

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 12 JULY 2023 AT 9.00 AM

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

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

### **PUBLIC PARTICIPATION:**

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

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

**Kate Ryan**  
Chief Executive

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This agenda can be viewed online (<https://democracy.newforest.gov.uk>).  
It can also be made available on audio tape, in Braille and large print.

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## AGENDA

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

### **Apologies**

#### **1. MINUTES**

To confirm the minutes of the meeting held on 14 June 2023 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) **Arundel, Manor Road, Milford-on Sea (Application 22/10980) (Pages 5 - 20)**

Redevelopment of site with three dwellings; access and parking; landscaping

**RECOMMENDED:**

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement and the imposition of conditions.

- (b) **Land at Woodpecker Wood, Court Hill, Damerham (Application 23/10345) (Pages 21 - 30)**

Conversion of the existing building to form a single residential dwelling with associated access, parking, landscaping and package treatment plant (revised scheme)

**RECOMMENDED:**

Refuse

- (c) **Springbourne Farm, Rockbourne (Application 23/10278) (Pages 31 - 44)**

Removal of condition 11 of planning permission 20/10852 to enable the three dwellings to be completed as dwelling houses with unrestricted occupation

**RECOMMENDED:**

Grant the variation of condition

- (d) **9 Fairlie, Ringwood (Application 23/10426) (Pages 45 - 54)**

Change of use from timber yard to business premises within Classes E (c), E(d), E(g) (i, ii and iii), and B8

**RECOMMENDED:**

Grant subject to conditions

- (e) **3 Knowland Drive, Milford-on-Sea (Application 23/10450) (Pages 55 - 68)**

Erect 1 chalet and 1 bungalow with garage; demolish existing

**RECOMMENDED:**

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement and the imposition

of conditions.

- (f) **Coppice Lee, 9 Woodside Lane, Lymington (Application 23/10423) (Pages 69 - 74)**

Change of use of the land to residential garden; associated landscaping (retrospective)

**RECOMMENDED:**

Grant subject to conditions

- (g) **32 Picket Close, Fordingbridge (Application 23/10306) (Pages 75 - 80)**

Two-storey side extension to provide accessible bedroom and bathing facilities; extend existing drive for wheelchair access

**RECOMMENDED:**

Grant subject to conditions

- (h) **Land off Ashurst Bridge Road, South of Bartley Park, Totton (Application 23/10508) (Pages 81 - 86)**

Change of use from agriculture to recreation (public open space)

**RECOMMENDED:**

Grant subject to conditions

- (i) **Land South of, Derritt Lane, Sopley (Application 21/11097) (Pages 87 - 176)**

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

**RECOMMENDED:**

To approve a further three month period, until the end of September for the completion of the S106 Agreement and the subsequent issuing of the Planning Permission.

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

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

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

Human Rights

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

Equality

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

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

**To: Councillors:**

Christine Ward (Chairman)  
Barry Rickman (Vice-Chairman)  
Hilary Brand  
Kate Crisell  
Philip Dowd  
Matthew Hartmann  
David Hawkins

**Councillors:**

Dave Penny  
Joe Reilly  
Janet Richards  
John Sleep  
Malcolm Wade  
Phil Woods

Planning Committee 12 July 2023

**Application Number:** 22/10980 Full Planning Permission

**Site:** ARUNDEL, MANOR ROAD, MILFORD-ON-SEA SO41 0RG

**Development:** Redevelopment of site with three dwellings; access and parking;  
landscaping

**Applicant:** BOS & Co Developments

**Agent:** Bob Hull Planning

**Target Date:** 19/10/2022

**Case Officer:** Ian Rayner

**Officer** Service Manager Authorise to Grant

**Recommendation:**

**Reason for  
Committee Referral:** Contrary view from the Parish Council

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of development
- 2) The implications of the Strategic Site 7 policy allocation
- 3) The layout and design of the development
- 4) Access and Parking considerations
- 5) Arboricultural considerations
- 6) Ecological considerations
- 7) Residential amenity considerations
- 8) Affordable Housing requirements

## 2 SITE DESCRIPTION

2.1 Arundel is a detached 2-storey dwelling that was built as an agricultural worker's dwelling in the late 1960s. The property is situated by itself on the north side of Manor Road within in its own spacious garden plot. The site is relatively flat and level, and there are some significant mature trees along the site's front boundary that are protected by a Tree Preservation Order. There is a narrow area of scrub immediately to the east side of the plot, but beyond this and sweeping around to the rear and west sides of the plot is an extensive area of open farmland.

2.2. The site is accessed by means of a public right of way that runs adjacent to the site's western boundary. The right of way provides vehicular access to some glasshouses to the north of the site.

2.3 The south side of Manor Road is characterised by detached dwellings of no more than 2-storeys in height that are set within mature and spacious garden plots.

2.4 The site forms part of a much wider area of land to the north of Manor Road that is allocated for residential development under Policy Strategic Site 7, albeit that the site is not expressly shown for redevelopment on the Concept Masterplan accompanying the policy.

### 3 PROPOSED DEVELOPMENT

3.1 The submitted application seeks to demolish the existing dwelling and erect 3 new dwellings in its place, comprising a pair of semi-detached dwellings (houses 1 and 2) and a single detached dwelling (house 3). A new point of vehicular access is proposed onto the public right of way that runs alongside the site's western boundary. This new access would serve the parking areas for all 3 houses.

3.2 The application has been amended since the application was originally submitted to address concerns with the original submission. The amendments have included a reduction in the size of the dwellings, alterations to their design and appearance, increasing the setback of the dwellings from Manor Road to give a more generous green margin to the road, and amendments to the access arrangements.

### 4 PLANNING HISTORY

#### *Applications affecting the application site*

4.1 Erection of 2 dwellings for horticultural workers (LYB/10303) granted 24/6/1966

4.2 Removal of condition 1 of planning permission LYB/10303 to remove the agricultural occupancy restriction (21/11129) - granted 21/9/21

#### *Applications affecting adjacent land*

4.3 Outline Planning application for up to 190 homes and other associated works, including landscaping, Alternative Natural Recreational Greenspace and open space; principal vehicular access from Manor Road (outline application with access details only) (23/10476) - under consideration

### 5 PLANNING POLICY AND GUIDANCE

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

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 IMPL1: Developer Contributions

Policy IMPL2: Development standards

Strategic Site 7: Land north of Manor Road, Milford on Sea

#### **Constraints**

Tree Preservation Order: 39/G17

#### **Plan Policy Designations**

Built-up Area

New Housing Land Allocations

### 6 PARISH / TOWN COUNCIL COMMENTS

#### *Original Plans*

Milford-on-Sea Parish Council: Recommend permission but would accept a delegated officer decision. All construction vehicles associated with the building of

the homes must refrain from parking on Manor Road and any other roads in the vicinity of the site. Construction vehicles must be contained within the site for the duration of the build.

#### *Amended Plans*

Milford-on-Sea Parish Council: Recommend refusal -

- the 3 dwellings on this small site are deemed to be overdevelopment;
- the accommodation would place further strain on a struggling sewerage and drainage system;
- concerns over vehicular access, particularly for emergency vehicles;
- lack of clarity and certainty over ownership of green verge to the front of the site

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

8.1 Highway Authority: No objection subject to condition to secure parking arrangements

8.2 Tree Officer: No objection to amended plans subject to tree protection conditions

8.3 Ecologist: No objection subject to securing mitigation and enhancement measures as detailed in the submitted Ecological Impact Assessment; an Appropriate Assessment needs to be undertaken in relation to recreational and nutrient impacts on designated European sites.

8.4 Hampshire County Council (Rights of Way): advice offered in respect of vehicular access over the existing public footpath (Milford-on-Sea Footpath 796), and any alterations to the surface of this footpath.

## **9 REPRESENTATIONS RECEIVED**

11 letters of objection from local residents (8 to original plans, 3 to amended plans):- overdevelopment of the plot; dwellings are too large and a poor design; the designs are not cohesive or in keeping with the proposed development of adjacent land; the development is cramped and out of character with the wider area; increased traffic leading to additional congestion and highway dangers on local roads; adverse impact on local wildlife and biodiversity; increased noise and pollution; adverse impact on protected trees; increased pressures on local water and sewerage infrastructure; increased nutrients being drained into the Solent; amended plans do not address concerns raised by initial submission.

1 letter of concern (to original plans) from agent representing developer of the main part of the Strategic Site 7 policy allocation: proposed access to House 1 has the potential to cause conflict between the wider strategic site proposals and pedestrians using the public right of way.

## **10 PLANNING ASSESSMENT**

### Principle of Development

10.1 The application site was formerly in an area of countryside that was designated as Green Belt. However, the Local Plan 2016-2036 Part 1 has changed

the status of the land such that it is now situated within the built-up area of Milford-on-Sea. Specifically, the site is situated within the area covered by Policy Strategic Site 7, which is an area mainly comprised of agricultural fields and glasshouses situated to the north of Manor Road, and which is allocated for residential development of at least 110 homes and public open space.

10.2 The application site does not form part of the area that is being expressly promoted for residential development through the illustrative concept masterplan that accompanies the strategic site policy. Nevertheless, the introductory text to the strategic site policies makes it clear at Paragraph 9.27 that:

*"The larger site allocation boundaries may include some existing dwellings that have not been promoted for redevelopment. There is no presumption or requirement that they would form part of a future development, but this would be acceptable in principle subject to meeting the requirements of this policy, and any policies relevant to the property itself e.g. if it has heritage asset status."*

As such, it is clear that the principle of residential development on the application site is acceptable, but such development must be subject to the requirements of the Strategic Site 7 policy.

#### The Design and Layout of the development and its impact on the character and appearance of the area

10.3 The existing property on the site is of its time. It has no heritage or architectural interest that would justify its retention. The property is set within a generous sized garden plot, so that given the policy context it is considered reasonable for the site to be redeveloped in a more intensive manner than currently exists.

10.4 Each of the proposed dwellings would have 4 bedrooms. They would be generously proportioned family homes. The density of the proposed development would be greater than the relatively low density residential development that prevails on the south side of Manor Road. However, a greater density is not in itself harmful. What needs to be carefully considered is the scale and massing of the buildings, and their spatial and landscape settings. The development needs to be considered not just as a self-contained development but as an integral element of the wider development that is being proposed on Strategic Site 7.

10.5 Both the pair of semi-detached dwellings and the single detached dwelling would be 2 storeys high. The semi-detached pair would have a ridge height of about 8.4 metres, whilst the detached dwelling would have a ridge height of approximately 8.7 metres. The massing of both buildings would be well articulated. The semi-detached pair would have a varied eaves height, projecting bays, porch features, a chimney, and single-storey projections in contrasting materials. The larger detached dwelling would be well detailed and would have an articulated roof form. Both buildings would have areas of first floor tile hanging. All of these design features would help to soften and break up the massing of the development. The dwellings are considered to be well-proportioned and attractively detailed, and their scale and appearance is considered to be acceptable and contextually appropriate, subject to the use of good quality materials and finishes which could reasonably be secured as a condition of any planning permission.

10.6 Spatially, the dwellings would be set well back from Manor Road (by at least 20 metres), which would allow greenery and the existing mature trees to continue to dominate the frontage of the site, thereby retaining a verdant aspect to the road. New landscape planting would further help to soften the development's visual



impact. Importantly, the semi-detached pair would have an active frontage that would address the public footpath. The gap between the main 2-storey aspects of the semi-detached pair and plot 3 would be approximately 5 metres. Whilst the gap to the single-storey garage to plot 2 would be less than this, the overall perception would be of a reasonable gap between the buildings and not one that would be out of keeping or incongruous. Plot widths (which would be around 12-13 metres) would be narrower than is typical along Manor Road, but not (as a small, relatively self-contained development) harmfully so, particularly given the green and open nature of the landscaped frontage. Rear gardens (9-11 metres deep) would be on the small size for the size of dwellings, but adequate. Initially, the dwellings might have an attractive open aspect to the rear, but this would only be temporary. The dwellings would have sufficient space around them to ensure that an acceptable layout and design can come forward on the main body of the Strategic Site.

10.7 The generous setback of the proposed dwellings from Manor Road would be responsive to the Concept Masterplan for the Strategic Site which indicates that there should be a broad margin of green infrastructure along the full length of Manor Road that should be used as Public Open Space. Furthermore, the proposed open green area adjacent to Manor Road would have the potential to connect with the public open space within the wider Strategic Site, and would have the ability to link in with the public open space that is being proposed through the current outline planning application for the wider Strategic Site. However, to ensure that this green margin does integrate successfully with the anticipated public open spaces within the wider strategic site, it is considered that the status of this land (as public open space) and its future management and maintenance, and access arrangements would need to be secured through a Section 106 legal agreement. The applicants are agreeable to this in principle.

10.8 Overall then, having regard to the above points, it is considered that the development would be of an acceptable layout and design, both as a scheme in isolation but also as one small element of the development within the Strategic Site allocation.

#### Landscape impact and trees

10.9 Situated along the frontage of the site are a linear group of 3 oak trees, 2 of which are considered to be Veteran Oaks. All 3 trees are protected by a Tree Preservation Order, and are considered to make an important contribution to the character of Manor Road and the visual amenities of the wider area. Since the application was originally submitted, the layout of the proposed development has been amended, in part because of concerns relating to the impact of development on these trees. The amended layout would have a significantly reduced impact on the root protection area of these protected trees compared to the initial submission. The amended layout has also reduced the potential for conflict between future occupants and these trees.

10.10 The application is accompanied by a detailed arboricultural method statement, including tree protection measures. The Council's tree officer is satisfied that subject to securing these tree protection measures as a condition of planning permission, that the proposed development (as amended) would not be harmful to the long-term health and future of these important protected trees.

10.11 Other trees on site are of low individual amenity value and are not considered worthy of protection or retention. Nevertheless, the landscape setting of the development is important. In this respect, it is considered that acceptable landscape details can reasonably be secured through landscaping conditions.

### Highway safety, access and parking

10.12 The 3 dwellings would be served by a new vehicular access onto the Public Right of Way which runs past the western side of the site in the form of a concrete track. The House on plot 1 would have its own separate pedestrian access onto the Right of Way. The Highway Authority are satisfied that the access is of an acceptable and safe design for the level of development proposed. They have confirmed that there is adequate space within the site for cars to turn around and leave the site in a forward gear.

10.13 It is considered the proposed layout includes appropriate space for vehicular parking (3 spaces for houses 1 and 3, and 2 spaces for house 2). These spaces include a detached garage for plot 1 and integral garages for houses 2 and 3. The Highway Authority are concerned that the garages should not be converted to habitable living accommodation in the future to ensure that the on-site turning spaces can function as intended. This is something that can reasonably be secured as a condition of planning permission.

10.14 Each property would be provided with a cycle store in its rear garden, which would ensure that the scheme provides adequate on-site cycle parking.

10.15 Concerns have been raised about access for emergency vehicles. However, the Highway Authority have not raised any such concern, and it is not considered that this concern would form the basis of a sustainable objection. In addition, the Highway Authority have not raised any particular concerns in respect of construction traffic.

10.16 With respect to the impact of the development on the public right of way to the west of the site (Milford-on-Sea Footpath 796), the development would result in additional vehicular movements over the route of the footpath in order to provide vehicular access to the proposed dwellings. It is not considered that the levels of traffic generated by the development would be incompatible with the function or use of the existing public footpath. Importantly, Hampshire County Council's Rights of Way team have not objected to the application, although they have made it clear that the granting of planning permission does not give the applicant (or future occupants) the right to drive a vehicle over the public footpath, and that separate authorisation for this would be needed outside of this application process.

### Residential amenity

10.17 The application site is not bounded by any other residential properties. The nearest dwellings on the south side of Manor Road are set a generous distance away from the proposed dwellings, and so the development would not have any material impact on the amenities of those dwellings. The proposed dwellings would have sufficient private amenity space and greenspace around them to ensure the scheme offers appropriate levels of amenity for future occupants.

10.18 The proposed dwellings would, in time, have a relationship with the expected development within the main body of the Strategic Site 7 allocation. Based on the submitted layout, there is considered no reason why the proposed dwellings should compromise the ability to achieve satisfactory levels of amenity for future residents within the wider strategic site allocation.

## Ecology

### On Site Biodiversity and protected species

10.19 The application site is accompanied by an ecological assessment, which concludes that the site is of low nature conservation value and that the development is unlikely to result in any significant impacts locally. Bat surveys have been carried out of the existing dwelling to be demolished, and these have not found any evidence of bats currently roosting within the building. The submitted ecology report does, however, recognise the ecological value of the oak trees along the frontage of the site, but notes that these will be retained. The report puts forward a number of proposed ecological enhancements, including the provision of bat and bird boxes, new native planting, and gaps in boundaries to facilitate the movement of hedgehogs. The Council's ecologist is in agreement with the ecological assessment submitted by the applicant. Therefore, subject to securing the proposed ecological mitigation and enhancement measures as a condition of planning permission, the proposed development is considered to have an acceptable impact on local biodiversity, securing suitable net gain.

### Habitat Mitigation

10.20 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 those sites' 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 habitat mitigation contributions in accordance with the Council's Mitigation Strategy. In this case, the applicant is agreeable to entering into a Section 106 legal agreement which secures the required habitat mitigation contributions. Those contributions are set out at the end of this report.

10.21 It should be noted that as the development forms part of a Strategic Site, consideration has been given to whether on-site ANRG should be provided. However, due to the small size of the site and the fact that it does not abut an area where ANRG is expected to be provided, it is concluded that it would be impractical to secure on-site ANRG, and that a contribution would therefore suffice. This is in contrast to Public Open Space, where, as discussed above, it would be practical and appropriate to secure public open space due to the fact that the site adjoins an area where public open space is expected to be provided.

### Air Quality Mitigation

10.22 To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, 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 of whether the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures

can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the requisite mitigation contribution will be secured through a Section 106 legal agreement, the detail of which is set out at the end of this report.

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

10.23 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 those sites' conservation objectives, having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4<sup>th</sup> September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures shall include undertaking a water efficiency calculation, together with a mitigation package to address the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition is attached to this consent.

#### Affordable Housing

10.24 Usually, a scheme of 3 dwellings would be below the threshold for providing affordable housing. However, in this case, because the application site forms a small part of an allocated site where there is a policy expectation that 50% of the dwellings should be affordable housing, it is considered that the development should be subject to a requirement to secure either on-site affordable housing or off-site contributions towards affordable housing, unless such provision / contributions would render the scheme unviable.

10.25 The applicants have submitted a viability report during the course of the application to support their view that it would not be viable for the proposed scheme to make any form of affordable housing contribution. The Local Planning Authority have commissioned consultants to review the applicant's viability report. Whilst the Local Planning Authority's consultant has a difference of opinion on some of the specific variables, their conclusion is the same: namely, the scheme would not be viable if required to make any level of affordable housing contribution. In these circumstances, it is considered acceptable to permit this development without making any affordable housing provision.

#### Other Concerns

10.26 Concerns have been raised that the development would have an adverse impact on the local drainage and sewerage infrastructure. The application site falls within Flood Zone 1, so is at low risk of flooding. A suitable drainage scheme could reasonably be secured as a condition of planning permission. Whilst there are known to be sewerage issues that a more significant development would need to address, there is no evidence to indicate that a net increase of 2 dwellings would have an adverse impact on the local sewerage infrastructure.

## Developer Contributions

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

- Habitat Mitigation contribution (New Forest infrastructure): £14,086
- Habitat Mitigation contribution (New Forest non-infrastructure): £2,240
- Solent Aware contribution: £1960
- Air Quality Mitigation contribution: £206
- Secure frontage open space as Public Open Space, together with the management arrangements for this land and future public access

10.28 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	627	156	471	471	£80/sqm	£48,114.46 *
Subtotal:	£48,114.46					
Relief:	£0.00					
Total Payable:	£48,114.46					

## 11 CONCLUSION

The application entails the redevelopment of a small part of Strategic Site 7 and is acceptable in principle. The new dwellings would be well-designed and an appropriate response to the site's context. The scale, layout and appearance of the development would be sympathetic to the character and appearance of the wider area. The development could be provided without adversely affecting highway safety, important trees, ecological interests, residential amenities, or the use of the adjacent public right of way. The development would be acceptable in itself, but it would also be responsive to Concept Masterplan for the Strategic Site and would relate appropriately to the current outline development proposals for the main body of the Strategic Site. Therefore, it is not considered the development would prejudice the delivery of a suitable layout for the wider strategic site. For viability reasons, it is accepted that an affordable housing contribution would not be justified. Overall, therefore, subject to conditions and subject to securing habitat mitigation requirements and public open space through a Section 106 legal agreement, the application is recommended for permission.

## 13 RECOMMENDATION

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

- (i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure habitat and air quality mitigation contributions, as well as an area of on-site Public Open Space and its future management and maintenance and access provisions
- (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 and Block Plan 6109-WLA-A-0001 rev D  
Site Plan: Drawing No 6109-WLA-A-0010 rev L  
Site Plan Access Dimensions: Drawing No: 6109-WLA-A-0011  
Floor Plans - Plot 1 & 2: Drawing No 6109-WLA-A-0020 rev D  
Floor Plans - Plot 3: 6109-WLA-A-0021 rev E  
Plots 1 & 2 Elevations: Drawing No 6109-WLA-A-0031 rev D  
Plot 3 Elevations: Drawing No 6109-WLA-A-0032 rev E  
Aerial View from South West: Drawing No 6109-WLA-SM-XX-DR-A-0051 rev D  
Aerial View from North West: Drawing No 6109-WLA-SM-XX-DR-A-0050 rev D  
Design Statement Ref. 6109-Das Rev\* 19.12.2022  
John Shutler Arboricultural Report dated 16/12/2022  
Tree Protection Plan dated 15/12/2022

Reason: To ensure satisfactory provision of the development.

3. 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;
  - 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

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.

4. 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 and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the approved details before the dwellings are first occupied, and the approved scheme shall thereafter be retained in accordance with the approved details.

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).

5. The development hereby approved and all associated works shall be undertaken in strict accordance with the proposed Ecological Mitigation Strategy (Section 4.4 of the 4WoodsEcology Ecological Impact Assessment, dated May 2022). The proposed Ecological Enhancement measures (Section 4.5 and Map 3 of the 4WoodsEcology Ecological Impact Assessment, dated May 2022) shall be carried out in full before any of the approved dwellings are occupied or within such other alternative timescale as may be first agreed in writing with the Local Planning Authority. The approved ecological enhancement features shall be retained thereafter.

Reason: To safeguard protected species and to deliver ecological enhancements in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

6. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted John Shutler Tree Services Arboricultural Report and Tree Protection Plan for Arundel, Manor Road, Milford on Sea, dated 16/12/2022.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. Prior to the commencement of development (including site clearance, demolition and construction works), 3 working days notice shall be given to the Local Planning Authority to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as illustrated and specified within the submitted John Shutler Tree Services Arboricultural Report and Tree Protection Plan for Arundel, Manor Road, Milford on Sea, dated 16/12/2022.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, the garages to the dwellings, hereby approved, shall be retained and kept available for the parking of vehicles at all times, and shall not be converted into habitable living accommodation unless express planning permission has been granted.

Reason: To ensure adequate parking provision is retained on the site, in the interests 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.

9. The development hereby permitted shall not be occupied until the cycle parking spaces (cycle stores) shown on the approved plans have been provided, and these cycle parking spaces shall be retained and kept available for their intended purpose at all times thereafter.

Reason: To ensure adequate cycle parking provision is made in the interest of sustainability 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.

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

Reason: To ensure an acceptable appearance of the development 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. Before their first installation, typical joinery details (larger scale elevations / sections) of the windows and doors 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: The dwellings have been carefully designed, and these design details are important in ensuring that the dwellings are of a suitably high design quality, in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. 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 planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the 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.

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

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

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

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

14. 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, 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 Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

**Further Information:**

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NFDC



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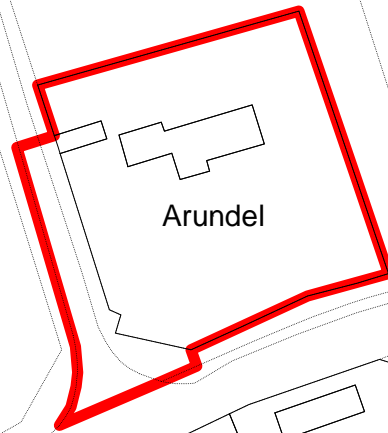
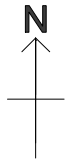
**PLANNING COMMITTEE**

**July 2023**

Arundel  
Manor Road  
Milford on Sea  
22/10980

Scale 1:1000

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



Arundel

MANOR ROAD

MANOR CLOSE

Clandon

SNOWLAND DRIVE

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Planning Committee 12 July 2023

**Application Number:** 23/10345 Full Planning Permission

**Site:** LAND AT WOODPECKER WOOD, COURT HILL, DAMERHAM  
SP6 3HL

**Development:** Conversion of the existing building to form a single residential dwelling with associated access, parking, landscaping and package treatment plant (revised scheme)

**Applicant:** Mr & Mrs French

**Agent:** Spruce Town Planning Ltd

**Target Date:** 09/06/2023

**Case Officer:** Vivienne Baxter

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## 1 REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee due to a contrary view of the Parish Council.

## 2 RECOMMENDATION

Refuse.

## 3 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area including the AONB
- 3) Impact upon Site of Importance for Nature Conservation (SINC) and protected trees (TPO)
- 4) Ecology
- 5) Highway matters including parking

## 4 SITE DESCRIPTION

The site lies in the countryside between Sandleheath and Damerham and within the Cranborne Chase Area of Outstanding Natural Beauty. It is accessed through the trees off Court Hill together with a residential property known as Yafflewood. Approximately 150m from the road, the site opens out into a small clearing (approximately 15m x 20m) where there is a single storey concrete building. Land adjoining the site predominantly to the south and extending to around 2.3ha is also in the ownership of the applicant.

The site and immediate surrounding area is designated as the Higher Court Wood Site of Importance for Nature Conservation (SINC) for its ancient semi-natural woodlands. Much of this area, including small parts of the site is also the subject of a Woodland Tree Protection Order (TPO).

## 5 PROPOSED DEVELOPMENT

The proposal is for the conversion of the existing building on site into a dwelling with associated access, parking, landscaping and package sewage treatment plant. The dwelling would comprise kitchen/dining room, boot room with WC, dayroom, bedroom, shower room and externally accessed store.

## 6 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10720 Conversion of the existing building to form a single residential dwelling; associated access, parking and landscaping	19/10/2022	Withdrawn by Applicant	Withdrawn

## 7 PLANNING POLICY AND GUIDANCE

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

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

### 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

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

### National Planning Policy Framework

NPPF 2021

NPPG

## 8 PARISH / TOWN COUNCIL COMMENTS

### **Damerham Parish Council**

Damerham Parish Council would recommend PAR 3 on the understanding that Section 106 is signed to tie in the habitat mitigation, woodland management and light pollution.

## 9 COUNCILLOR COMMENTS

No comments received

## 10 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Ecologist:** Raises concerns

**Cranborne Chase & West Wiltshire Downs AONB:** Comment only

**NFDC Tree Team:**Objection

**Building Control:** Access provisions are not appropriate for the fire service. Roof would require replacing if asbestos.

## 11 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 1

- provision of mains services would undermine protected tree roots within a SINC

## 12 PLANNING ASSESSMENT

### Principle of Development

In principle, new residential development is not usually acceptable within the countryside unless it is for agricultural or forestry workers or affordable housing. The proposal to convert the existing building on site into a dwelling does not fit into either of these categories and is therefore contrary to local plan policy DM20. However, more up to date policy guidance is included in Paragraph 80 of the NPPF which allows for the provision of isolated homes in the countryside where one or more of the following criteria apply:

- 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;
- b) the development would represent the optimal viable use of a heritage asset, or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building;
- e) the design is of exceptional quality, in that it:
  - is truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

In consideration of these criteria:

- a) the application does not demonstrate any essential need for a rural worker;
- b) the building is not considered to be a heritage asset;
- c) the application advises that the building is a former agricultural building although at the time of the officer's site visit, it appeared to be used for storage purposes.

The application is supported with a structural report. In terms of the principle of the use, it needs to be assessed as to whether it is practical to convert the existing building or whether the proposals are tantamount to a new building in the countryside. In considering this report it is noted that both the NE and SW elevations have large cracks within the concrete fabric which lead to questions about whether the building is structurally sound and capable of conversion rather than rebuilding. In addition, it is noted that the proposal does not make use of any existing openings proposing to insert new windows and close or reduce the size of

existing openings. Furthermore, the structural report indicates that the roof could be asbestos. Advice from Building Control indicates that this would need to be replaced were the property to become residential suggesting that the building is not suitable for conversion. The combined impact of these changes would leave very little of the existing structure available for conversion and as such the conclusion reached is that this would result in a new building in the countryside.

The application is also for parking and landscaping but there is limited detail as to how the land surrounding the building would be surfaced or enhanced in order to comply with this criteria;

d) is not applicable to this case and

e) it is not considered that the proposal represents either a truly outstanding design, reflecting the highest standards in architecture or would significantly enhance its immediate setting.

Having regard to this, there are very limited circumstances which would support the provision of a dwelling in this location. As such, having considered the submitted information the proposals are not accepted to be a conversion but rather a new building for residential use in the countryside. As such, the principle of development as proposed is unacceptable in policy terms.

#### Impact on local character and appearance of area

Although the application site extends from the building to the public highway, the length of the access (approximately 150m) is such that the proposed dwelling would not be visible from public vantage points. The current building is constructed of concrete and most probably, has an asbestos construction which does not enhance the character of the area. The provision of timber cladding and a slate roof would result in a more attractive finish to the building although it is noted that neither dwelling located in this part of Court Hill (Yafflewood and Court Lodge) are constructed in these materials.

The proposal indicates a relatively small curtilage for the property although most of this would appear to be for the parking or turning of vehicles. This could have a negative impact on the character of the rural area. It is noted that the proposed dwelling has an indicative patio area to the south and a strip of grass to the north although there are no other surfacing details provided within the site.

With regard to the AONB, comments made during the course of the previous application are valid here too. These draw attention to the desire to provide photo voltaic panels to buildings, the removal of permitted development rights relating to external lighting and controls relating to the future enlargement of the proposed dwelling. It is noted that the proposal doesn't include photo voltaics and given the site's location within a woodland, it is unlikely that they would provide a reliable source of renewable energy.

The proposal does not include any meaningful landscaping scheme to demonstrate how the immediate area would be maintained or kept separate from the other land in the applicant's ownership. This has raised concerns from both Ecologist and AONB Office. Having regard to paragraph 80 of the NPPF, an isolated home in the countryside could be acceptable if it enhances the setting of a redundant building. Without any details as to how the immediate setting of this building might be enhanced, it is not considered that the proposal would represent an acceptable scheme in this countryside location.



## Site of Importance for Nature Conservation (SINC)

Higher Court Wood SINC is designated for its semi-ancient woodland and extends to around 4ha incorporating all of the land in the applicant's ownership but excluding the area currently occupied by Yafflewood and its associated curtilage.

The application is supported with an Ecological Assessment which indicates that a CEMP (Construction Environmental Management Plan) is required to manage the potential for construction impacts on the SINC and ancient woodland. A further report provided by the Woodland Trust identifies that a Woodland Management Plan is also necessary and neither of these have been provided at this stage.

From an ecological point of view, there are concerns that the change of use could lead to a change in the management/use of the woodland which could lead to its deterioration. Likewise there are concerns that there could be potential future impacts on the woodland should the use of the site for residential purposes be agreed in principle. This concern is reflected in the comments made by the AONB office having regard to the potential for extensions or a larger, replacement dwelling following on from any initial approval for residential use. The Woodland Trust report also identifies a potential concern for enlarging the footprint in terms of the impact of this on the ancient woodland.

There are also concerns regarding the potential conflict between access to light for a residence within this woodland and the risk of trees being felled in the future to remedy this. In recent years this woodland SINC has been subject to other impacts from encroachment associated with an adjacent land use and any further cumulative impacts would have an adverse impact.

## Trees

The Woodland Tree Preservation Order area is very similar to the extent of the SINC although the accesses within the area are excluded from the TPO along with a clearing including pond within land in the applicant's ownership. This designation offers a level of protection not only to the trees, but ground cover within the area too.

The application has been supported with documentation relating to the crown spreads of nearby trees, the sensitivity of the trees and the magnitude of the impacts of the proposed development although does not include any specific tree survey in order to inform the proposed methods. However, the proposed conversion would not require the removal of any trees given there is already a vehicular access to the building at present.

Associated with the conversion is the need to provide services for future occupants. Whilst it is noted that the building already has an electricity connection, there is no water main which is proposed to be located underground along the access into the clearing. The proposed utilisation of trenchless techniques is potentially feasible in accordance with BS5837:2012; however, this site does present challenges with regard to this process which would involve excavations within the Root Protection Areas (RPAs) of protected trees contrary to the guidance set out in section 7.7.2. (BS5827:2012).

Furthermore, there is no specific information provided to demonstrate the condition of the trees either side of the access track or their tolerance to ground disturbance. It is further noted that there is a veteran tree located within the route of the water main as highlighted within the submitted Woodland Trust restoration report. The Risk Assessment and Method statement document provided from the Impact Molding

contractor is generic and very limited in scope and is considered inadequate to satisfy the specific conditions and precautions required to be encountered on this site.

The position of the proposed septic tank and wastewater storage tank is shown outside of the RPAs of retained trees so would be acceptable in terms of tree protection, provided construction is undertaken outside of the RPA/Tree Protective fencing. The concern from the AONB Office in relation to the septic tank is noted although the plan appears to show the property would have both overground and underground tanks.

### Ecology

There is historic evidence of use of the building by barn owls. The information provided within the Ecological Assessment offers an acceptable approach for mitigation and these measures should be secured should permission be forthcoming. With regard to bats, the report identifies that there should be no new external lighting. This too is an acceptable approach and should be secured. The report details further recommendations for internal lighting and whilst these are welcomed, it would be difficult to secure these measures through a planning condition, particularly as the statement advising no pendant lighting would be used as all lights would be recessed into the ceiling may conflict with the likely internal space where vaulted ceilings could be present.

### Highway safety, access and parking

The site already benefits from a vehicular access from the highway and this is shared with the adjacent residential property, Yafflewood. Beyond the combined access is a five bar gate which leads along the lengthy access track to the clearing where the building is situated. The proposal includes adequate space for the parking of two vehicles and associated turning facilities. The proposed external storage element of the building could be utilised for an appropriate level of cycle parking.

Building control has advised that the access provisions for the fire service are not appropriate and a fire strategy plan is required in order to support the proposal.

### **Habitat Mitigation and off-site recreational impact**

#### Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites. Although the adverse impacts could 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, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

#### 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 have recently 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 sets out mitigation measures for new development up to the end of March 2020, and thereafter relies 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 Mobilisation 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, any approval would require a Grampian style condition in order to address this matter.

### 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 NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, were approval to be recommended, the applicant would have been requested to provide 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. In view of the recommendation, this has not been sought.

### Developer Contributions

As part of the development, the following would need to be secured via a Section 106 agreement:

- Habitat Mitigation
- Air Quality Monitoring

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	60		60	60	£80/sqm	£6,553.85 *

Subtotal:	£6,553.85
Relief:	£0.00
Total Payable:	£6,553.85

### **13 OTHER MATTERS**

N/A

### **14 CONCLUSION / PLANNING BALANCE**

The proposal would represent an inappropriate form of development in this countryside location and is also designated as a SIN, and as such it would conflict with local plan policies relating to residential development and nature conservation. The proposed provision of necessary services to the building would also have significant implications for protected trees. The application is therefore recommended for refusal.

### **15 RECOMMENDATION**

**Refuse**

#### **Reason(s) for Refusal:**

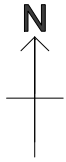
1. The proposed new dwelling would represent an inappropriate form of development in this unsustainable countryside location for which no overriding need has been demonstrated. Neither does the application demonstrate that the building is capable of conversion without the need to significantly rebuild and as such, the proposed development would be contrary to Policy DM20 of the Local Plan Part 2 (Sites and Development Management) and Paragraph 80 of the NPPF.

2. The provision of a new dwelling within this sensitive location is not considered to provide adequate public benefits to outweigh the harm to the Site of Importance for Nature Conservation (SINC) designation. The proposal is not supported with adequate information to demonstrate that the provision of services for future occupiers of the development would not harm trees protected within a Woodland Tree Preservation Order and SINC, designated for its ancient woodland. In addition to this, the proximity of the proposed dwelling to mature trees could result in future pressure to lop or fell them resulting in the degradation of the ancient woodland and an unsympathetic impact on the environment. The proposal is therefore contrary to policy DM2 of the Local Plan Part 2 (Sites and Development Management), Policy ENV3 of the Local Plan Part 1 (Planning Strategy) and paragraph 174 of the NPPF.
  
3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and air quality impacts on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

**Further Information:**

Vivienne Baxter

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NFDC



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**PLANNING COMMITTEE**

**July 2023**

Land at Woodpecker Wood  
Court Hill  
Damerham  
23/10345

Scale 1:1250

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the internet, it will not be to  
scale.



Yafflewood

Pond

NFDC

Planning Committee 12 July 2023

**Application Number:** 23/10278 Variation / Removal of Condition

**Site:** SPRINGBOURNE FARM, ROCKBOURNE SP6 3NS

**Development:** Removal of condition 11 of planning permission 20/10852 to enable the three dwellings to be completed as dwelling houses with unrestricted occupation

**Applicant:** Roddys Retreat Limited

**Agent:** Bell Cornwell LLP

**Target Date:** 10/05/2023

**Case Officer:** Vivienne Baxter

**Officer Recommendation** Grant subject to conditions.

**Reason for Committee Referral:** This application is to be considered by Committee because of a contrary Parish Council comment.

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) principle of the development
- 2) impact on the character and appearance of the area including AONB
- 3) impact on the residential amenities of the area
- 4) highway matters including parking and rights of way
- 5) ecology and habitat matters

## 2 SITE DESCRIPTION

The site lies at the edge of the village of Rockbourne along a farm track which also serves as a public right of way. It contains a single storey barn parallel to the track but separated by planting. It benefits from a vehicular access off the track to the north-east. Adjoining land to the south-east and south contains other farm buildings and a mobile home. The land rises to the rear (south-east).

## 3 PROPOSED DEVELOPMENT

The proposal is made under Section 73 and entails the removal of a condition imposed on the extant permission, 20/10852 which granted consent for the partial conversion, demolition & internal excavation of existing agricultural building into 3 x holiday lets; new wall to the retained section of barn.

Condition 11 states: *The building(s) hereby approved shall only be used for the purpose of self-catering holiday accommodation and shall not be occupied by the same person or persons for more than one month in any one calendar year, and shall at no time be used as a dwelling house falling within Class C3 of the Use Classes Order 1987 (as amended and revised).*

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10307 Residential dwelling and garage/store; demolition of existing agricultural barn, stables and dilapidated outbuilding			Application registered
20/10975 Conversion of existing agricultural barn to residential. Conversion of existing stables to garage/store; demolition of dilapidated outbuilding	01/12/2022	Granted Subject to Conditions	Decided
20/10852 Partial conversion, demolition & internal excavation of existing agricultural building into 3 x holiday lets; new wall to the retained section of barn	01/12/2022	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards  
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

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

DM13: Tourism and visitor facilities  
DM20: Residential development in the countryside

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

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

National Planning Policy Framework  
National Planning Policy Guidance

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Rockbourne Parish Council:** PAR4: We recommend REFUSAL, for the reasons listed. This plan is against New Forest District Council planning policy, which encourages tourist use but not residential. Significant restrictions were placed on original application which they are now trying to change.

#### 7 COUNCILLOR COMMENTS

No comments received



## 8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**HCC Rights of Way:** Comment and request informatives

**HCC Highways:** Refer to standing advice

**NFDC Ecologist:** No comments

## 9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- unrestricted occupation is wrong - blatant property development in an AONB
- the Parish Plan has not identified a need for additional housing in the village
- the properties would not be for rural tourism
- increase in traffic along track which would be out of keeping with the rural environment
- disruption during construction
- would set a precedent
- new housing would normally be resisted here
- no good reason to remove the condition
- goes against Council policy
- increase in light pollution and noise
- harm to highway safety through increased traffic in village where there are no footpaths
- there are no facilities in Rockbourne to support the development
- approval would be unlawful maladministration and abuse of the planning system

One objection advises that Rockbourne does not need further tourism accommodation although this would seem to be more of a comment on the extant permission.

For: 0

Against: 14

## 10 **PLANNING ASSESSMENT**

### Principle of Development

The principle of converting the building into three units of holiday accommodation has been previously accepted.

During the assessment of the previous application on this site, the suitability of the conversion of the building for holiday purposes was considered. The principle of the building being suitable for conversion remains and the case officer is satisfied following a site visit that the building is still capable of such a conversion. However, although the previous planning consent was for conversion to 3 holiday lets - which still falls within Class C3 residential - this was considered within a different policy context being a proposal for tourist accommodation, and the proposal was justified on this basis.

Removal of the condition would result in a new residential dwelling in the countryside. Consideration therefore needs to be given as to whether this is acceptable in policy terms. In principle, new dwellings can be permitted in the countryside where they are for agricultural or forestry workers or affordable housing

(Policy DM20 of the Local Plan Part 2). This proposal is for neither and so would not comply with this Policy.

However, the NPPF (2021) provides more up to date policy guidance, and Paragraph 80 of the Framework allows for the reuse of redundant isolated buildings where the immediate environment would be enhanced.

At present, the collection of buildings at Springbourne Farm are in a poor state of repair and there is scope for significant improvements to be made. The structural engineers report that was submitted with the original application indicated that subject to reinforcing elements of the existing structure, including where sections are to be removed, the building is suitable for conversion.

The structural survey submitted with the application advises that vegetation covers part of the building and it recommends the replacement of certain elements of the existing structure. However, the main timber framework of the barn is in a condition suitable for conversion. Building Control assessed the structural report at this time and concluded that whilst some elements require strengthening, there is sufficient structure which can be re-used. The conversion and re-use of the building would result in an enhancement to the visual amenity of the area.

The proposal therefore complies with paragraph 80 of the NPPF relating to the reuse of redundant or disused buildings whilst enhancing their setting. As such the principle of the proposed development would comply with policy and is acceptable.

Accepting the principle of development, the following further matters need to be considered: impact the character of the area, residential amenity, highway matters and ecology. In making this assessment it should be noted that an unrestricted residential occupancy of the converted building would be likely to have impacts similar in nature and scale to that of the consented 3 holiday lets and this would also not preclude use of the building for holiday lets in the future.

#### Impact on local character and appearance of area

The proposal does not involve any physical changes to the approved scheme and subject to the re-imposition of conditions on the original consent relating to the appearance of the development as were (materials, landscaping, construction management), there are no objections to the proposal in this respect.

Impacts on the AONB would not materially change as a result of the removal of this restrictive condition. Whilst concerns had been raised to the original application by the AONB, these related to issues which could be addressed through condition, including the proposed materials for the works and any provision for lighting. It is noted that the area is within a dark sky reserve and note that whilst patio doors and full height windows are proposed to the rear of each of the units, in view of the lowering of the floor level within the building and raised garden area, combined with the proposed brise soleil at eaves level across the rear of the building, the full height of these features would not be readily visible nor would there be significant light implications within the AONB.

#### Residential amenity

The site is some distance from the nearest residential properties which are closer to the road, almost 200m away. There would be no loss of privacy or light and traffic movements would remain negligible (having regard to the extant permission) so as not to lead to unacceptable additional disturbance. Any potential noise would be

domestic in character and would be of a similar scale and intensity to that of the originally consented holiday let scheme. As such it would have a relatively modest impact on amenity so as to be acceptable.

#### Highway safety, access and parking

Third party concerns have been raised with regard to the potential increase in traffic generation and the impact of this on other users of the public footpath which runs past the site from the road. The Highway Authority has not raised any objections to the proposal which is not considered to result in significant levels of traffic generation over and above the extant scheme. They advise that their Standing Advice should be referred to with respect to parking provision. There is a requirement to provide and retain the parking previously approved and a condition would be imposed on any approval of this application.

With regard to the public Right of Way, Hampshire County Council has advised of the requirements to enable the public to use the Right of Way at all times without obstruction or hindrance and that any planning approval does not allow for any changes to the surface of the Right of Way. These requirements and others such as the need for a Construction Environmental Management Plan (CEMP) can be imposed through condition or through informatives on any permission.

#### Ecology

The ecological report has been updated and considered by the Council's ecologist who does not have any particular concerns other than ensuring the development is in compliance with Habitat Mitigation requirements and ecological enhancements are provided and retained in perpetuity.

### **Habitat Mitigation and off-site recreational impact**

#### Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant previously entered into a Section 106 legal agreement under application 20/10852, which enables the transfer of the requirements of the Habitat Mitigation contribution from the original consent. There is no requirement for any uplift as the number of bedrooms has not been changed.

#### 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 River Avon European sites, in view of those sites' 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 Mobilisation 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 the development's phosphate impact 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.

### 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. In this case, the applicant has entered into a Section 106 legal agreement, under application 20/10852, which enables the transfer of the requirements of the Air Quality Monitoring contribution from the original consent.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant provided information with the original application 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 no combustion appliances, electric car charging points and native planting within the landscaping.

## Developer Contributions

As part of the development, the following has been secured via a Section 106 agreement:

- Air Quality Monitoring
- Habitat Mitigation

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	206	206	0	0	£80/sqm	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

## **11 OTHER MATTERS**

It is acknowledged that many local residents object to the proposal and the way that the applications have been made on this site. However, the procedure taken by the applicant is perfectly legitimate. Having regard to the comments made by the Parish Council, the restrictions previously included on the original approval will remain except for the one sought to be removed.

The site is situated within an AONB although the proposal would not result in any changes over and above those of the extant approval for the holiday lets which would impact on this sensitive area.

## **12 CONCLUSION /PLANNING BALANCE**

Having regard to the extant permission for conversion of the building to three holiday lets, the removal of the holiday let restrictive condition would effectively lead to the creation of a residential dwelling in the countryside. However, having considered the suitability of the building for conversion against the relevant policy context this accord with NPPF para 80 and so the principle is acceptable.

The use of the converted building as a dwelling would have a limited impact on the character and appearance of the area, residential amenity or the adjacent public right of way and these impacts would be similar in nature and scale to that of the consented 3 holiday lets.

Therefore, subject to the re- imposition of the planning conditions included on planning approval (ref: 20/10852) the variation of condition is recommended for approval.

## **13 RECOMMENDATION**

**GRANT the VARIATION of CONDITION**

**Proposed Conditions:**

1. The development hereby permitted shall be begun on or before 1st December 2025 which is within 3 years of the decision date of the original planning consent 20/10975.

Reason: As this application is made under Section 73 and 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:

101-01 Location plan  
101-02 Aerial image  
101-03 Photographic survey  
101-04 Block plan - existing  
101-05 Site plan - existing  
101-10 Existing floor plan - building B  
101-11 Existing floor plan - building B  
101-12 Existing roof plan - building B  
101-13 Existing roof plan - building B  
101-20 Site section A-A existing  
101-20 Site section B-B existing  
101-22 Existing section B:B - building B  
101-30 Existing NW elevation - building B  
101-32 Existing SE elevation - building B  
101-32 Existing elevations - building B

103-04 Block plan - proposed  
103-05 A site plan - proposed  
103-06 Site/floor plan - proposed  
103-10 Floor plan - proposed  
103-11 Floor plan - proposed  
103-12A Roof plan - proposed  
103-13 Roof plan - proposed  
103-22 Section D:D - proposed  
103-23 Section D:D - proposed  
103-29A Proposed elevations - building B  
103-30 NW elevation - proposed  
103-31A SE elevation - proposed  
103-32 SW/NE elevation - proposed  
103-33 NE elevation - existing barn - proposed

Planning and Heritage Statement  
Structural survey letter dated January 2nd 2018  
Ecology Report (KPEcology Ver 4) dated January 11th 2020  
Planting Maintenance Schedule  
Package treatment plant details.  
Air Quality Statement received on 5th October 2022  
letter dated 9 March 2023

Reason: To ensure satisfactory provision of the development.

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

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

4. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

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

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and policy DM2 of the Local Plan Part 2.

5. 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.

6. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) (Protection of access track including pedestrian routes during construction, monitoring damage during construction and plans to restore post-construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (h) Address any further issues as outlined in the conditions requested by HCC Countryside Services.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality and in accordance with Policy ENV3 of the Local Plan Part 1.

7. The development hereby permitted shall not be occupied until the spaces shown on plan 103-05 rev.A for the parking of motor vehicles have been provided. The spaces shown on plan 103-05 rev.A for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved 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.



8. 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, 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 Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

9. 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 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).

10. Prior to the commencement of works relating to the floor of the proposed dwellings, details of a hydrocarbon resistant membrane shall be submitted for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the holiday lets.

Reason: In the interests of public safety and in accordance with Policy CCC1 of the Local Plan Part 1:Planning Strategy.

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

Reason: In view of the physical characteristics of the site and its location in the countryside and AONB, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area or the character of the countryside and AONB, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

12. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure the development would not be harmful to the Cranborne Chase Area of Outstanding Natural Beauty and Dark Skies Reserve contrary to the provisions of Policies STR2 and ENV4 of the Local Plan Part 1 2016-2036 and DM20 of the New Forest Local Plan Part 2: Sites and Management Plan 2014.

13. The works hereby approved shall be undertaken in strict accordance with the Ecology Report (KP Ecology Ver 4 dated January 11th 2020) submitted with the planning application unless otherwise first agreed in writing with the Local Planning Authority. The identified ecological enhancements in Section 7.0 of the Ecology Report shall be implemented prior to first occupation of the holiday lets hereby approved and thereafter retained in perpetuity.

Reason: To safeguard protected species and ensure ecological enhancements are delivered in association with the development in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

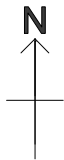
14. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Vivienne Baxter

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NFDC



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David Norris  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**July 2023**

Springbourne Farm  
Rockbourne

23/10278

Scale 1:2000

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

43

57.6m

53.0m

Path (um)  
The Lodge

Mushroom Farm

NFDC  
Path (um)

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Planning Committee 12 July 2023

**Application Number:** 23/10426 Full Planning Permission

**Site:** 9 FAIRLIE, RINGWOOD BH24 1TP

**Development:** Change of use from timber yard to business premises within  
Classes E (c), E(d), E(g) (i, ii and iii), and B8

**Applicant:** Ankers and Rawlings Ltd

**Agent:** Intelligent Land

**Target Date:** 21/06/2023

**Case Officer:** Vivienne Baxter

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## 1 REASON FOR COMMITTEE CONSIDERATION

The application is brought to committee due to a contrary view of the Town Council.

## 2 RECOMMENDATION

Grant subject to conditions.

## 3 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the residential amenities of the area
- 3) Highway matters including parking
- 4) Impact on the character and appearance of the area
- 5) Flooding

## 4 SITE DESCRIPTION

The site lies within the built up area of Ringwood and is presently vacant. There are residential properties adjacent to the east and west boundaries of the site to the road frontage and behind with further dwellings adjoining the site off Parker's Close and Gorley Road. To the south of the site is the Cornerways Medical Centre which is also accessed off Parker's Close.

There are two main buildings on site with the rest of the site taken up with hard surfacing. The boundaries to Fairlie and those either side are close boarded fencing although to Parker's Close, there are metal railings.

## 5 PROPOSED DEVELOPMENT

The site currently benefits from a lawful use certificate to operate as a builders merchants - further details of this are provided within the assessment. Although the last occupier of the site was Travis Perkins, it would appear that they were in breach of the lawful use which was for H Parker and Sons (Timber). This proposal therefore seeks the change of use of the site to allow the premises to be used for a variety of uses without restriction on the occupier.

These proposed uses are Class E (c) - financial and professional services (previously known as A2), Class E (d) indoor sport, recreation or fitness (previously known as D2), Class E (g) (i) offices, (ii) research and development & (iii) industrial processes which would otherwise be acceptable in a residential area (previously known as B1 a), b) & c)) and B8 (storage and warehousing).

Parking could be accommodated to the north and south of the buildings, utilising both existing vehicular access points although closure of the access onto Fairlie has been suggested by the applicant if considered appropriate.

## 6 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
15/11260 House; access	28/10/2015	Refused	Decided
09/94834 Retention of external racking for storage	09/02/2010	Granted	Decided
04/83547 Use as Builders Merchants (Lawful Use Certificate for retaining an existing use)	06/04/2005	Granted	Decided
75/NFDC/03667/EUC To establish use of premises for the manufacture of timber products and sawn goods	28/04/1976	Refused	Decided
XX/RFR/09731 Timber storage.	15/06/1964	Granted	Decided

## 7 PLANNING POLICY AND GUIDANCE

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

Policy CCC2: Safe and sustainable travel  
 Policy ECON2: Retention of employment sites and consideration of alternative uses  
 Policy ENV3: Design quality and local distinctiveness  
 Policy IMPL2: Development standards  
 Policy STR3: The strategy for locating new development  
 Policy STR6: Sustainable economic growth

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

None

### Supplementary Planning Guidance And Documents

SPD - Parking Standards  
 SPD - Ringwood Local Distinctiveness

### Guidance

NPPF 2021  
 NPPG

## 8 PARISH / TOWN COUNCIL COMMENTS

### **Ringwood Town Council**

R(4) Recommend refusal. The Town Council shares the concerns of residents about the uncertainty of future use, given the variety of uses this proposal would allow,

most of which would be inappropriate in a residential area. The site is surrounded by residential properties and any increase in hours of operation from the previous use, additional traffic, noise and lighting would result in loss of amenity and be detrimental to residents. The proposed use of the access from Fairlie is also inappropriate in this narrow residential street. It is noted that the site is partly within Flood Zone 2 and historically the site and surrounding properties have flooded, as recently as January 2023.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Environment Agency:** No objection subject to conditions

**Highway Authority:** No objection subject to conditions

**Environmental Health (Contamination):** Offer advice

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

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 8

- residential development would be preferable
- traffic generation in a residential area would not be appropriate
- increased traffic on Gorley Road
- Fairlie access is difficult due to the nature of the road and its uneven pavements. It is also used by elderly and school age people
- car park to Fairlie should not be for visitors as it would cause disturbance
- opening times should reflect the Travis Perkins hours
- use as a gym could significantly impact vehicle manoeuvres
- displaced parking in Fairlie
- significant impact on residential amenity
- risk to pedestrian safety
- parking already inconveniences local residents
- potential for late night and Bank holiday opening
- Fairlie entrance should be permanently closed

Comment only: 4

- requesting consideration of larger vehicles manoeuvring without causing damage to the adjacent fencing which has happened in connection with the previous use
- concerned about increased traffic generation at sharp junction
- requesting the surgery car park is not used for overflow parking
- Gorley Road access is poorly maintained
- concerned about additional noise from traffic
- residential security issues
- Fairlie parking may not be enough
-

## 10 PLANNING ASSESSMENT

### Background

As can be seen from the planning history above, the site has been used as a timber yard or variations of this since the mid-1960s. A lawful development certificate was issued in 2005 for use of most of the site as a timber merchants, restricted to the hours of 0730-1700 Monday to Friday and 0800-1200 on Saturdays and not at all on Sundays.

The southern most building on site was a timber store with ancillary shop and office in the adjacent flat roofed section of the larger building. The eastern part of the larger building was an ancillary workshop whilst the western section of the building was outside of the site area at the time. It is noted that the business operated a delivery service to customers using a 7.5 tonne flatbed truck.

Any other use therefore requires planning permission.

### Principle of Development

The site is situated within the built up area and is predominantly surrounded by residential properties with a medical centre to the south. Policy ECON2 requires the retention of employment sites where it is considered that they remain suitable for employment purposes. The proposal entails a change of use to a variety of uses, most of which (Class E (c), (d) and (g)) are suitable uses within a residential area. The Use Classes Order specifies that Class E(g) are 'Uses which can be carried out in a residential area without detriment to its amenity'. With regard to the B8 warehousing element, it is noted that the existing lawful use allows this use without any restrictions at present and storage previously occurred in open fronted structures and within the yard area. As such, it is considered that the principle of the proposal is acceptable.

### Residential amenity

The concerns raised in respect of the proposal relating to residential amenity relate to the increased traffic generation and associated noise and disturbance. It is understood that the previous occupants of the site did not necessarily maximise the use in terms of vehicle movements and as such, traffic generation was limited. However, the existing lawful use could generate more noise and disturbance than previously if it was fully operational, particularly as there were external storage racks.

It is noted that there are residential properties bounding the rear part of the site although many of these have been permitted since the site became a timber yard. The application is supported with details advising that the Fairlie entrance could be closed or use by visitors only, keeping the majority of traffic to the rear, away from the residential area.

With regard to the proposed uses, it is noted that the applicant has indicated they would accept conditions relating to restrictions on opening hours which differ depending on the specific use being operated. These restrictions would minimise any noise and disturbance to adjoining occupiers to an appropriate level so as not to be harmful. In addition to this, a condition is requested to restrict outside storage and noisy works. The imposition of such conditions would address the Town Council concern that the proposal would result in a loss of amenity to local residents.



### Highway safety, access and parking

The site benefits from 2 vehicular access points, one off Fairlie to the north and the other to the south east off of Parkers Close. Fairlie is a relatively narrow road with narrow pavements and predominantly serves residential properties. The access has 1.8m high timber fencing and a sliding gate which are flush with the back of the pavement and leads to an area capable of accommodating 10 parking spaces to the north of the building. The other access is off Parkers Close as is the medical centre, who have their own parking facilities, and six dwellings, two of which pass the site to gain access to their property.

The Highway Authority has advised that the proposed uses would generate more trips to the site compared to the existing lawful use but are satisfied that this would be acceptable in terms of highway safety subject to conditions restricting opening hours and the closure of the Fairlie access except for cyclists. This advice reflects the findings of the applicants' transport consultant included within the Planning Statement. The conditions would address the concern raised by the Town Council with regard to the narrow nature of Fairlie but would not restrict the appropriate level of parking in the remaining area to the south.

The level of parking generated by the proposal would vary from 6 spaces (B8) to 18 for offices or leisure use (E(c) and (d)). These spaces could all be accommodated off Parker's Close with little or no need to utilise the 10 spaces off Fairlie and the applicant would be prepared to close this access point for the majority of proposed uses, requesting its use for the leisure part of the proposal only.

Most proposed uses would generate a maximum of 4 cycle parking spaces although the leisure use would exceed this requiring 12 spaces. The site could accommodate these within the site without reducing the appropriate level of car parking for any use.

As such the proposals for a flexible uses as proposed are acceptable in terms of highways and parking impacts subject to conditions.

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

The proposal does not involve any physical changes to the existing buildings or open areas and it would therefore have a limited impact on the character of the area. There is a possibility that the perceived intensification of the site would impact on the area through increased car parking and traffic movements although these matters are dealt with separately.

The site is hard surfaced and there are limited opportunities to soften this impact. Given the developer's future proposals for this site, it would be difficult to justify the provision of landscaped areas although clearly, this does not preclude the developer from providing planting to improve the visual appearance of the site. It is noted that trees are indicated in the indicative parking layout.

### Flooding

The site is partially situated within Flood Zone 2 although it is noted that this designation does not include either building and only limited parts of the rear yard area. The Environment Agency has not raised any issues with regard to potential flooding but has requested conditions relating to contamination.

## 11 OTHER MATTERS

The applicants have advised in their supporting documentation that they intend to redevelop the site for residential purposes in the future and whilst many comments have made reference to this being a preferred option for the site, it is not for consideration at this time.

## 12 CONCLUSION/PLANNING BALANCE

The proposal makes good use of an existing employment site without significant harm to residential amenity or highway safety and approval is therefore recommended subject to conditions.

## 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:

Planning Statement  
22-2012-Loc - location plan  
22-2-12-PL-001 - indicative parking layout  
PS 22-007-A - site survey plan  
PS 22-010-A - block survey plan  
PS 22-011 - floor survey plan  
PS 22-008-A - existing elevations

Reason: To ensure satisfactory provision of the development.

3. No use or activity (including deliveries and/or collections) shall take place on the site in connection with the following approved uses other than:

- between the hours of 0700-2100 Monday to Saturdays and 0900-1900 on Sundays and Bank or public holidays for Class E(d) use and
- between the hours of 0700-1800 Monday to Saturdays and at no time on Sundays or Bank or public holidays for Class B8 and Class E (c), (g) (i), (ii) and (iii) uses

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest District outside the National Park.

4. Prior to the commencement of any use hereby approved, details of the appropriate level of cycle parking shall be submitted to, for approval in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the commencement of the use and the cycle parking provision shall thereafter retained for that use.  
  
Reason: In the interests of promoting the opportunity to cycle and in accordance with Policy CCC2 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the NFDC Parking Standards SPD (2022).
5. Notwithstanding the details shown on drawing 22-2012-PL-001, no vehicles other than cycles shall access the site from Fairlie.  
  
Reason: In the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
6. The development hereby permitted shall not be occupied until the spaces shown to the south of the buildings on plan 22-2012-PL-001 for the parking of motor vehicles have been provided. The spaces shown on plan 22-2012-PL-001 for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the development hereby approved 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.
7. No materials, goods, plant or machinery shall be stored or operated in the open on the site. Additionally, any noise generating works carried out within the buildings shall only be undertaken with doors and windows closed, unless the prior express planning permission of the Local Planning Authority has first been obtained.  
  
Reason: In the interests of the residential amenities of the area and in accordance with policy ENV3 of the Local Plan Part 1.
8. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
  1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. Results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. Verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved prior to the occupation of the site.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF) and policy DM5 of the Local Plan Part 2 (Sites and Development Management) as the site is located on Secondary A superficial and bedrock aquifers (River Terrace Deposits over Selsey Sand Formation) with Medium Vulnerability.

9. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The development shall not be occupied until the validation report has been agreed.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and policy DM5 of the Local Plan Part 2 (Sites and Development Management).

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved prior to the occupation of the site.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and policy DM5 of the Local Plan Part 2 (Sites and Development Management).

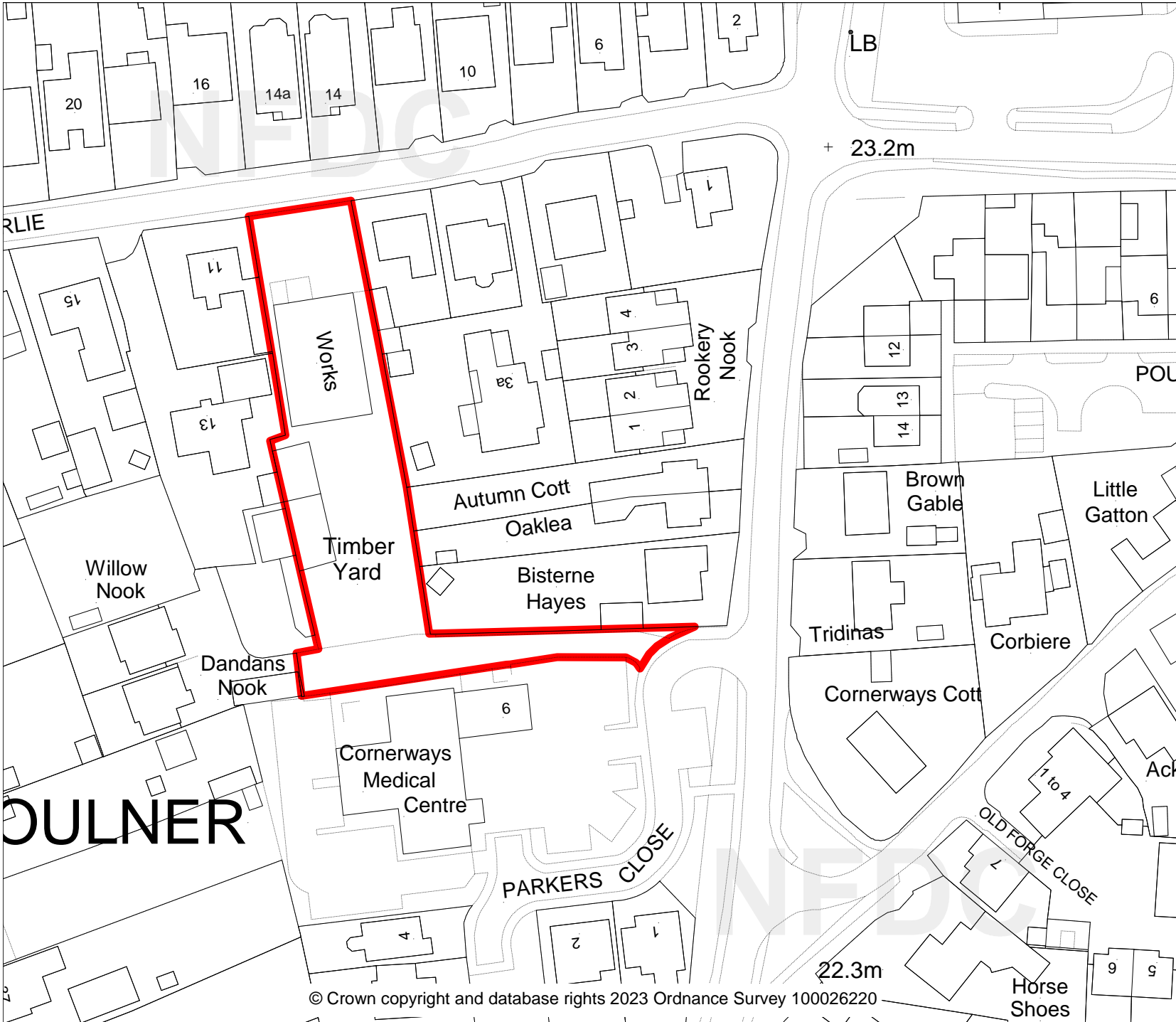
11. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the NPPF and policy DM5 of the Local Plan Part 2 (Sites and Development Management).

**Further Information:**

Vivienne Baxter

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**New Forest**  
DISTRICT COUNCIL

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David Norris  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

July 2023

9 Fairlie  
Ringwood

23/10426

Scale 1:1000

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

Planning Committee 12 July 2023

**Application Number:** 23/10450 Full Planning Permission

**Site:** 3 KNOWLAND DRIVE, MILFORD-ON-SEA SO41 0RH

**Development:** Erect 1 chalet and 1 bungalow with garage; demolish existing

**Applicant:** Mr Stockwell

**Agent:** ARC Architects Ltd

**Target Date:** 16/06/2023

**Case Officer:** Jessica Cooke

**Officer** Grant subject to conditions.

**Recommendation**

**Reason for Committee Referral:** This application is to be considered at Planning Committee due to a Parish Council contrary view.

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Design, site layout and impact on local character and appearance of area
3. Residential amenity
4. Highway Safety
5. Impacts on Ecology
6. Air Quality
7. Habitat Mitigation
8. Housing Land Supply

## 2 SITE DESCRIPTION

The site lies within the built-up area of Milford on Sea. The application site occupies a prominent corner plot, and its surroundings have a spacious feel with spaces between the buildings and well-treated garden areas. The existing property is a sizeable, detached bungalow with rooms in the roof which fronts onto the main stretch of Knowland Drive. A tall hedge and boundary fence surround the site.

Knowland Drive is a pleasant residential street consisting of predominantly bungalows, some of which have accommodation in the roof space. There are some two storey dwellings located within the cul-de-sac. There has been some infilling in the vicinity, and in particular 2 Knowland Drive, where the existing property was replaced with two chalet style bungalows. 1 Knowland Drive has also been subdivided to form 2 dwellings (1 and 1a Knowland Drive), whilst 5 Knowland Drive is also a recent replacement.

## 3 PROPOSED DEVELOPMENT

The proposal seeks full planning permission to demolish the existing single storey bungalow and construct 1no. detached chalet style bungalow with integrated garage and 4no. bedrooms (Plot 1) and 1no. single storey bungalow with detached garage and 3no. bedrooms (Plot 2).

The existing access to the west of the site is to be retained for Plot 1, however it is proposed to be extended to accommodate the additional parking space. The existing access to the south east of the site is to be retained for Plot 2 however, it is proposed to be extended to accommodate the additional parking space.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10621 New dwelling	13/07/2021	Refused	Decided
09/94012 2 two-storey dwellings; access; demolition of existing	11/11/2009	Granted Subject to Conditions	Decided
08/91927 2 two-storey dwellings; access; demolition of existing	29/04/2008	Refused	Decided

#### 5 PLANNING POLICY AND GUIDANCE

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

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

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR5: Meeting our housing needs

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

##### **Relevant Advice**

NPPF 2021

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

SPD - Air Quality in New Development. Adopted June 2022

SPD - Parking Standards

SPG - Milford-on-Sea Village Design Statement

SPD - Housing Design, Density and Character

##### **Constraints**

Article 4 Direction

Planning Agreement

Aerodrome Safeguarding Zone

SSSI IRZ All Consultations

##### **Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Milford on Sea Parish Council:** The Milford-on-Sea Parish Council deem this application as overdevelopment of the site and wish to submit the following:

PAR 4: We recommend REFUSAL



## 7 COUNCILLOR COMMENTS

No comments received.

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### **Ecologist**

Comment only - no objection.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Concern that the proposal would result in overdevelopment of the plot and would have an adverse effect on Knowland Drive and set a precedent for further such developments.
- Overdevelopment of the area to squeeze two properties on the site when all of the adjacent properties have a good sized plot.

For: 0

Against: 2

## 10 PLANNING ASSESSMENT

### Principle of Development

The application site lies within the built-up area of Milford on Sea where the principle of new residential development is acceptable and there is a presumption in favour of development. However, the benefits of the proposal must be weighed against material considerations, particularly in accordance with Policy ENV3 of the Local Plan Part 1 2016-2036.

Therefore the principle of development is accepted. In this context reference is made to the planning history of the site. Planning permission was granted for 2no. dwellings on the application site in 2009 (ref. 09/94012) for the demolition of the existing dwelling, with one dwelling to the west of the site, facing the main stretch of Knowland Drive and one dwelling to the east of the site, facing the cul-de-sac of Knowland Drive. This planning consent was not implemented and has lapsed.

A further application was submitted in 2021 (21/10621) which retained the existing bungalow and sought to construct a two-storey chalet bungalow to the rear of the existing dwelling. This application was refused on the grounds of overdevelopment due to the limited degree of separation between the existing and proposed dwellings, overlooking to the rear garden of 1A Knowland Drive and the small, shallow gardens resulting in a poor level of amenity for the occupiers. The officer report stated that the retention of the existing dwelling gave less scope for meaningful separation of buildings.

In subsequent pre-application advice the applicant was encouraged to make use of the whole plot, rather than retaining the existing dwelling which resulted in site layout constraints.

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

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

Knowland Drive is a residential street within the built-up area. It is mixed in character and benefits from a variety of house types, ages and architectural styles, though the dwellings are predominantly detached in nature and comprise bungalows, chalet bungalows and two-storey houses.

The adjacent plot of number 1 Knowland Drive, has recently been subdivided with the previously existing single dwelling being replaced with 2no. chalet bungalows. This is part of the character of the area and the current application should be considered within this context.

As mentioned, the application site occupies a prominent corner plot which is screened by existing hedging. The site is considered to be of an adequate size to accommodate the 1no. detached chalet bungalow and 1no. single-storey bungalow being of a comparable size to that of No 1.

The site occupies a prominent corner plot. Given the orientation and positioning of the two dwellings on the plot, Plot 2 would address and provide a frontage to this corner of the cul-de-sac and is of a pleasant appearance that would improve the streetscene. Plot 1 is oriented with its main facade fronting the main stretch of Knowland Drive. This layout is appropriate for the site and appears visually acceptable within the street scene.

The proposed dwellings are of a high quality appearance and are well-designed, with a attractive fenestration, brick headers and detailing on each dwelling. The dwellings are of an appropriate appearance for their context, of which Knowland Drive benefits from a streetscene of mixed character.

Much of the existing hedging around the western, eastern and southern boundaries is to be retained and a new Cherry tree is proposed to the front garden of Plot 1. Limited landscaping details have been provided however, a planning condition is recommended for the submission and implementation of a landscaping scheme.

Sustainable urban drainage systems (SUDs) are proposed to the rear gardens of the dwellings and a planning condition is recommended to secure the manufacturers specification and details of these SUDs.

Parish and neighbour concerns were raised that the proposal constitutes overdevelopment, however, the proposal is considered to be appropriate for the site and its context equating to a density of 22 dwellings per hectare (dph) which . Policy DW-E2 Density and Mix of Housing Development of the Housing design, density and character SPD (2006) states residential development within the defined built-up areas should be a minimum of 30dph and therefore 22dph is considered to be acceptable.

With regard to the above planning assessment and having considered the third party objections received, it is concluded that the proposed dwellings are well designed and are of architectural merit, having been designed sympathetically to the streetscene and are of appropriate sizes and scales that would appear proportionate to their location both within the streetscene and the plot itself. The density of development is below the expected density for the built up area and by virtue of the design, positioning and orientation on the plot, the proposed development is not considered to be out of keeping with the context or the streetscene.

### Residential amenity

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

Plot 1 features side facing dormer windows to the south elevation, however, these windows serve a bathroom and hallway. A planning condition is recommended for them to be obscurely glazed in perpetuity in order to preclude any overlooking or loss of privacy to the proposed neighbouring dwelling on Plot 2. High level rooflights are also proposed to the side facing north and south elevations of this plot, which, by virtue of their height and serving non habitable rooms, raise no concerns with neighbour amenity.

As submitted, bedroom 4 of Plot 1 included only 2no. rooflights, giving limited outlook for the amenity of the occupiers of this room, amended plans were submitted which included a dormer window to this bedroom which addressed these concerns.

Plot 2 is a single storey bungalow with a gable and attractive arched window to the west elevation which features decorative brick headers. The main elevation to access the property is the side/south elevation which features a gable, decorative canopied porch and protruding chimney. Whilst there are side facing windows, they are at ground floor level and raise no concern with overlooking.

The location of Plot 1 is 2.5m from no. 1a Knowland Drive, however, the new dwelling would be positioned adjacent to the flank wall of no. 1a and so will not result in overdominant impact or loss of light. No. 1a has a side facing window at ground floor level, however, this serves an open plan kitchen and is a secondary window and the separation distances between the properties is acceptable.

Proposed Plot 2 is located 15m from no. 23 Knowland Drive and is separated by a road, there is sufficient separation from the properties opposite to ensure no harmful amenity impacts from the new dwellings by way of overlooking or loss of light.

The proposed amenity spaces are appropriate for 3 and 4 bedroom dwellings and no concerns are raised with the level of accommodation provided within the dwellings.

As such, the proposal would have no adverse impacts upon neighbouring properties in respect of noise, light, visual intrusion and privacy due to the orientation, positioning of the dwellings on the plot and the level of separation from neighbouring properties.

### Highway safety, access and parking

Knowland Drive is a residential road with no parking restrictions. There are currently two existing accesses to 3 Knowland Drive, where the new parking spaces are proposed. Whilst these accesses are existing, both dropped kerbs are proposed to be extended and the accesses would therefore be altered.

Plot 1 would benefit from an integral garage with two parking spaces, whilst Plot 2 has a detached garage and two parking spaces to the east of the property.

The proposal comprises 1no. 4-bedroom chalet bungalow and 1no. 3-bedroom bungalow. In accordance with NFDC Parking Standards SPD (2022), the requisite parking spaces for a 3no. bedroom dwelling is 2.5 on-plot spaces and for a 4no. bedroom dwelling it is 3 on-plot spaces. Each dwelling is proposed with 3no. spaces, including 1no. space per the respective garage for each plot, therefore there is an overprovision of 0.5 spaces. As such, the proposal complies with NFDC Parking Standards in relation to vehicle parking.

4 long stay and 1 short stay cycle parking spaces are required to be provided for a 4no. bedroom property and 3 long stay and 1 short stay spaces are required for a 3no. bedroom property in accordance with the Parking Standards SPD. As such, the proposal complies with NFDC Parking Standards in relation to cycle parking.

A planning condition is required in respect of the provision of electric charging points in accordance with Policy IMPL2 Development Standards, NFDC Local Plan Part 1.

One additional dwelling would create no significant traffic generation and any additional vehicular movements would be readily absorbed into the existing highway network.

As such, the proposal is considered to have no adverse impacts upon highway safety, access and parking.

### Ecology and On Site Biodiversity and protected species

NFDC Ecologist was consulted on the application and raised that, as submitted, the proposal did not comprise any ecological measures incorporated into the proposed development. An amended plan was submitted to include bee bricks to be added to both units, a hedgehog gap to be installed in the fencing and a cherry tree to be planted in the front garden of Plot 1. Given the design of the dwellings and their limited height, the dwellings are not suitable for swift, sparrow or bat bricks which are required to be 4-5m above ground and below the eaves, the highest point of the eaves on both properties is 3m. The Ecologist was re consulted and advised the proposed enhancements were satisfactory given the design of the dwellings.

A planning condition is recommended accordingly to secure the works as set out in the site plan and the provision of ecological enhancements and retention in perpetuity.

### 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 planning permission would adversely affect the integrity of the New Forest, 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. This contribution can be secured by a completed Legal Agreement prior to determination.

#### 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<sub>x</sub>, 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. This contribution can be secured by a completed Legal Agreement prior to determination.

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

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. 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. The Council has a policy in its new 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. A Grampian Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

#### d) Bird Aware Solent Contributions

The application site is within 5.6km of the Solent and Southampton Water SPA which requires a contribution of £980 per 4no. bedroom dwelling and £834 for a 3no. bedroom dwelling. This contribution can be secured by a completed Legal Agreement prior to determination.

### Air Quality Statement

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:

- No kerbside development
- The internal layout design provides for the majority of window openings to be located on the rear and side of the dwellings therefore not directly facing the road which is the main emission release point
- There is no installation of solid fuel (wood or coal) domestic appliances or open fires to be provided within the layout of the property
- If provided, gas boilers shall meet the minimum standard of <40mgNOx/kWh
- The dwelling will be provided with an EV charging point
- Tree planting will take place within the development to contribute to green infrastructure (this can be secured as part of the landscaping condition).

#### Housing Land Supply

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances para. 11d of the NPPF indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be afforded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

#### Developer Contributions

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

- Habitat Mitigation
- Air quality monitoring
- Bird Aware Contributions

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	358	185	173	173	£80/sqm	£18,896.92 *

Subtotal:	£18,896.92
Relief:	£0.00
Total Payable:	£18,896.92

## 11 CONCLUSION

In light of the form of the development proposed, the proposal would have no harmful impact upon the character of the area, highway safety, ecological interests or neighbour amenity. The Habitat Mitigation contributions will be secured by S106 Agreement prior to a decision being issued.

Therefore, subject to conditions, the proposal would be in accordance with the policies of the Development Plan and is accordingly recommended for approval.

## 12 RECOMMENDATION

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

- i. the completion of a planning obligation entered into by way of a Section 106 Agreement to secure:
  - Air quality monitoring contribution is £206
  - The Habitat Mitigation (Access Management and Monitoring) Contribution is £2,032
  - The Habitat Mitigation (Bird Aware Solent) Contribution is £1,814
  - The Habitat Mitigation (Infrastructure) Contribution is £13,318
  - Monitoring Charges: Recreational Habitat Mitigation commencement is £750
- 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:

- 9696 / 100 REV A Site, Block and Location Plan
- 9696 / 101 REV A Plot 1 Plans & Elevations
- 9696 / 102 Plot 2 Plans & Elevations
- 9696 / 103 Proposed Street Scenes, Garage Plans & Existing Plans
- 9696 / 104 SUDS Plan
- 9696 / 105 Existing Site Plan

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan 9696 / 100 REV A for the parking and garaging of motor vehicles and cycles have been provided.

The spaces shown on plan 9696 / 100 REV A for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwellings hereby approved at all times.

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

6. 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).

7. The ecological enhancements hereby approved shall be undertaken in strict accordance with Site Plan 9696 / 100 REV A prior to first occupation of the dwellings hereby approved and thereafter retained in perpetuity unless otherwise first agreed in writing with the Local Planning Authority.



Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

8. Before development commences above slab level, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) other means of enclosure;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

9. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. 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.

11. The first floor bathroom and hallway windows on the south elevation of Plot 1 of the approved building 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.

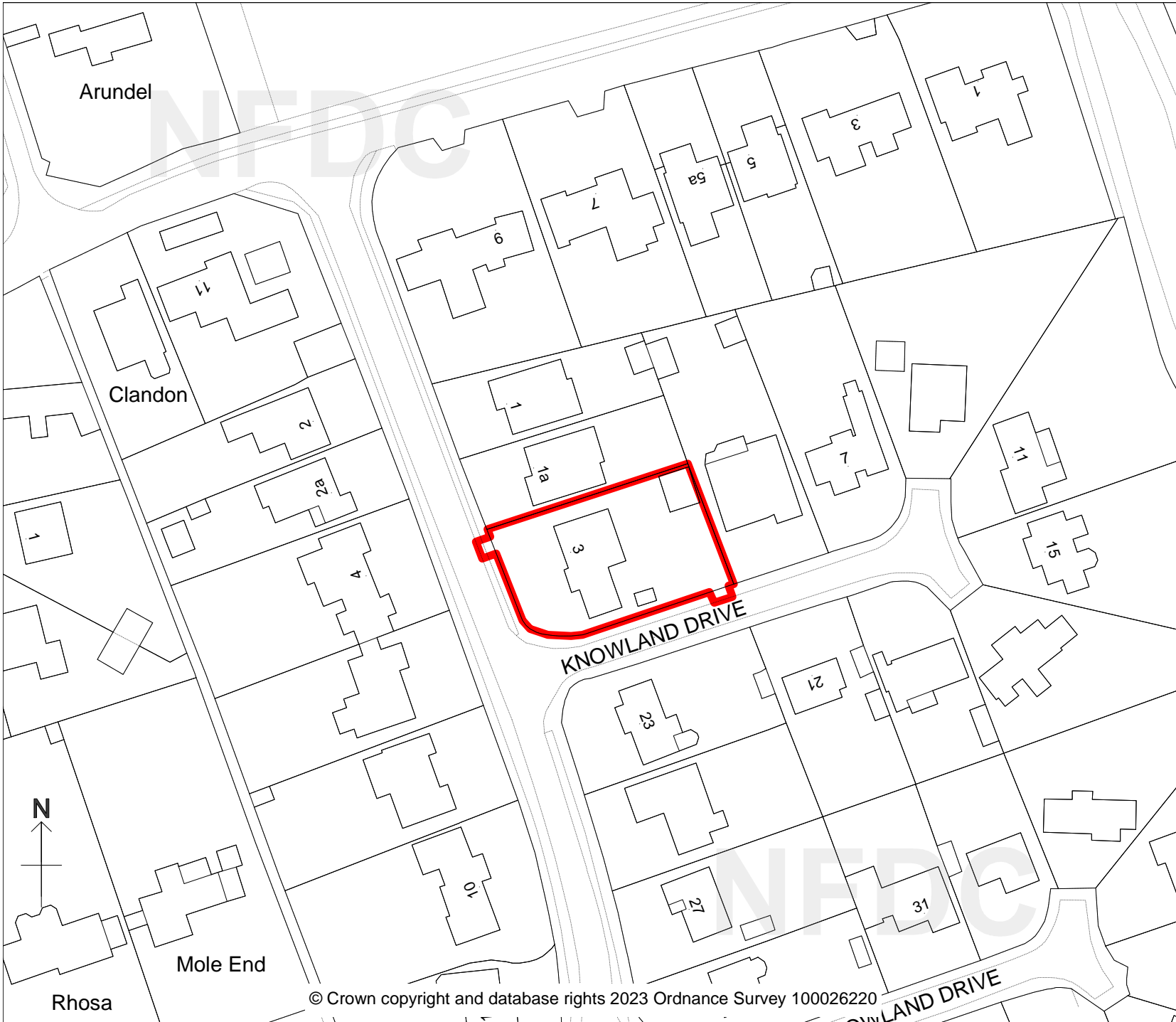
12. Before development commences, details of the means of disposal of surface water from the site and details and manufacturers specifications of the Sustainable Urban Drainage systems shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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

**Further Information:**

Jessica Cooke

Telephone: 02380285909



# New Forest

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Service Manager  
Development Management  
New Forest District Council  
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Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

July 2023

3 Knowland Drive  
Milford on Sea

23/10450

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scale.

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Planning Committee 12 July 2023

**Application Number:** 23/10423 Full Planning Permission

**Site:** COPPICE LEE, 9 WOODSIDE LANE, LYMINGTON SO41 8FJ

**Development:** Change of use of the land to residential garden; associated landscaping (retrospective)

**Applicant:** Mr & Mrs Vokes & Thorne

**Agent:** Morgan Building Design

**Target Date:** 19/06/2023

**Case Officer:** Jessica Cooke

**Officer Recommendation** Grant Subject to Conditions

**Reason for Committee Referral:** This application is to be considered at Planning Committee due to a Town Council contrary view.

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of the area

## 2 SITE DESCRIPTION

The application site comprises a large two-storey detached dwelling house that was recently built as a replacement dwelling under application reference 21/10242.

The site is located within the built-up area of Lymington.

## 3 PROPOSED DEVELOPMENT

The proposal seeks to regularise landscaping to the frontage of the property and includes a change of use of the land to residential garden.

This application relates to a previously approved application (21/10242) for a replacement dwelling on the site, whereby the landscaping scheme was not implemented in accordance with the approved plans.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10421 Variation of conditions 2 & 4 of planning permission 21/10242 to allow changes to landscaping proposals, including patio areas instead of grass in rear garden	21/06/2023	Granted Subject to Conditions	Decided
23/10001 Retention of dwelling with an amended landscape scheme and extended curtilage	14/04/2023	Withdrawn by Applicant	Withdrawn

22/11229 Variation of conditions 2,4 & 5 of planning permission 21/10242 to allow amended landscaping plans	12/12/2022	Withdrawn by Applicant	Withdrawn
21/10242 Replacement Dwelling	13/10/2021	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

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

SPD - Lymington Local Distinctiveness

### **Relevant Advice**

NPPF 2021

### **Plan Policy Designations**

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

**Lymington & Pennington Town Council:** Recommend refusal.

- Encroachment on the highway.

## 7 COUNCILLOR COMMENTS

No comments received.

## 8 CONSULTEE COMMENTS

No comments received.

## 9 REPRESENTATIONS RECEIVED

No representations received.

## 10 PLANNING ASSESSMENT

### **Principle of Development**

The site is located within the built-up area of Lymington where the principle of new development is acceptable, subject to other material considerations. This proposal seeks to regularise the landscaping for the previously approved replacement dwelling (ref. 21/10242).

A concurrent variation of condition application (ref. 23/10421) was submitted and approved in June 2023 for amendments to the landscaping which fell within the approved red line boundary of the original application for a replacement dwelling (ref. 21/10242).

The reason this current application could not be considered under the variation of condition application ref. 23/10421, is because the proposed works fell outside of the approved red line boundary of the original approved replacement dwelling.

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

The dwelling itself was implemented in accordance with the approved plans. However, the landscaping was altered during the construction process, resulting in the landscaping falling outside of the scope of the approved plans.

The previously approved driveway comprised permeable blockwork to the front of the dwelling and along the side pathway to the north of the dwelling. This area has been implemented in gravel instead of permeable blockwork, whereby an additional nominal area of hard landscaping (gravel) is proposed to the front driveway forming a curve which encroaches upon the extended curtilage at the frontage of the property. Whilst the extended curtilage was in the ownership of Coppice Lee and maintained by the owner, it did not form part of the residential garden but was rather a strip of roadside amenity land, which is a feature of the character of Woodside Lane.

In terms of the approved scheme, a mixed native hedge was approved to be planted along the boundary between the front garden and the extended curtilage. However, this was not planted and the extended curtilage and front garden/driveway of the property are integrated. One ornamental tree was approved within the extended curtilage, but 3no. ornamental trees were planted instead. The existing hedge at the front of the extended curtilage was to be retained as approved. However, a new *Griselinia littoralis* was planted. In front of this hedge, ornamental rocks have been placed, and a 1m high chestnut fence has been constructed.

The works to the landscaping have enclosed this area of previous extended curtilage and changed its function from extended amenity land which functions as one with the residential front garden. However, of most importance to the character of the area, the green and verdant aspect to Woodside Lane has been retained.

The proposal is attractive in appearance and uses high quality materials. It does not appear out of keeping with the area and raises no concerns with regard to impacts on the character of the area. The alterations to the landscaping are modest and are sympathetic to the replacement dwelling and are not considered to impact upon the streetscene. A number of dwellings on Woodside Lane have benefited from alterations, including alterations to the landscaping of the frontages. This includes the neighbouring property to the north of the application site which has incorporated the extended curtilage into the front garden. Therefore, given this mixed character, the impact of the proposal is not considered to detract from the character of the area or appear overly prominent within the streetscene.

### Highway safety, access and parking

Concerns were raised by the Town Council in respect of encroachment on the highway. The works are contained within the applicant's land and raise no concerns in this respect.

## **11 CONCLUSION / PLANNING BALANCE**

The proposed alterations to the approved scheme are modest and are not considered to detract from the character of the area or appear overly prominent within the streetscene.

The proposal is accordingly recommended for approval.

## 12 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

- SL.01 REV C Site Layout
- LP.01 REV C Location Plan\_Site Layout

Reason: To ensure satisfactory provision of the development.

2. All external works (hard and soft landscape) shall be retained in accordance with the approved plans and details SL.01 REV C Site Layout and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

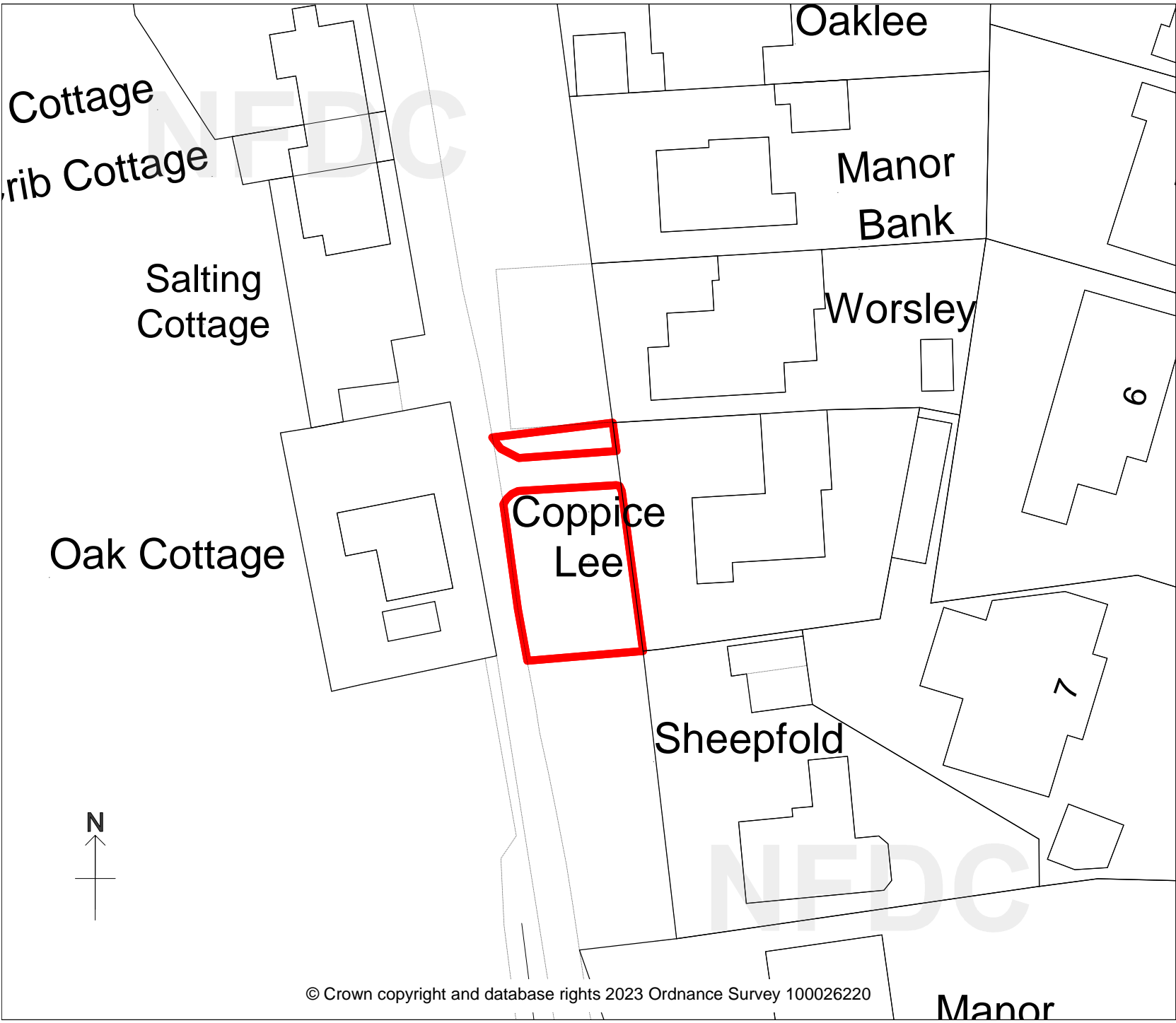
Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

#### Further Information:

Jessica Cooke

Telephone: 02380285909





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## PLANNING COMMITTEE

July 2023

Coppice Lee  
9 Woodside Lane  
Lymington  
23/10423

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Planning Committee 12 July 2023

**Application Number:** 23/10306 Full Planning Permission

**Site:** 32 PICKET CLOSE, FORDINGBRIDGE SP6 1JY

**Development:** Two-storey side extension to provide accessible bedroom and bathing facilities; extend existing drive for wheelchair access

**Applicant:** New Forest District Council

**Agent:**

**Target Date:** 23/06/2023

**Case Officer:** Jacky Dawe

**Officer Recommendation:** Grant subject to conditions

**Reason for Committee Referral:** The proposals are brought to committee as the applicant is NFDC

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Character of the area
- 2) Residential Amenity

## 2 SITE DESCRIPTION

The application property is located within the Fordingbridge defined Built up Area and is also within an area that is covered by the Fordingbridge Town Design Statement. The site is situated in a prominent corner position with a large area of greenspace to the front with allotments and a parking area on the other side of the road.

A semi-detached house enclosed to the front by a wire fence, with a wicket gate, also an area of lawn and planting, to the side is a pair of double gates and a driveway which leads to a brick outbuilding.

## 3 PROPOSED DEVELOPMENT

Permission is sought for a two-storey side extension, extend hardstanding and footpath. This relates to adaptations of the dwelling to provide a ground floor bathroom to allow for disabled access.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
XX/RFR/01954 Amended design for 34 houses.	24/07/1953	Granted	Decided
XX/RFR/01920 20 dwellings.	26/06/1953	Granted	Decided
XX/RFR/01795 34 houses.	29/04/1953	Granted Subject to Conditions	Decided

XX/RFR/01421 Use of land for the erection of permanent dwelling houses. 19/03/1952 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

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

SPD - Fordingbridge Town Design Statement

### **Relevant Advice**

NPPF

NPPG

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Fordingbridge Town Council - 18th May (original plans)**

Recommend PERMISSION under PAR3 as there is no unacceptable impact on the neighbours or on the area generally.

### **Fordingbridge Town Council - 15th June (amended plans)**

Recommend PERMISSION under PAR3 as there is limited change from the original application.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

No comments received

## 9 REPRESENTATIONS RECEIVED

No comments received

## 10 PLANNING ASSESSMENT

### **Principle of Development**

The site is located within the built up area where the principle of development is acceptable. 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.

### **Character of the Area**

The proposed side extension is set down lower than the existing roof and set in from the front and back elevation. The proposed extension is modest in scale and size and has been designed as a sympathetic and proportionate addition to the existing dwelling and would not detract from the character of the area or appear overly prominent within the street scene.

The proposed hardstanding is of tarmac construction and has provision of an aco drain within the curtilage. This is acceptable.

#### Neighbour Amenity

The proposed two-storey extension is set away from the adjoining neighbour, amended plans have been received which remove the rear facing window at first floor, this will ensure the privacy of number 34 is maintained. The only first floor window faces the front and the public realm.

The extension of the hardstanding and the footpath is to the side of the property in front of the existing outbuilding.

Due to the spatial characteristics of the application site and the adjacent properties, the design of the proposed development, its location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would not cause unacceptable effects on the privacy, light and outlook available to the adjacent neighbours.

### **11 OTHER MATTERS**

None

### **12 CONCLUSION / PLANNING BALANCE**

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice and the views of interested third parties have been taken into account. 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 therefore recommended that permission be granted subject to conditions.

### **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:

SITE LOCATION PLAN  
BLOCK PLAN  
NFDC-01-01/23 = EXISTING ELEVATIONS  
NFDC-02-01/23 = EXISTING FLOOR PLANS  
NFDC-03-01/23 REV B = PROPOSED ELEVATIONS  
NFDC-04-01/23 REV B = PROPOSED FLOOR PLANS

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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

**Further Information:**

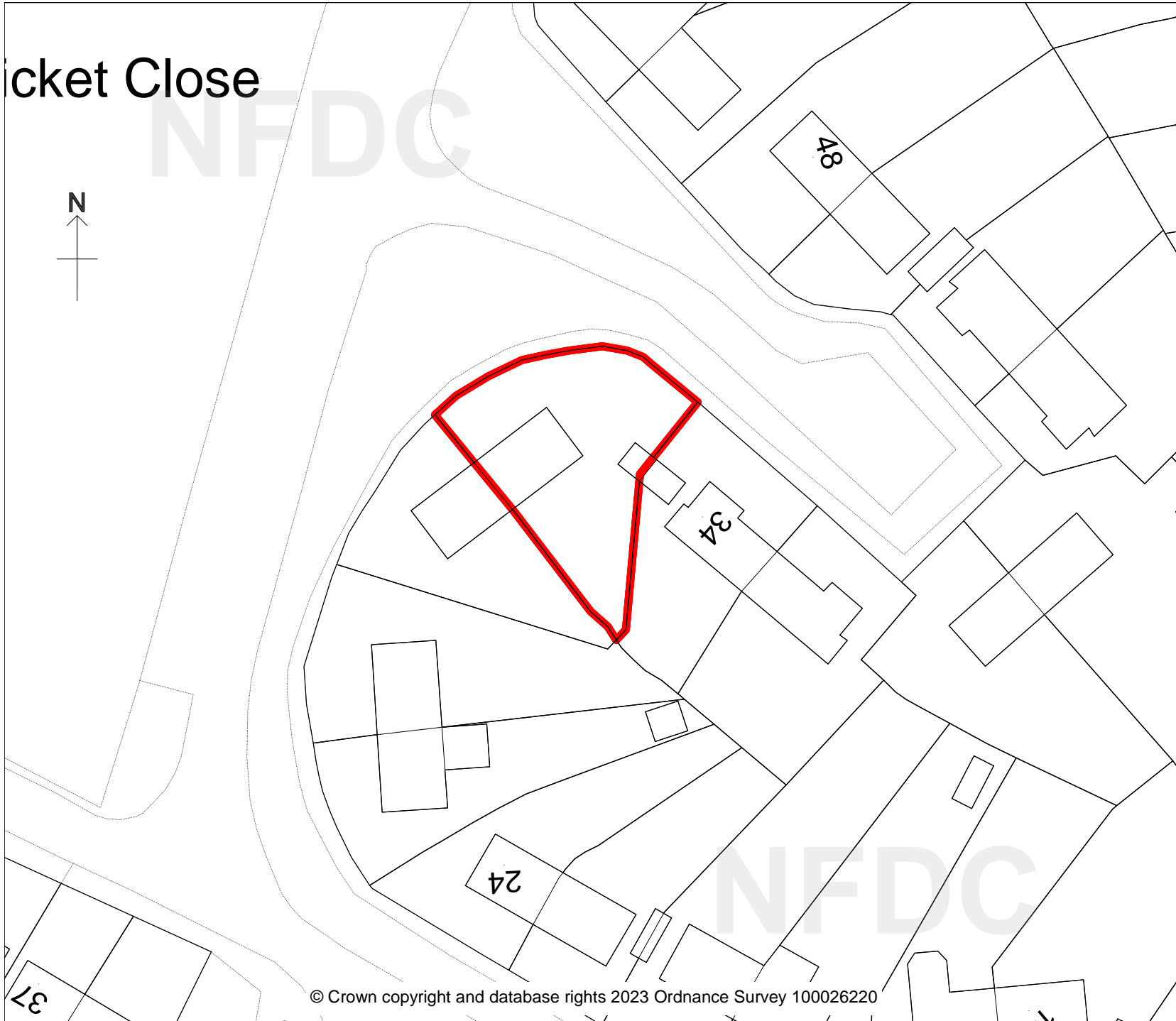
Jacky Dawe  
Telephone: 023 8028 5447

Picket Close

NFDC



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**PLANNING COMMITTEE**

**July 2023**

32 Picket Close  
Fordingbridge

23/10306

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Planning Committee 12 July 2023

**Application Number:** 23/10508 Full Planning Permission

**Site:** Land off ASHURST BRIDGE ROAD, SOUTH OF BARTLEY PARK, TOTTON

**Development:** Change of use from agriculture to recreation (public open space)

**Applicant: Agent:** New Forest District Council

**Target Date:** 11/08/2023

**Case Officer:** John Fanning

**Officer** Grant Subject to Conditions

## Recommendation

**Reason for Committee** The proposal is brought to committee as the applicant is NFDC

**Referral:**

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of use
- 2) Amenity
- 3) Layout and landscaping

## 2 SITE DESCRIPTION

The proposal relates to a piece of agricultural land falling within the defined built-up area in Totton. A plot of land is roughly triangular, with a rail line running to the east, Ashurst Bridge Road (and the A326) running to the west and the existing Bartley Park to the north. The site lies with the Councils identified built-up area.

## 3 PROPOSED DEVELOPMENT

The application proposes the conversion of the land to form an extension to the existing Bartley Park open space provision.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
18/10500 Use of land for recreation (Public Open Space)	25/06/2018	Granted Subject to Conditions	Decided

## 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 STR4: The settlement hierarchy  
Policy STR6: Sustainable economic growth

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

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

TOT20: Extension to public open space south of Bartley Park

#### **Relevant Legislation**

NPPF

#### **Relevant Advice**

NPPG

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

#### **Totton & Eling Town Council**

This application seeks to renew a previous approved application (18/10500) which has now expired.

The land is currently un-grazed pasture land allocated to mitigate the loss of green space in more sustainable housing locations. It is felt this is a logical extension of the existing public space.

RECOMMENDATION PAR1: We recommend PERMISSION, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers.

### **7 COUNCILLOR COMMENTS**

No comments received

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

#### **Network Rail - Southern Region**

Request for applicant to engage with their Asset Protection service prior to commencement of works.

#### **NFDC Tree Team**

No objection

#### **Health and Safety Executive**

No objection

### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 0

Against: 1

- At present there is limited screening with adjacent neighbouring property from proposed site which presently has a low intensity of use which the proposal will substantially intensify resulting in potential for overlooking and loss of privacy - at minimum appropriate screening should be secured
- Potential interest in purchase of land if development does not come forward

## 10 PLANNING ASSESSMENT

### Principle of Use

The proposal relates to a piece of agricultural land to the north of the railway line, south of the Bartley Park, which is allocated as public open space to be managed as Suitable Alternative Natural Green Space by Policy TOT20. The District and surrounding area contains many sensitive natural spaces and this policy is part of a wider strategy to lessen the pressure on these sensitive natural environments by providing access to new, additional locations within the district for residents to access and enjoy.

It is noted that an application was previously granted on the site for the same use in 2018 under application reference 18/10500. As the application was not implemented within 3 years this consent is not longer extant, however it is considered that the circumstances of the land and relevant policy circumstances remain predominately similar to when the previous consent was granted.

With regard to the above, it is considered that the principle of the use is acceptable.

### Amenity

The site is relatively isolated, with the A326 to the west, the railway line to the east and the existing park to the north. There is one property adjacent to the site situated off Ashurst Bridge Road.

The scheme provides a number of positive benefits in terms of improving and providing additional access to facilities for local residents. At present the site has been left fallow and it is considered that the proposal would result in a potential intensification of the use of the land. While Bartley Park is an existing public recreation ground, the enlargement of the site and alterations to the access arrangements does have the potential to alter the nature and location of the associated impacts.

Notwithstanding this, while there will be some additional noise and activity, it is not considered that the general scope of activity would be likely to be intrinsically harmful or interfere with the residential amenity of the neighbouring property given the existing screening features between the land.

There will be some potential for increase in visitors to the site associated with the proposed improvement to facilities and amenities of the park. It is anticipated that the majority of the visitors to the site will be local residents. While the park does not have a defined car park it would appear there is presently very low uptake of on-road parking capacity along Ashurst Bridge Road.

### Layout and landscaping

The application proposes the conversion of the land to serve as an area of public open space. The proposal will likely involve some loss of existing vegetation to provide access through to the existing park, as part of a wider scheme to improve the layout and facilities associated with the conjoined function of the new enlarged

park. It is considered that the proposal overall represents a betterment of the existing situation and as such no objections are raised in this regard.

## **11 OTHER MATTERS**

N/A

## **12 CONCLUSION / PLANNING BALANCE**

The application supports the Councils wider objectives of protecting the wider sensitive natural environments within the New Forest District Council area while also supporting the provision of potential new high quality public open spaces for Totton residents to enjoy in line with Local Plan: Policy TOT20: Extension to public open space south of Bartley Park. On this basis it is considered that the application should be recommended for conditional approval.

## **13 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

#### 1. Timing

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. Approved plans

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

Drg No: To1.RL.01 (Red Line Plan) Dated: 10.06.2022, Received: 12.05.2023

Drg No: PP-11560038v2 (Location plan) Dated: 12.05.2023, Received: 12.05.2023

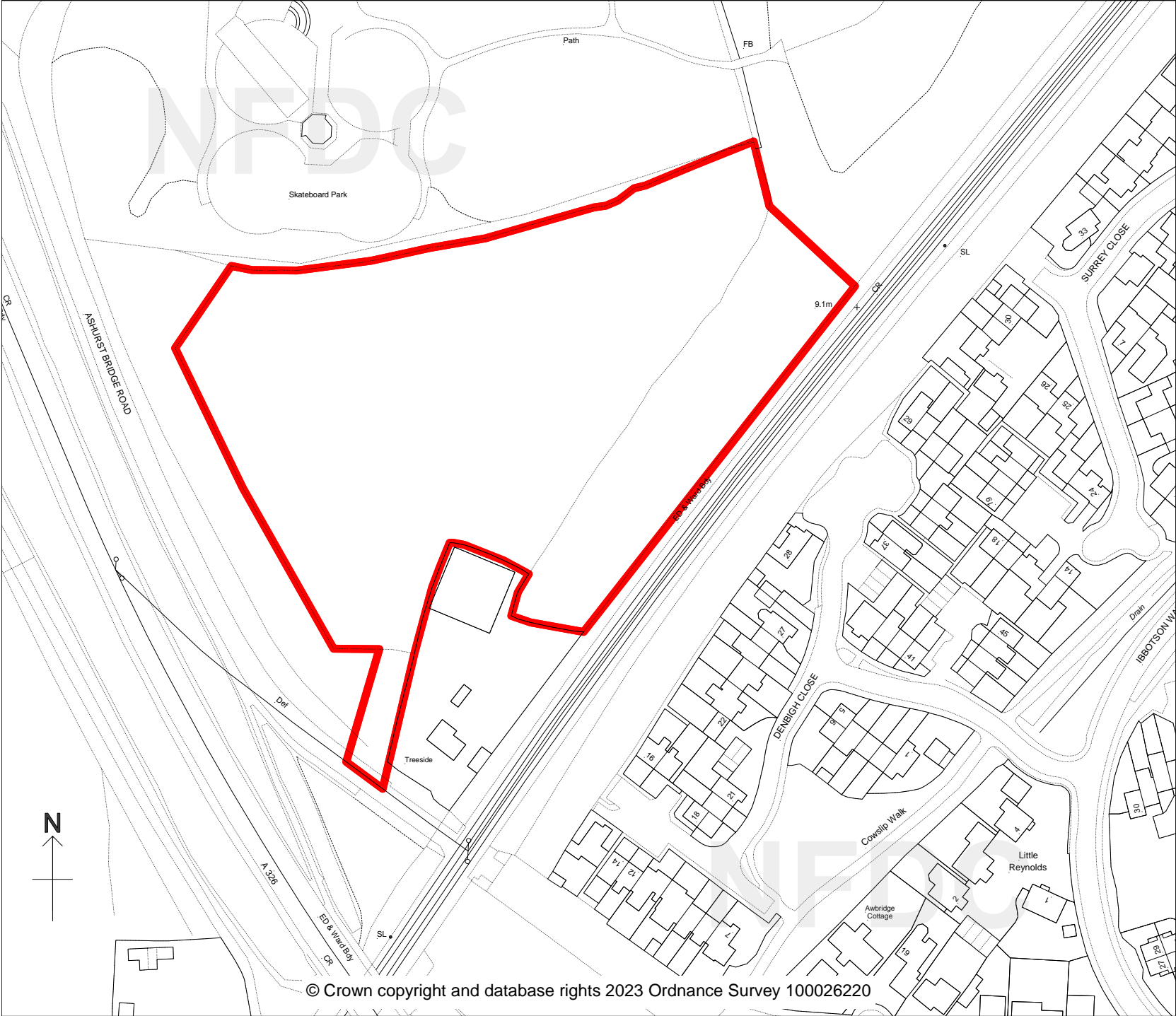
(Recreational Mitigation Proposal) Received: 12.05.2023

Reason: To ensure satisfactory provision of the development.

#### **Further Information:**

John Fanning

Telephone: 023 8028 5962



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# New Forest

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 Service Manager  
 Development Management  
 New Forest District Council  
 Appletree Court  
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 SO43 7PA

## PLANNING COMMITTEE

July 2023

Land off Ashurst Bridge Road  
 South of Bartley Park  
 Totton

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Planning Committee 12 July 2023

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

**Site:** LAND SOUTH OF, DERRITT LANE, SOPLEY BH23 8AT  
(PROPOSED LEGAL AGREEMENT)

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

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

**Agent:** Turley Associates

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

**Case Officer:** Richard Natt

**Officer Recommendation:** That the Committee allow a further three month period until the end of September 2023 to allow for the completion of the S106 Agreement and the subsequent issuing of the Planning Permission.

**Reason for Committee Referral:** To grant an extension of time to allow completion of a Section 106 agreement

---

## 1 INTRODUCTION AND UPDATE NOTE:

This application is presented to Committee for the third time. To avoid any confusion, the previous Committee reports as presented as follows:

Current update report referred to as Current Update Report July 2023. Paragraphs 1.0 -5.1.

Update report - May 2022 (Appendix B)

Original (first) Committee Report March 2022 (Appendix A)

### **CURRENT UPDATE REPORT JULY 2023**

## 2 INTRODUCTION

2.1 Members will recall that this full planning application was considered at the Planning Committee in May 2022.

2.2 At the May 2022 Committee, the Planning Committee resolved to Delegate Authority to the Executive Head for Planning, Regeneration and Economy to grant permission subject to i) the completion by the end of the 31<sup>st</sup> March 2023, 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 ii) the imposition of the

conditions set out in the Committee report and any additional / amended condition deemed necessary by the Executive Head for Planning, Regeneration and Economy.

2.3 The Section 106 legal agreement (in respect of those matters set out in Section 12 of the original Committee report) was not completed by the end of March 2023 and this application is being back to Committee to allow a further three month period to complete the S106 Agreement and issue the planning permission. The Section 106 legal agreement, whilst not yet completed, is now at a final agreed stage, such that completion is expected to take place by the end of August 2023 if not before.

1.4 Furthermore, given the time 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. This will allow members to consider any national and local changes to planning legislation, policy and the site that have occurred since May 2022.

### **3 POST MAY 2022 COMMITTEE ACTIONS, CONSIDERATIONS**

3.1 Securing a completed Section 106 legal agreement (in respect of those matters set out in Section 12 of the original Committee report) has taken longer than originally anticipated. However, the Section 106 legal agreement, whilst not yet completed, is now at a final agreed stage and completion is expected to take place by the end of August 2023.

3.2 The Heads of Terms set out in the original Committee Report and confirmed in the Committee Resolution remains largely unchanged. The only modifications relate to the level of financial contributions payable towards habitat mitigation for recreational impact (non infrastructure) and Air Quality Monitoring, in which the contributions amount increased in April 2023. The increase in the contributions has been reflected in the latest draft Section 106 Agreement, which is pending completion. The contribution payable towards Habitat Mitigation for recreational impact (non -infrastructure has increased to £84,113, from £69,497 and the contribution payable towards air quality has increased to £10,300 from £9,100).

3.3 The May 2022 Committee resolution was subject to 41 draft conditions. As noted in the introduction to this report, delegated authority was granted to the Executive Head for Planning, Regeneration and Economy to add/ amend conditions as deemed necessary as a result of continuing Section 106 discussions. Accordingly, the original draft conditions have been reviewed and some have needed some minor rewording and refinement, and an additional condition has been added, in which the need to impose a further condition has been explained below. A complete revised list of draft conditions (40 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.

### **4 POST MAY 2022 REVIEW**

4.1 Due to the length of time that has elapsed since the May 2022 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. In addition, since the Committee in May 2022, Natural England current advice is that Phosphate neutrality needs to be achieved for new residential development draining into the Avon Catchment, including Christchurch STW.



## Phosphate Neutrality

4.2 When this application was presented to the Planning Committee in March 2022, Natural England stated that the location of this site meant that it was not necessary to mitigate the impacts of Phosphorus on the River Avon Special Area of Conservation (SAC) with specific regard to development draining to Christchurch Wastewater Treatment Works. In September 2022, following the committee's decision to approve the application, NFDC received an email from Natural England stating that their original advice was incorrect. Natural England's current advice is that Phosphate neutrality will need to be achieved for new residential development draining into the Avon catchment, including Christchurch Sewage Treatment Plant. In this case, the proposed development connects to Christchurch STW and discharges into the Avon.

4.3 In response to the advice from Natural England, and notwithstanding the conclusion in the original Committee report, Officers support that in the absence of evidence to the contrary, it would be appropriate to adopt the precautionary approach and that significant effects on the interest features of the European site cannot be ruled out.

4.4 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 and for this reason. Such a project has now been secured and a Grampian style condition can be imposed that can secure the appropriate level of phosphate mitigation. This condition has been imposed on numerous other planning approvals for development within the Avon catchment.

### **A. 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 May 2022 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.

### **B. 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 full application was accompanied by a detailed Air Quality Assessment. It is considered that the proposed development is consistent with this new SPD.

### **C. Changes to Site Context Since May 2022**

There has not been any significant changes to the site context over the last year, and the site largely remains in arable use and a paddock grazed by horses. Accordingly it is considered that there has not been any material effect on the Local Planning Authority's assessment of the proposed development.

### **D. Conclusion on additional post May 2022 considerations**

It is considered that the report to Committee in May 2022 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 May 2022.

### **ADDITIONAL REPRESENTATIONS RECEIVED SINCE MAY 2022 COMMITTEE**

4 Letters of objection received following the committee resolution in May 2022. Whilst there are no further substantial comments made to the Committee Report and meeting held in May 2023, the representations made include concerns in relation to the recent Government announcement to protect green spaces and Green Belt – downgrading of the green belt status, construction operational hours, impact on amenity, infrastructure, wildlife, transport, flooding and impact on climate change. 1 letter of observation that supports in principle, but notes that the development does not provide any bungalows to cater for disabled or elderly people, nor any self build.

In response, the condition in relation to the construction hours has been amended so that no works take place on Saturday afternoon. In response to the recent Government announcement, it should be noted that the application site is allocated in the local plan for a residential development.

## **5 CONCLUSION**

5.1 Upon completion of the Section 106 legal agreement, the Service Manager Development Management can proceed to grant planning permission for the proposed development subject to the amended set of conditions attached to this report.

## **6 CONDITIONS**

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

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

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

### **2. Condition 2 - Plan Numbers**

The development permitted shall be carried out in accordance with the

following approved plans:

### Site Plans

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

### Highway plans

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

### Tree Protection Plan

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

### House Units

Plots 1 and 6 Drawing No/Ref Reg-B-C  
Plot 2 Drawing No/Ref Upt-B-I-V  
Plot 3 Drawing No/Ref Eve-B-C1-V  
Plot 4 Drawing No/Ref Ibb-B-I1-V  
Plots 5, 43, 51 and 83 Drawing No/Ref Ibb-B-C  
Plot 7 Drawing No/Ref War-B-I-V  
Plots 8 and 22 Drawing No/Ref Ibb-B-C-V  
Plots 9, 13 and 17 Drawing No/Ref Mor-B-I  
Plots 10 and 69 Drawing No/Ref Cor-B-C  
Plots 11 Drawing No/Ref Lyt-B-C  
Plot 12 Drawing No/Ref Lyt-R-I1  
Plots 14 and 81 Drawing No/Ref Com-B-C  
Plots 15-16 Drawing No/Ref Com-R-C-V, Cor-B-C-V  
Plot 18 Drawing No/Ref Sil-B-C-V1  
Plots 19-21 and 77-79 Drawing No/Ref Bea-BF-C-V  
Plot 23 Drawing No/Ref Gla-R-C  
Plots 24-31 Drawing No/Ref FBT 3-HA-B-V Rev A  
Plots 32 and 37 Drawing No/Ref FOGT2-HA-B-V Rev A  
Plots 33, 34, 35 and 36 Drawing No/Ref Iwe-B-C1-V Bry -R-C-V  
Plots 38, 65, 76 and 80 Drawing No/Ref Iwe-B-C1 Rev A  
Plots 34-45 Drawing No/Ref Bry-R-C  
Plots 39-40, 58-59 and 62-63 Drawing No/Ref Edm-BF-C  
Plot 41 Drawing No/Ref Shi-B-C-V  
Plot 42 Drawing No/Ref Mor-R-I  
Plots 44 -46 Drawing No/Ref Bea-B-C-V  
Plot 47 Drawing No/Ref Gla-B-I  
Plots 48-49 and 70-71 Drawing No/ Ref Bri-B-C  
Plot 50 Drawing No/Ref Six-B-I-V  
Plots 52-52 and 54-55 Drawing No/Ref Bea-BF-C  
Plot 56 Drawing No/Ref San-B-C  
Plot 57 Drawing No/Ref Sil-B-C-V2  
Plots 60-61 Drawing No/Ref 777 HA-B

Plot 64 Drawing No/Ref Mor-B-C-V  
Plots 66 -68 Drawing No/Ref 894-HA-B-T3  
Plot 72 Drawing No/Ref Reg-B-C-V  
Plots 73-75 Drawing No/Ref 894-R-T3  
Plot 82 Drawing No/Ref Com-BF-C  
Plot 84 Drawing No 1036 -B Rev A  
Plot 85 Drawing No/Ref Com 1036-B-V  
Plots 86-90 Drawing No/Ref BarB-HA-BC Rev A  
Plots 91-95 Drawing No/Ref 860-B-T5 Rev A  
Plot 96 Drawing No/Ref Special2-B-C  
Plot 97 Drawing No/Ref San-B-C-V  
Plots 98-99 Drawing No/Ref Lyt-B-C & San-B-C-V  
Plot 100 Drawing No/Ref Special1-B-C

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

### Garages/car ports

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

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

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

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

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

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

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

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

Before development commences and notwithstanding the existing and proposed levels shown on Drawing No's 01GA 1001 Rev B, 01GA 1002 Rev B, 01GA 1003 Rev B and 01GA 1004 Rev A, the details of the slab, finished floor and ground levels of the dwellings, roads and footpaths, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

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

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

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

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

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

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

- 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 based upon

the Huck Drawing No 21768b Rev 2

- 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 any headwalls and outflow details
- h) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

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

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

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

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

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

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

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

Prior to the commencement of development, a programme of further archaeological work, including a Written Scheme of Investigation in relation to the area around Trench 15 and Trench 31 as identified within the

submitted Archaeological Evaluation Report (Wessex Archaeology, December 2020), shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

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

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

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

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

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

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

The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement (Barrell Tree Consultancy Arboricultural

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

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

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

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

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

**15. Condition 15 - Lighting**

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

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

The scheme shall be implemented as approved.

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

**16. Condition 16 – Contamination General**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence within the area of the circular depression feature referred to and identified on drawing 18625/03 within the Phase 1: Preliminary Geotechnical and Contamination Assessment Report dated 12



December 2019 until conditions relating to contamination no 17 to 19 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 20 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

If contamination is identified within the circular depression feature referred to and identified on drawing 18625/03 (within the Phase 1: Preliminary Geotechnical and Contamination Assessment Report dated 12 December 2019), a detailed remediation scheme to bring the area to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Where a remediation scheme has been approved in accordance with condition 18, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development within the circular depression feature referred to and identified on drawing 18625/03 (within the Phase 1: Preliminary Geotechnical and Contamination Assessment Report dated 12 December 2019) other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems,

and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

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

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

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1830 hours on Mondays to Fridays and between 0800 hours and 1330 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard residential amenities.

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

- 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 are satisfactorily minimised and mitigated.

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

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

- 1) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- 6) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Development shall only proceed in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately

drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

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

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

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

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

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

**28. Condition 28 - Travel Plan**

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

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

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

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

Monitoring and Management Plan prior to the occupation of the last dwelling on the site.

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

30. **Condition 30 - Cycle Parking**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted detail design of the cycle parking facility to be provided for each dwelling including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store relative to that dwelling shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel.

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

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

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

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

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

Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of the non-vehicular access (pedestrian and cycle provision) to include the specification and cross section of the surfacing, to connect West Road to the main residential area to the north of Plot 80, as shown in principle on Site Layout Plan Extract 3 150\_DI\_24.12 shall be submitted to and approved in writing by the Local Planning Authority. There shall be no Occupation of any more than 25% of the dwellings hereby approved, until the above non-vehicular access (pedestrian and cycle provision) has been carried out, constructed and made available for use at all times in accordance with the approved details,

unless otherwise agreed in writing by the Local Planning Authority.

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

**33. Condition 33 - Visibility Splays**

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

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

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

**34. Condition 34 – Land Raising**

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

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



**35. Condition 35 - Removal of Invasive species**

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

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 and to ensure that the works that take place do not impact on habitats

**36. Condition 36 - Ecological mitigation**

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

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

**37. Condition 37 - Flooding and finished floor levels**

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

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

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

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

*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

38. **Condition 38 - Internal access arrangements**

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

*Reason:* To ensure safety of sustainable access

39. **Condition 39 - Internal visibility splays**

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

*Reason:* To ensure safety of sustainable access

40. **Condition 40 Phosphates**

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.

## **APPENDIX B - Update Report - May 22 Committee**

### **1 Introduction**

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

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

#### March 2022 Committee

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

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

#### Post March 2022 Committee actions and developments

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

- i) A detailed explanation of the different flood zones and how this affects the proposed development and the decision-making process for planning applications;
- j) Details of any historic flooding incidents on the site or within the vicinity of the site and how this effects the development site;
- k) Further clarification of the proposed drainage strategy and how the proposed development can result in betterment on and off the site for

both surface water management in the long term and flooding, including the effect of climate change

- l) A detailed response to representations made during the application process and comments made at committee in relation to surface water and flooding
- m) A summary of further technical information to demonstrate that the development would not cause flooding in or around the proposed development.

What are flood zones and how this affects the development site

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

1.7 The Flood Zones

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

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

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

1.10 Local and National policy make it clear that residential development is located within areas at the lowest risk from flooding, which is defined as Flood Zone 1. Areas that fall within Flood Zone 1 make up most of the country and are defined as area where development including residential

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

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

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

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

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

#### Historic flooding

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

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

development.

#### Flooding on the application site

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

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

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

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

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

#### Flooding along Derritt Lane

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

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

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

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

What are the effects on existing flooding issues in Sopley

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

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

Flooding in Wiltshire Road

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

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

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

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

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

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

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

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

The effect of Climate Change

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

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

1.33 As a result, development of the site will provide betterment over existing undeveloped conditions whereby the peak rates and volumes of runoff would continue to increase as climate change occurs. This approach



will protect the development from flooding throughout its lifetime whilst also offering a reduced flood risk to the downstream catchment.

1.34 Development of the site will also reduce groundwater recharge thus reducing the risk of surface water ponding that has been known to occur in some areas of the site that are proposed for use as ANRG. Similarly, the proposed landscaping strategy (trees, hedgerows and scrub) will also promote additional absorption and water uptake.

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

Why do the site levels need to be raised?

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

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

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

#### Are there any plans for the long term maintenance of ditches

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

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

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

#### Will the development increase run off onto Derritt Lane

1.41 The only small area of development which drains to Derritt Lane is the proposed western-most access. The additional run off at this point would

be just 1 l/s. Elsewhere the development grades south, with re profiling works along the northern edge to improve the fall towards the Clockhouse stream and away from Derritt Lane. Overall, compared to existing conditions, the development will reduce the rate and volume of runoff reaching Derritt Lane, not increase it.

### Conclusion

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

### Further representations since March Committee

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

## **APPENDIX A - ORIGINAL REPORT MARCH 2022**

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

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

The key issues are:

- 7) Principle of development -whether the principle of development would be acceptable having regard to Local and National Planning Policy
- 8) 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
- 9) 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
- 10) The quantum and quality of green infrastructure (including ANRG land, Public Open Space and play areas).
- 11) Heritage – whether the development would have an appropriate -impact on non-designated heritage assets adjoining and within the

site

- 12) Transport – whether the development would have an acceptable impact on the local highway network, whether the access arrangements would be safe, sustainable and meet the appropriate needs of the highway users, whether the proposed development would have an acceptable impact on existing rights of way on and close to the vicinity of the site.
- 13) 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)
- 14) 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.
- 15) 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
- 16) 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.
- 17) Infrastructure provision, including education requirements.
- 18) Whether the proposals constitute a sustainable and safe development.

## **2 SITE DESCRIPTION**

### The application site

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

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

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

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

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

#### The areas surrounding the application site

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

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

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

### **3 PROPOSED DEVELOPMENT**

#### The application

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

The application comprises the following:

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

3.2 The application is supported by detailed access and layout plans, full

elevations and house tenures and types, a landscape and ANRG Framework Plan and strategy and children's play design. A detailed drainage strategy is included in the application.

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

- A Design and Access Statement, which includes a Planning Statement
- A Economic Viability Appraisal
- A Archaeological Evaluation
- A Written Scheme of Investigation for Archaeological Evaluation
- A Transport Assessment
- A Framework Travel Plan
- A Statement of Consultation
- A Sustainability Statement
- A Planning Obligations (Heads of Terms) and Affordable Housing Statement
- A Phase 1 Preliminary Geotechnical and Contamination Assessment Report
- A Minerals Resource Assessment
- A Historic Environment Desk-Based Assessment including Addendum Report
- A Heritage Statement
- Information for a Habitats Regulations Assessment
- A Flood Risk Assessment and Drainage Strategy
- An Ecological Impact Assessment
- Biodiversity Net Gain Report
- An Arboricultural Assessment and Method Statement & Tree Protection Plan
- Air Quality Screening Assessment
- A Landscape and Visual Appraisal

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

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

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

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

#### Market dwellings

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

Total market= 70

#### Affordable dwellings

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

Total affordable = 30

Total No of dwellings = 100

#### Amendments to application

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

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

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

#### Amended plans

- Minor changes to Design and Layout to Plots 33-36 and Plot 83
- Design/elevation changes to Plots 85, 24-31, 86-90, 32-37, 50, 7 and 91-95
- Boundary treatment changes

- Amendments to visibility splays along West Road/ Derritt Lane
- Affordable Housing distribution plan

#### Additional drawings and documents

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

#### Pre application

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

#### **4 PLANNING HISTORY**

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

#### **5 PLANNING POLICY AND GUIDANCE**

##### **Site constraints/ designations**

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

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

CS7: Open spaces, sport and recreation

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

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

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

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

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

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

### **Relevant Legislation**

#### **Planning and Compulsory Purchase Act 2004**

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

#### **Environment Act 2021**

Section 98 and Schedule 14 – Biodiversity Net Gain

#### **Habitat Regulations 2017**

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

### **Relevant Advice**

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

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land including appropriate densities



- Section 12 Achieving well designed places
- Section 14 Climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

National Design Guide

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

### **6.1 Sopley Parish Council: Recommend refusal:**

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

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

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

### **6.2 Bransgore Parish Council: Recommend refusal but would accept a delegated decision.**

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

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

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

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

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Internal Consultees**

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

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

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

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

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

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

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

Bird - The site is considered to be of local or parish importance for breeding birds, foraging nightjar, barn owl and for wintering populations of ten species of conservation concern.

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

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

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

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

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

There are many aspects of the design which are very positive, and the buildings are undeniably rich in detail and traditional qualities that may evoke

a pleasant atmosphere of yesteryear. The main open space is well enough considered to leave much of the landscape details to a planning condition.

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

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

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

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

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

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

Some of these principles now need to be further evolved in order to create the next more detailed design stages of these landscape proposals, including the childrens play area and wildlife pond. This can be conditioned, but needs to include the following: Landscape Implementation Specification and Maintenance proposals; Hoggin paths specification; details are required for the proposed headwalls for all inlet and outlet pipes to the basins. This information should cover all the new landscape feature areas and habitats and also the ongoing restoration and management of existing trees, hedgerows and stream habitats.

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

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

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

We request construction details for the different categories of paths, but this

can be conditioned. Suitable crossing points over ditches will be required for maintenance machinery so we can access to manage the grass, mature trees and play.

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

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

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

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

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

8.10 Strategic Housing Officer: No objection

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

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

### **External Consultees**

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

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

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

Natural England notes that your authority, as competent authority, has

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

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

8.12 Highway Authority: No objection subject to conditions

8.13 HCC Minerals and Waste Planning: No objection

8.14: Archeologist: No objection subject to condition

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

8.16 Environment Agency: No objection subject to condition

8.17 Wessex Water: No objection subject to condition

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

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

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

times.

8.18 Education Authority: Comment

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

8.19 Hampshire Fire & Rescue Service: Comment

Standard advice

8.20: Designing Out Crime Officer Comment

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

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

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

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

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

### 1 letter of general observations/ support

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

### **130 letters of objection**

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

#### Principle of Development

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

#### Community Services, Infrastructure and Facilities

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

#### Layout and Design

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

#### Housing

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

#### Impact on Landscape/ Trees

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

#### Public Open Space

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

#### Ecology

- Impact on wildlife
- The Hampshire fire report said they would let any property burn out

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

### Transport

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

### Flooding, Surface Water and Foul Drainage

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

### Impact on residential amenity

- Impact from noise and disturbance both during construction and when operation
- Impact from light pollution, privacy, outlook, and light
- The proposed development should provide a better/ improved screen between the rear gardens in Wiltshire Gardens and proposed Green



Space. In the absence of screening, there is a loss of privacy, security and noise concerns.

### Other Concerns

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

## **10 PLANNING ASSESSMENT**

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

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

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

- i. Land to the south of Derritt Lane, Bransgore as shown on the Policies Map is allocated for residential development of at least 100 new homes and public open space dependent on the form, size and mix of housing provided.
- ii. The masterplanning objectives for the site as illustrated in the Concept Master Plan are to create a well-designed village extension that enables improved flood risk management and safer pedestrian access for the wider locality by:
  - a. Protecting the green and rural qualities of Derritt Lane, retaining the roadside trees in an enhanced margin of greenspace with natural surveillance provided by the design and orientation of the dwellings.
  - b. Creating a new village green at the eastern end of the site and a greenspace corridor along the southern and western site boundaries and incorporating sustainable urban drainage and improved water course and surface water management as an amenity and habitat enhancement.
- iii. Site-specific Considerations to be addressed include:
  - a) Providing connections to Public Rights of Way adjoining the site.
  - b) The preparation of a detailed site-specific Flood Risk Assessment (FRA) will be required which should demonstrate that there will be no inappropriate development within Flood Zone 3b.
  - c) Provide additional sewer and pumping station capacity if required.
  - d) Providing a strong and permanent boundary to the Green Belt to

the west and south of the site.

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

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

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

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

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

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

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

10.2.2 In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a new housing development of 168 units which will make a valuable contribution to housing supply in the District.

The July 2021 NPPF states the following

For decision-taking this means:

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

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

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

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

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

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

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

10.3.5 The positioning of the group of 5 dwellings on the eastern edge of the site differs from the Policy Concept Masterplan. These five dwellings would be located on the eastern part of the site adjacent to West Road onto an area of land that the Concept Masterplan suggests could be ANRG land. It is important to note that the five dwellings proposed to the eastern part of the

site do not increase the number of houses on the site, from the minimum figure in the local plan as the total remains at 100. In addition, the five houses proposed within this part of the site fall within the site allocation boundary. It simply differs from the illustrative Concept Master Plan. As stated above, the Policy Concept Masterplan is illustrative, not prescriptive.

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

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

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

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

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

10.3.10 Directly north of the site is a recent development known as Heatherstone Grange, which forms an urban extension to the village and is a spacious development characterised by a mixture of dwellings set in perimeter blocks and streets. As part of that development, dwellings alternate between fronting or side end elevations to Derritt Lane, all set back from the road by a large tree lined verge. Building types vary throughout the Heatherstone Grange development but generally comprise two storey buildings designed to appear as cottages and Arts and Crafts. A large 'manor house' style building with adjoining 'barn' structure set back over an entrance green is a prominent feature on the approach route of Derritt Lane.

10.3.11 West Road, lying to the east of the site forms the historic route

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

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

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

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

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

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

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

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

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

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

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

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

### The Landscape Impact of the Development

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

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

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

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

10.3.29 In summary, it is considered that the overall landscape strategy has carefully considered how the development might impact on the open rural landscape within and beyond the site. This has resulted in a detailed landscape framework which demonstrates an attractive and pleasant landscape and green infrastructure for the site, together with a soft rural

edge to all boundaries of the site, which is appropriate and acceptable to the sites context. As recognised by the Council's Urban Design Officer and Landscape Officer, there are elements of this Plan that need to be refined, but these largely relate to matters of detail that can be reasonably resolved by condition.

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

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

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

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

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

#### **10.5 Arboricultural Impacts**

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

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

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

10.5.4 The proposal seeks to retain most of the existing trees on the site,



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

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

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

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

## **10.6 Impact on Heritage Assets**

### Listed Buildings and Conservation Areas Act 1990

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

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

- Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 203 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

- The Dell, former extraction/ Quarry pit, within eastern part of the site
- Laurel Cottage, Derritt Lane
- Yew Tree Cottage and its outbuilding, Derritt Lane
- Lilac Cottage and September Cottage (formerly White Birds), West Road
- The Old Stores and outbuilding, West Road
- Forest Edge and outbuilding, West Road

#### The Dell

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

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

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

#### Lilac Cottage and September Cottage, West Road

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

#### The Old Stores and outbuilding

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

## Forest Edge

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

## Significance and impact of proposed development

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

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

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

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

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

## **10.7 Transportation matters**

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

10.7.2 The application site is bordered to the north by Derritt Lane, which is an unclassified two-way street subject to a 40mph speed restriction. There is no existing street lighting present. Along the northern boundary of Derritt Lane, opposite the site, two junctions provide access to the development to the north known as Heatherstone Grange. For the most part, Derritt Lane has no footpaths, but a new footpath has been provided along the road which links the new Heatherstone Grange development to Bransgore. West Road provides the eastern boundary of the development site and is subject to a 30mph speed limit and there are no pavements.

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

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

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

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

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

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

Road junctions are expected to operate within capacity, including with the addition of development traffic with reserve capacity in all future years with development scenarios.

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

#### Personal Injury Accident

10.7.9 Personal Injury Accident information (PIA) has been reviewed as part of the Transport Assessment process. The data indicates that there has been a total of eight incidents within the search area during the 5 year period, with five of these incidents categorised as 'slight and three 'serious incidents. In reviewing the records for the previous 5 year period, all the recorded incidents occurred at different locations (five along Ringwood Road including the three serious incidents), were not in similar time periods and with different contributing factors.

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

#### Bus stops/ services

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

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

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

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

demand arising from the proposed development.

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

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

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

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

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

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

#### Internal access

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

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

set out in Manual for Streets.

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

#### Car parking

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

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

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

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

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

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

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

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

#### Access for Cyclists and Pedestrians

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

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

10.7.35 A 3 metre wide pedestrian and cycle route is proposed along part of the northern edge of the site to link the whole development to the existing footpath network in West Road, which then connects to Bransgore village centre. A new pedestrian crossing point on the corner of West Road and Derritt Lane would be provided at the end of the footpath/ cycle route. This pedestrian/cycle route is the main desire line to Bransgore village centre.

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

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

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

10.7.39 Overall the proposed layout shows a network of footpaths throughout the site, both on the north and south boundaries, together with links through the built development from north to south. Footpath routes



connect to existing public footpaths and rights of way, which will enable safe routes to Bransgore village centre and the open countryside for recreational purposes.

#### Off-Site Highways Works

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

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

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

#### Impacts on Public Rights of Way

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

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

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

10.7.45 Overall it is considered that a new attractive surface provided in a Green corridor will not only provide benefits through enhancement works to the footpath, but incorporating the footpath into the Public Open Space will

enable a long term solution for the management and maintenance of this route.

### Travel Plan

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

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

## **10.8 Nature Conservation**

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

10.8.2 In relation to European designated sites, the New Forest SAC, is located approximately 875m east of the site, the Avon Valley SPA/ Ramsar site is located approximately 1.6km west of the site and River Avon SAC is located approximately 1.8km west of the site. In relation to National designated sites, the New Forest SSSI is located approximately 875m east of the site. With regard to Local designates sites, Barrett's Copse Site of Nature Conservation Interest (SNCI) is contiguous with the southern boundary of the site and the copse is recognised as the priority habitat lowland mixed deciduous woodland.

### Ecology: Mitigation of Recreational Impacts

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

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

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

10.8.5 As this is a full' application, permission is being sought for a precise number of dwellings. The precise quantum of ANRG land needed to be

provided can be calculated using the Council's ANRG calculator, 100 dwellings would generate an ANRG requirement of 2.3 hectares, which is based on an estimated population of 278 people.

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

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

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

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

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

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

10.8.10 Overall, through the provision of the ANRG on the development, it is considered that the scheme will not have an adverse impact on protected environments. Therefore, the proposal meets the requirements of the Habitats Regulations. As such, the broad design principles for the ANRG is

considered appropriate and reasonable, although detailed landscape designs for these areas will need to be secured through planning conditions and a Section 106 Agreement to include a future management and maintenance plan.

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

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

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

#### Phosphate Neutrality

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

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

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

#### On Site Biodiversity

10.8.15 The applicants submitted ecological report assesses the ecological

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

### Flora

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

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

### Fauna

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

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

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

10.8.20 The applicants targeted Hazel Dormouse surveys undertaken on site did not record any evidence of Hazel Dormice using the site. It is concluded that Hazel Dormice are absent from the site and no further action is required.

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

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

10.8.23 With regard to GCN surveys of the existing pond in Barrett's Copse (outside the application site) identified several aspects of the pond which are sub-optimal for great crested newts (notably the fish population) and no

evidence of great crested newt using the pond was recorded. It is concluded that great crested newt is absent from the site and no further actions are required.

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

#### Common Reptiles

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

#### Bats

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

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

#### Birds

10.8.28 In relation to Bird surveys, the applicants Ecological Report states that the breeding bird assemblage comprises largely common and widespread species associated with the hedgerows, gardens and woodland that border the site. Of the 40 species recorded from the site between March and July 2020, fewer than twenty species were considered to be potentially breeding within the site. As with the wintering bird surveys many records came from habitats immediately adjacent to the site. On site breeding species include three red list species: mistle thrush, song thrush and starling and one amber list species: dunnock.

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

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

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

#### Other species

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

#### Assessment of impacts

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

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

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

10.8.36 The Council's ecologist considers that bat boxes/bricks, bird boxes and bee bricks opportunities and enhancements need to be specified in full and this is capable of being addressed through planning condition, in which

the final details are submitted in accordance with the enhancement measures outlined in the applicant Ecological appraisal.

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

#### Achieving Net Biodiversity Gain

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

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

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

### **10.9 Flooding and Drainage**

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

10.9.2 Based upon the Environment Agency Flooding Maps, most of the site is located in Flood Zone 1, which is land outside the 1 in 1000 year probability of fluvial flooding and also outside the 1 in 100-year probability (FZ3) and therefore at low risk. Areas of land at the lower lying southern and western extents of the site, together with a north-south corridor which follows an existing hedge bank and ordinary watercourse, are all susceptible to fluvial flooding, categorised as Flood Zones 2 and 3. Along the southern boundary of the site (partly within the site) is Clockhouse Stream, which is a main river.

10.9.3 A section of Derritt Lane near the existing property 'Rose Cottage' is susceptible to surface water flooding because a positive gravity outfall from the adjacent highway ditches is partially obstructed and requires



maintenance. The existing watercourse which spans north-to south through the development site is also heavily silted and overgrown, with sections of standing water indicating a reduced hydraulic capacity. The outfall on the north-south ditch historically connected to the Clockhouse Stream (within a private garden to the south of the site) but the survey shows that this has been infilled (or silted) and therefore the ditch currently has no actual outfall. The proposals include the introduction of a new piped outfall, by passing the garden.

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

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

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

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

10.9.8 The proposed mitigation measures set out in the FRA would sequentially develop the site, which means that the developable area (roads and houses) and surface water attenuation areas (SuDS) will be located to Flood Zone 1 and therefore outside the areas at risk of fluvial and surface water flooding, in line with the NPPF' guidance and sequential test. In essence, this means that no built development or surface water attenuation features are proposed within the areas at risk from flooding (Flood Zones 2 and 3). The proposed vehicular access junctions will be located within Flood Zone 1 and will provide safe access and egress for motorised and non-motorised vehicles to Derritt Lane, West Road and the wider public road network. Similarly, existing levels within areas susceptible to fluvial flooding will remain unchanged so that flood water is not displaced.

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

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

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

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

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

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

## **10.10 Drainage Strategy**

### **Surface Water Drainage Strategy**

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

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

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

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

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

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

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

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

10.10.9 Overall, the Flood Risk Assessment demonstrates that the proposed development would be operated within minimal risk from flooding and would not increase flood risk elsewhere and through the implementation of mitigation measures and a surface water drainage strategy, it can be concluded that the flood risk associated with the new development would be

acceptable. Indeed, the proposed measures to offset the implications of future climate change which would otherwise increase flows from the site will provide betterment in perpetuity compared with the site remaining undeveloped.

#### Foul drainage

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

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

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

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

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

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

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

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

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

## **10.11 Public open space**

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

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

#### Informal Public Open Space

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

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

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

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

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

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

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

secured through a Section 106 legal agreement.

#### Children's play

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

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

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

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

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

#### Formal open space

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

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

10.11.16 Concerns have been expressed that the submitted plans illustrate a football pitch to be provided on the site, which would not be appropriate in

this site. In response, it should be noted that the football pitch is merely marked out to highlight that this space is of sufficient size to be used as a multi use recreational area and there are no intentions to create the 'goal posts' and 'markings' as a formalised football pitch. The submitted plans only seek to demonstrate that the area has sufficient space as a 'kickabout' area or as the useable games area for the site.

## **10.12 Housing**

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

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

The proposed housing mix is as follows

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

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

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

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

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

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



units provided on a shared equity basis as intermediate.

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

10.13.4 It is also important to note that the subtext for Local Plan policy HOU2 states that *'where there are no other mechanisms available to improve the viability of a housing development to a fair profit level, the Council will consider varying the affordable housing tenure mix, before considering whether a reduced level of affordable housing provision would be acceptable'*.

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

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

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

### Land Values

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

10.13.9 The guidance defines existing use value (EUV) as: 'the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic

deemed consents, but without regard to alternative uses.

10.13.10 It states that a Benchmark Land Value should:

- be based upon existing use value
- allow for a premium to landowners (including equity resulting from those building their own homes)
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and
- be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.'

#### Officer assessment and comments

##### First offer on affordable housing

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

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

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

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

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

##### Second Offer – 6 December 2021

10.13.15 The applicants submitted a response dated 6th December 2021 to

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

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

10.13.16 This offer was made on the basis that although build/development cost remained similar, the overall Benchmark Land Value was reduced, sales figures were slightly increased and the updated assessment reflected the latest position in relation to s106 costs. Moreover, the increase in the level of affordable housing units, reduced the overall contributions towards CIL.

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

#### Third Offer – 24 January 2022

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

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

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

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

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

bedroom houses for shared ownership and would benefit from more 2 bedroom units to improve the balance. In response to this, the applicant agreed to amend the shared ownership mix to provide 3 x 2 bedroom houses and 8 x 3 bedroom houses.

The final proposed affordable housing mix is therefore:

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

### Case Officer Conclusions

10.13.21 Officers have taken into consideration the third offer alongside the advice of the appointed viability assessor. The revised improved offer is still below the policy target of 50%. Clearly in cases where the applicant can prove, and this is supported by an independent assessment, that the 50% target cannot be achieved alongside a viable scheme, the LPA can set aside this policy target and accept a lower % of affordable housing.

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

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

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

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

### **10.14 Archaeology**

10.14.1 The archaeological potential of the site is considered within the submitted Archaeological Evaluation and Historic Environment Desk-Based

Assessment including Addendum Report, which included detailed trenched work investigations carried out on the site. The evaluation identifies the presence of archaeology across the development site, which mainly consisted of undated ditches or gullies that represent remnants of a field.

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

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

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

## **10.15 Residential amenity**

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

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

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

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

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

10.15.6 With regard to the five houses proposed in West Road, there are several existing dwellings that would be affected. This includes both 'Yew Tree Cottage' and 'Laurel Cottage' in Derritt Lane. The properties affected in West Road includes No's 1, 3 and 5, 'Laurel Cottage', 'lilac Cottage', 'September Cottage' and the 'Old Stores'.

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

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

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

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

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

10.15.12 Plot 100 would be sited close to 'September Cottage' and the 'Old

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

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

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

## **10.16 Education**

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

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

10.16.3 Concerns have been expressed that the proposal would impact on the long viability of Sopley Primary School if children from the site go to Bransgore Primary School. In response, it is considered more likely that the proposal for 100 houses will benefit the long term of both schools due to the additional children and Sopley may benefit through parent choice. Importantly, if there was justification to expand Bransgore Primary School, this could clearly have an impact on Sopley School, but this is not the case. Overall there is no justification to expand either schools and the proposals would benefit both schools through introduction of children within the village

that will be sustainably located to both schools, rather than the schools being optimised by school children from outside the catchment area in which there will be a heavily reliance by car.

### **10.17 Minerals**

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

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

10.17.3 In addition to Local Plan Policy STR9, Hampshire County Council, has also adopted a strategy of requiring the mineral to be extracted prior to the development. Policy 15 of Hampshire Minerals & Waste Plan states: Development without prior extraction can be permitted in exceptional circumstances if extraction is inappropriate.

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

### **10.18 Air Quality Impacts**

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

10.18.2 The Council's Environmental Health Officer agrees with the conclusions of the assessment and the methodology that has been used. As such, with respect to construction related activities, it is considered that the



dust impact of the development would not be significant provided appropriate dust mitigation measures are implemented throughout the construction of the development, and this is something that can reasonably be secured through a planning condition requiring the submission and approval of a Dust Management Plan (DMP) as part of a wider Construction Environment Management Plan (CEMP).

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

## **10.19 Contamination**

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

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

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

## **10.20 Appropriate Assessment**

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

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

## **10.21 Sustainable Design**

10.21.1 The application is accompanied by a Sustainability Statement which sets out how the development will achieve sustainability objectives in a number of key areas, including measures to reduce emissions and promote

sustainability. The incorporation of detailed design features into the development will need to be considered through the use of planning condition which secure the delivery and implementation of these features. The applicants have noted the specific requirements of Local Plan Policy IMPL2 and have confirmed that their proposals will provide:

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

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

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

10.21.4 Heating and powering buildings currently makes up 40% of the UK's total energy use. Installing low carbon technology, such as solar panels and heat pumps, and using materials in a more energy efficient way to keep in heat will help cut emissions – lowering the cost of energy bills for families and helping deliver the UK's climate change ambitions.

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

### **Transportation matters and accuracy of traffic surveys**

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

### **Impact on local infrastructure**

10.22.2 Concerns has been expressed that the development would give

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

#### Loss of agricultural land

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

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

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

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

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

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

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

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

#### No proposals for business development

A comment has been raised that there are no proposals for business developments in the village, in which the applicant could contribute towards

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

## **11 Conclusion**

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

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

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

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

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

11.6 Understandably, there are local concerns with flooding on and off the site, however, the detailed technical reports demonstrate that both flooding and surface water drainage will be adequately dealt with through the delivery of a comprehensive surface water drainage strategy incorporating

features , which will reduce the risk of flooding, taking account of future climate change, improve water quality and support biodiversity. Hampshire County Council, as Local Lead Flood Authority and the Environment Agency have endorsed the proposals.

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

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

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

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

#### Affordable Housing

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

#### Public Open Space

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

#### ANRG Mitigation Land

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

#### Other Mitigation Contributions and Measures

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

### Biodiversity net gain (BNG)

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

### Transport

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

### Drainage

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

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

## 12 OTHER CONSIDERATIONS

### Community Infrastructure Levy (CIL)

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

### Crime and Disorder

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

## Human Rights

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

## Equality

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

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

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

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



# New Forest DISTRICT COUNCIL

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## PLANNING COMMITTEE

July 2023

Land South of Derritt Lane  
Sopley

21/11097

Scale 1:5000

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

