer, providing opportunities for social interaction and offering suitable accommodation that adapts to their changing needs. At the same time, by offering accommodation tailored to the needs of older people, such

⁷⁸ Homes for Later Living (February 2021) 'Silver Saviours for the High Street' (APOE-3)

⁷⁹ Paragraph 81 of the Framework

⁸⁰ Homes for Later Living (September 2019) 'Healthier and Happier' (APOE-4)

developments can offer benefits to wider society by taking pressure off public-funded institutional care facilities, home care services and disabled facilities grant funds.

164. I have also been presented with evidence⁸¹ to indicate that retirement apartments facilitate the release of under-occupied housing stock in the local area which has the potential to free up family-sized housing into the market. The proposal would also make financial contributions to the provision of off-site affordable housing contribution, secured by planning obligation, which whilst necessary to comply with the development plan would nonetheless be a social benefit. In my judgement, these social benefits carry significant weight in favour of the appeal proposal.

165. Taking account of all of the above benefits, I consider that they together carry significant weight in favour of the proposed development.

Planning Balance

Accordance with the Development Plan as a Whole

166. My assessment has found that the proposal would accord with Policies ENV3, ENV4, CCC2 and HOU1 of the LP Part One.

167. I have found that the proposed development would conflict with Policy DM1 of the LP Part Two insofar as the effects on non-designated heritage assets. The proposal would accord with Policy DM1 in respect of the effects on designated heritage assets, namely the Lymington Conservation Area.

168. The appeal scheme would fail to comply with Policy ENV1 of the LP Part One, since I have found that it would not adequately mitigate its impacts on international nature conservation sites.

169. Policy STR1 of the LP Part One which seeks to achieve sustainable development by requiring new development to make a positive social, economic and environmental contribution to local community and business life. Due to the evident conflict with Policy ENV1, the appeal development would not represent a sustainable form of development and would therefore fail to comply with Policy STR1.

170. Taking these findings together, the conflict that I have identified in relation to Policy DM1 of the LP Part Two and Policy ENV1 and STR1 of the LP Part One leads me to conclude that the proposal does not accord with the development plan as a whole.

Paragraph 11 d) Balance

171. In light of the absence of a five year supply of deliverable housing sites, it is necessary to assess the proposal against the provisions of paragraph 11 d) of the Framework.

172. Para 11 d) i. states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Framework footnote 7 sets out a list of those Framework policies to which

⁸¹ Ball, M (2011) 'Housing Markets and Independence in Old Age: Expanding the Opportunities (APOE-5)

paragraph 11 d) i. refers. Policies covered by footnote 7 of relevance to this appeal are those relating to designated heritage assets and to habitats sites.

173. I have found that there would be no harm to the significance of designated heritage assets as a result of the proposed development. However, I have been unable to rule out the possibility of an adverse effect on the integrity of the Solent European sites as a result of nitrate discharge. Paragraph 181 of the Framework affords the same level of protection as given to European sites (in this context the Solent and Southampton Water SPA and Solent Maritime SAC) to Ramsar sites (which in this context includes the Solent and Southampton Water Ramsar site). Paragraph 182 of the Framework is clear that the presumption in favour of sustainable development does not apply in these circumstances.
174. Consequently, I find that the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed in this case. The proposal does not benefit from the presumption in favour of sustainable development.
175. In light of this finding, it is not necessary to consider the proposed development against Framework paragraph 11 d) ii., since the 'tilted balance' is not engaged.

Final s38(6) Balance

176. My determination of this appeal must be made in accordance with the development plan unless material considerations indicate otherwise, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
177. I have found above that the proposal does not accord with the development plan as a whole.
178. The Framework is a material consideration which, as an expression of national Government policy, carries substantial weight. At approximately 3.07 years, the Council's current supply of deliverable housing sites falls significantly short of the five years required by the Framework. This represents a serious under provision in an area where the Council acknowledges the high level of need for housing, including specialist housing for older people.
179. However, I have also found that, due to its potential effects on European sites, the policies of the Framework that protect habitats sites provide a clear reason for refusing the proposed development. The proposal therefore does not benefit from the presumption in favour of sustainable development. This is an important material consideration in the overall s38(6) balance.
180. I therefore conclude that the decision should be taken in accordance with the development plan. Consequently, the appeal must fail.

Conclusion

181. For the reasons given above, I conclude that the appeal should be dismissed.

J Powis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sasha White KC and Anjoli Foster	Instructed by Planning Issues
<i>They called:</i>	
Nigel Appleton BA MA (Cantab)	Executive Chairman, Contact Consulting (Oxford) Ltd
Robert Jackson BArch MArch RIBA ARB	Design Director, Planning Issues Ltd
Paul White BA(Hons) MPhil MCIfA PIEMA	Head of Heritage, Ecus Ltd
Phil Brophy HNDArb MArborA CEnv MICFor RCarborA	Arboricultural Consultant, Barrell Tree Consultancy
Jessica Lloyd BSc MSc	Principal Transport Planner, Paul Basham Associates Ltd
Matthew Shellum BA(Hons) DipTP MRTPI	Planning Director and Head of Appeals, Planning Issues Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant of Counsel	Instructed by Ian Austin, Solicitor, New Forest District Council
<i>He called:</i>	
James Gilfillan MATCP, MRTPI	Senior Development Management Officer, New Forest District Council
Jonathan Smith BA(Hons) MA PGDip HC MCIfA IHBC	Senior Director – Heritage, RPS
Hannah Chalmers Tech Cert Arb	Senior Tree Officer, New Forest District Council
Ben Chimes BSc(Hons) FCIHT	Principal Consultant, RGP Consulting Engineers Ltd

INTERESTED PARTIES:

Councillor Andy Ash-Vie	Chairman of Lymington and Pennington Town Council Planning Committee
Don Mackenzie	Chair of The Lymington Society
Bob Hull DipTP MRTPI	Representing The Lymington Society
Stuart Nundy	New Forest West Labour Party
Councillor Jacqueline England	New Forest District Councillor (Lymington Town ward) and Lymington and Pennington Town Councillor
Bronwen Bridges	Lymington resident

DOCUMENTS SUBMITTED AT THE INQUIRY

ID-1	NFDC decision notice granting permission for 4 parking spaces at Hubert Lodge and location plan
ID-2	Appellant's Opening Submissions
ID-3	Council's Opening Submissions
ID-4	Lymington and Pennington Town Council – written copy of oral submissions
ID-5	The Lymington Society – written copy of oral submissions
ID-6	NFDC Brownfield Land Register note
ID-7	The Lymington Society – Clarification note on vacancy levels (27/04/22)
ID-8	Internal layout plans for Former Lymington Police Station
ID-9	Proposed revisions to draft condition 6 together with indicative plan
ID-10	Comparison of proposed development with other consented schemes: re-presentation of APOE-13 section 6
ID-11	Note from Nigel Appleton for the Appellant in response to ID-7
ID-12	Closing Submissions on behalf of the Council
ID-13	Closing Submissions on behalf of the Appellant

DOCUMENTS SUBMITTED BY AGREEMENT AFTER THE INQUIRY

PD-1	Comments from Hampshire County Council on surface water drainage condition	3 May 2022
PD-2	Comments from Council on PD-1	5 May 2022
PD-3	Completed section 106 agreement (dated 4 May 2022)	9 May 2022
PD-4	Comments from Appellant on PD-1	12 May 2022
PD-5	Response from Council on request for views on WMS and Chief Planning Officer letter on nitrate mitigation	25 Oct 2022
PD-6	Response from appellant on request for views on WMS and Chief Planning Officer letter on nitrate mitigation	3 Nov 2022