

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 11 OCTOBER 2023, AT 9.00 AM

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

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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

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.

AGENDA

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

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 13 September 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) **Land South of Milford Road, Pennington, Lymington (App No. 23/10691) (Pages 5 - 68)**

Reserved Matters Application pursuant to condition 1 and 3 of outline planning approval (Ref. 20/11192) for the approval of appearance, landscaping, layout and scale for 90 dwellings (Use Class C3), associated and ancillary infrastructure, utilities, public open space and play areas, Alternative Natural Recreational Green Spaces; footpaths, landscaping and sustainable drainage systems. Vehicular access is to be taken from Milford Road, as approved under the outline planning approval (Ref: 20/11192). (AMENDED REASON TO ADVERTISE).

RECOMMENDED

Grant Subject to Conditions of the Reserved Matters Application pursuant to condition 1 and 3 of outline planning approval (Ref. 20/11192) dated 29th March 2023.

(b) **Lymington Sports Ground, St Thomas Park, Lymington (App No. 23/10375) (Pages 69 - 78)**

Additional spectator stand; re-build of facilities to rear of existing stand; new maintenance store; 3 x turnstiles; fence (AMENDED REASON TO ADVERTISE).

RECOMMENDED

Grant Subject to Conditions as contained in the report.

(c) **Land Adjacent to Oakbridge House, Lymore Valley, Milford-on-Sea (App No. 22/10936) (Pages 79 - 88)**

Retention of log store (retrospective); completion of pole barn.

RECOMMENDED

Refuse.

(d) **Cairns, 12-14 Langdown Lawn, Hythe (App No. 23/10358) (Pages 89 - 108)**

Construction of 5 residential units and all associated works.

RECOMMENDED

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:

- New Forest Recreational Impact Mitigation Infrastructure £27,277
- New Forest Recreational Impact Mitigation Non-Infrastructure £4,058
- Solent Bird Aware Mitigation £3,780
- New Forest Air Quality Monitoring £515
- Commencement Monitoring £808

ii) The imposition of conditions as set out in the report.

(e) **Barn to East of Sandle Lodge, Main Road, Sandleheath (App No. 23/10806) (Pages 109 - 120)**

Variation of condition 2 and 10, removal of condition 9 of application 20/10487 to allow changes to elevations and increase to x 4 no bedroom.

RECOMMENDED

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 the transfer of monies paid under application reference 20/10487 and the uplift contributions as follows:

- Air Quality Monitoring £77.43,
- Habitat Mitigation (infrastructure) £2,311.79 and
- Habitat Mitigation (non-infrastructure) £416.71

ii) the imposition of the conditions as set out in the report.

(f) **The Lodge, Mushroom Farm, Rockbourne (App No. 23/10820) (Pages 121 - 130)**

Erection of a replacement dwelling; hard and soft landscaping.

RECOMMENDED

Grant subject to conditions as set out in the report.

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

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 11 October 2023

Application Number:	23/10691 Reserved Matters
Site:	LAND SOUTH OF, MILFORD ROAD, PENNINGTON, LYMINGTON
Development:	Reserved Matters Application pursuant to condition 1 and 3 of outline planning approval (Ref. 20/11192) for the approval of appearance, landscaping, layout and scale for 90 dwellings (Use Class C3), associated and ancillary infrastructure, utilities, public open space and play areas, Alternative Natural Recreational Green Spaces; footpaths, landscaping and sustainable drainage systems. Vehicular access is to be taken from Milford Road, as approved under the outline planning approval (Ref: 20/11192). (AMENDED REASON TO ADVERTISE)
Applicant:	Bargate Homes Ltd
Agent:	Turley
Target Date:	25/09/2023
Case Officer:	Richard Natt
Officer Recommendation:	Grant Subject to Conditions of the Reserved Matters Application pursuant to condition 1 and 3 of outline planning approval (Ref. 20/11192) dated 29th March 2023
Reason for Referral to Committee:	This application relates to one of the Council's allocated strategic sites and contrary Town Council view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Housing – specifically, whether the proposed development would deliver an appropriate mix of housing types, size and tenure to deliver a mixed and balanced development, whether the development would make an appropriate provision of Affordable housing
- 3) Character - the landscape impact of the development and whether the layout, appearance, scale and design of the dwellings would result in a quality development and relate sympathetically to the surrounding area
- 4) The quantum and quality of green infrastructure (including ANRG land, Public Open Space and play areas)
- 5) Heritage – whether the development would have an appropriate -impact on designated heritage assets near the site

- 6) Transport – whether the internal 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 within the site and adjacent to the site. Whether the proposed development would have adequate car parking provision.
- 7) Ecology
 - a) Specifically, whether the development as a whole would have an acceptable impact on internationally, nationally and locally designated nature conservation sites, and biodiversity generally, having regard to the mitigation and enhancement measures that are proposed; and
 - b) Whether the development would achieve required levels of on-site biodiversity protection and biodiversity net gain (BNG)
- 8) Impact of Development on the National Park - whether the development proposals would have an acceptable impact on the character and special qualities of the New Forest National Park, having regard to the development's design quality and its landscape and visual impact.
- 9) Flooding and Drainage – whether the development would provide a sustainable surface water drainage solution and whether the proposed development would be safe in terms of flood risk, in accordance with the design principles and mitigation measures approved in the Outline permission.
- 10) Amenity – Whether the proposed development would have an acceptable relationship with neighbouring residential properties.

2 SITE DESCRIPTION

The application site

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

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

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

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

The areas surrounding the application site

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

2.6 To the south and west of the site comprises predominantly agricultural land of crops and pasture, which is fragmented by a series of linked woodland blocks and hedgerows.

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

3 PROPOSED DEVELOPMENT

3.1 This is a reserved matters application for the development of 90 dwellings including public open space, Alternative Natural Recreational Greenspace (ANRG) and associated infrastructure, with pursuant to Outline planning permission 20/11192/OUT, and in connection with matters of Appearance, Landscaping, Layout, and Scale.

3.2 The Outline planning permission was supported by various technical studies, which addressed principle considerations that are now established by the grant of planning permission and associated planning conditions and obligations.

3.2 The Outline planning permission was also supported by Parameter Plans, access arrangements from Milford Road, and an ANRG/Open Space/ play framework. A detailed illustrative layout and a Design and Access Statement was submitted at Outline stage.

3.3 The proposed 90 dwellings comprise apartments, detached and semi-detached dwellings, terraces, maisonettes and FOG's (Flats over garages). The submitted details show that buildings vary in height with chalet style bungalows, two storey dwellings, and two and a half and three storey apartments.

3.4 Access into the site from the Milford Road was fixed as part of the Outline permission and the proposed internal layout accords with the approved access plan.

Proposed Housing Mix

3.5 The proposed housing mix, this is set out below:

1 bedrooms = 16
2 bedrooms = 46
3 bedrooms = 22
4 bedrooms = 6

Total 90

The proposed development would provide 50% affordable (45 dwellings). The proposed housing mix comprises the following:

Market

1 bedroom = 6
2 bedroom = 23
3 bedroom = 11
4 bedroom = 5

Total = 45

Affordable

1 bedrooms = 10
2 bedrooms = 23
3 bedrooms = 11
4 bedrooms = 1

Total = 45

Pre application

3.6 The applicant has engaged in an extensive pre application advice service with the Council, which included the involvement of key 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 Milford Road.

Environmental Impact Assessment

3.7 The original Outline development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an EIA will not be required in this case (Reference 20/10847).

3.8 This submitted scheme is in accordance with the parameters of the approved Outline planning permission. The Council has screened this Reserved Matters application and is of the opinion that the information submitted identifying all potential environmental effects and any necessary mitigation measures assessed as part of the Outline permission are robust and that no new significant environmental impacts are identified for this Reserved Matters application that have not previously been assessed. The Council is of the view that an EIA would not be required for this Reserved Matters application.

4 PLANNING HISTORY

20/10847 Screening Opinion, which concluded that the scheme was not EIA development dated 7th September 2020.

20/11192 Land south of Milford Road - Residential development (Use Class C3) comprising up to 110 dwellings; open space, including Alternative Natural Recreational Green Spaces; footpaths, cycleways, and internal roads; associated landscaping, utilities and drainage infrastructure including connection to the strategic foul network; and associated infrastructure and groundworks (Outline application with details only of access). Outline consent granted on the 29th March 2023

5 PLANNING POLICY AND GUIDANCE

Site constraints/ designations

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

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 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 SS5: Land to the south of Milford Road

Supplementary Planning Guidance and other Documents

SPD - Housing Design, Density and Character
SPD - Lymington Local Distinctiveness
Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)
SPD - Air Quality in New Development. Adopted June 2022
SPD Mitigation Strategy for European Sites 2021
SPD Parking standards 2022
SPD Housing design, density and character 2006
Draft SPD guidance on play provision within development sites
Draft SPG Climate Change Supplementary Planning Document

6 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council:

PAR2: Recommend Refusal but would accept a delegated decision.

In principle, councillors support the application but reject it as there are a number of issues that still need to be clarified or resolved.

- Councillors raised concerns about the practicality of the single carriageway road between Parcels B & C and the effectiveness of the proposed mitigations.

- Councillors were encouraged by the Sustainability Statement but await further details about:
 - a) the siting of the solar panels for which no information is currently available
 - b) Councillors would like further details about the siting of the heat pumps, noise levels and methods of attenuation.
- Councillors would like to see the details for the provision of street lighting.
- In view of the density of the areas of housing and to protect the character of the development, the Permitted Development Rights should be removed by condition.
- Whilst the Town Council appreciates that consent has already been given to a site access scheme, we wish to reiterate our concerns that the arrangements will be inadequate to deal with the traffic entering and exiting the site. The Town Council would appreciate this being given further consideration.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

8.1 **Council Ecologist:** No objection

Submissions have been made with the reserved matters (RM) application to discharge planning conditions 16, 17 and 18 of the Outline permission. The details are acceptable

Outline Planning Condition 17 - Ecological Measures (Opportunities for Birds /Bats / Invertebrates)

I support the information provided in the LEEMMP in relation to PC17. I support for this to be discharged.

Outline Planning Condition 18 - Biodiversity Net Gain

The updated BNG assessment concludes that even with adherence to the mitigation hierarchy, the proposed development would result in an overall loss of 40.46 habitat units (-40.42%) and a gain of 2.17 hedgerow units (+65.92%). Biodiversity offsetting is required to ensure delivery of the requisite 10% BNG. The calculations have been undertaken using Biodiversity Metric 4.0. This has been secured within the S106 and condition set out in the Outline permission.

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

I am in agreement that the proposed development would have limited impact upon the surrounding designated heritage assets.

8.3 Environmental Design (Urban Design Officer): No objection subject to condition, but comments raised reflect that of the Landscape Officer. It is noted that there are some refinements on the landscaping that need to address minor issues.

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

The plans convey a strong sense that this will be a pleasant place to live set within a high-quality landscape with generous amounts of public open space and mixed tree planting.

Boundary treatments

- Greater consideration needs to be given to the boundary treatments to open spaces. Knee rails are not considered appropriate and would be better replaced with either a ditch against the roadside where parking is to be prevented (a typical local feature), or a parkland rail /low cleft post and rail fence where access is to be restricted.
- In cases where long stretches of timber bollards are required to prevent informal parking/ motor vehicle access, parkland railings or cleft post and rail fences might be more appropriate. Gaps could be left to allow pedestrian access.

Planting

- Tree-planting to private rear gardens is supported and the species proposed are appropriate. There is scope for an additional tree between the driveways of plots 23 and 24 and within the rear garden of unit 10.
- Where the hedge wraps around the substation in the north-west the area beneath the proposed tree will be hard to maintain and we suggest this is planted with ornamental or native shrubs.

Play

- The play areas appear well designed and generally in accordance with NFDC Design Guidance for Outdoor Play Space. For detailed design, this should be referred to.
- The ANRG would benefit from the inclusion of some hedges to help define some spaces, enhance biodiversity, and contain any off-lead dogs.
- The dog exercise area should be extended to the south and west to meet the southern boundary and western path to ensure there is adequate, attractive space for exercise.

SUDS

- Detailed design of SUDs features and headwalls is requested and should be appropriate for a countryside-edge setting. Standard concrete structures with key-clamp railings should be avoided in favour of more low-key designs.

8.5 Tree Officer: No objection subject to condition

There are Tree Preservation Orders in place on site (TPO/13/02 and TPO/0005/23). An Arboricultural Impact Assessment (AIA) (by Barrell Tree Consultancy dated 15th June 2023) and Tree Protection Plan (TPP) (ref: 20079-AA2-PB) has been submitted to evaluate the trees on site and detail trees to be retained and removed to facilitate the development. I am in general agreement with the assessment of the trees within the AIA.

A number of trees will be removed to facilitate the development within the site and 3 trees at the approved access points as shown on the submitted plans (agreed in

Outline Planning consent 20/111192). This would be acceptable as they are mostly of low quality (except for one moderate quality tree near to the access point but this has a structural weakness impacting on long term retention prospects next to highway). The loss of these trees can be mitigated by compensatory planting with an appropriate landscaping scheme.

The layout of the proposed residential aspect of the development is acceptable in terms of proximity to retained trees and provided sufficient protection measures are adopted through any construction phase they will not be adversely impacted. Some of the pedestrian walkways/footways and some parking areas are located within the Root Protection Areas (RPA's) of retained trees. However, a proposed asphalt footway is shown to be located with the RPA of T48 a category B Oak tree which has not been included so further information would be welcomed on this encroachment. This can be provided by condition.

I have some minor concerns on the proposed layout/position of the main formal play area as detailed within the illustrative landscape masterplan which abuts the mature protected Oaks to be retained. It appears within the illustrative masterplan to be under the canopy spread of the adjacent trees and it would be preferable to allow for some space between the existing retained trees and the play area with potential buffer planting to define a separation to avoid any future conflict and allow the trees to develop as naturally as possible without the need to undertake too formal future tree management.

In general, I have no strong objection to the proposal in tree terms. If you are minded to grant consent please include suggested conditions.

8.6 Environmental Health (Pollution/ Noise): No objection.

I note that the number of dwellings has been reduced from 110 to 90 and that the layout for the RM Application differs from the illustrative layout submitted at the Outline application 20/111192. The changes are not expected to affect the noise survey carried out in the 24 Acoustics Noise Impact Report submitted with the Outline application and there has been no significant noise sources introduced in the vicinity of the proposed development site to alter the suitability for residential development from a noise impact perspective.

A further noise assessment is expected to determine suitable mitigation measures to comply with condition 24 of Outline permission 20/111192

8.7 Environmental Health (Air quality): No objection

Whilst there was an amendment to the Environmental Act in 2021 and subsequent technical guidance note, the amendment relates to measures and strategies for local authorities and regulatory bodies to improve air quality in their district/locality. There have been no updates to AQQ impacting the application.

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

I have no concerns with this RM Application. Please refer to my original comments on application 20/111192 that recommend conditions.

8.9 Strategic Housing Officer: Comment

- The applicant is offering 50% of the dwellings as affordable

- The relative percentage of affordable dwellings by tenure roughly aligns with the policy targets in HOU2 (it's never going to be exact)

There is a higher proportion of smaller dwellings compared to that set out in the S106 and Condition of the Outline permission. It would be better if there was an increase in one bedroom units with a corresponding reduction in the number of two bedroom dwellings where there is over provision. Ideally we would prefer to see the 4 bedroom dwelling provided as a social rented unit, for reasons of affordable (Lymington being one of the most expensive market areas in the district).

External Consultees

8.10 Natural England: No objection

We consider that without appropriate mitigation the application would have impacts on the following designated sites:

- New Forest SPA, SAC and Ramsar,
- Solent and Isle of Wight Lagoons SAC
- New Forest Site of Special Scientific Interest (SSSI)
- Hurst Castle and Lymington River Estuary SSSI

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Detail mitigation measures to divert visits from protected sites, including an area of proposed Alternative Natural Recreational Greenspace provision of 8 ha per 1000 population and a financial contribution in line with the NFDC's Revised Habitat Mitigation Scheme to be secured.
- Appropriate contributions in line with the policy and the Bird Aware Definitive Strategy.

Solent Bird Aware

We understand a financial contribution will be made towards Solent Bird Aware

New Forest Recreational Impacts

We understand a financial contribution will be made towards Access and Visitor Management and Monitoring to monitor the designated sites.

We note an area of ANRG will be created within the south eastern corner of the site, in accordance with the New Forest District Council's Supplementary Planning Document (2018). Further clarification required in terms of the amount of ANRG is being provided to support the development. A minimum provision of 8 ha per 1000 of additional population required by the SPD, is required.

Sustainable Drainage System (SuDs)

The detailed design of a Sustainable Drainage System (SuDS) should be submitted and agreed with New Forest District Council. This should include evidence to show that the proposed SuDS scheme will ensure there will be no deterioration in water quality [or changes in water quantity] in discharges from the site. Information on the long term management and maintenance (including funding) of the SuDS for the lifetime of the development should also be secured prior to the commencement of any works.

Biodiversity Enhancements

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Recommends further ecological enhancement

measures that should be detailed within the biodiversity report. It is NFDC expectation that one built in enhancement feature to be provide per dwelling, which include bird box, bat roosting or bee brick. Some dwellings may have more features and some may not have any.

Sensitive Lighting Strategy _

A sensitive lighting scheme should be designed and implemented to maintain and retain dark corridors used as an important commuting corridor for bats as well as other protected and notable species.

8.11 Highway Authority: Full comments awaited and to be updated at Committee.

8.12 Archaeologist: No objection subject to condition

8.13 Hampshire County Council Lead Local Flood Authority: No objection

8.14 Environment Agency: No objection

8.15 Southern Water: No objection

The proposed method of foul disposal is satisfactory to Southern Water. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.

8.16 Hampshire Fire & Rescue Service: Comment

Standard advice in relation to Access and facilities for Fire Service Appliances - Building Regs, Access for Fire Service, Access for High -reach Appliances and Water.

8.17: 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.

Within the residential area of the development there two areas of Public Open Space (POS), one between plot numbers 16 and 36, the other between plot numbers 37 and 67 (shown as "Preserved Habitat"). The shortest and most convenient route for a pedestrian to move east / west through the development is via these two areas of POS. There is: limited natural surveillance of footpath within the POS from the nearby dwellings, planting obscures natural surveillance of the footpaths, the footpaths are not straight, nor are they lit. These attributes make the footpaths less safe than they should be. This route is the shortest pedestrian route across the development, which encourages people to take a less safe route,

especially during the hours of darkness. This increases the opportunities for crime and disorder and increases the fear of crime. To reduce the opportunities for crime and disorder and reduce the fear of crime a safe pedestrian route of similar length to the footpath route should be provided.

8.18 New Forest National Park Authority: Comment

The allocation of the site in the adopted development plan for the District, allied to the Outline consent granted by the District Council in March 2023, means the principle of development is firmly established.

It will be important that the development of this former Green Belt site delivers a policy compliant level of greenspace provision (ANRG) as part of the package of mitigation measures.

The location of the proposed 90 dwellings is not far from the National Park boundary and whilst not within the National Park, it is within the setting. As such, in terms of landscape, a full external lighting plan for the proposed housing is expected, which does not appear to be in the suite of documents available. This would include any proposed street lights and any other lighting for car parking areas or footpaths. This information should be provided for assessment so that such lighting can be controlled and avoid light spill, light pollution or sky glow that could impact on the tranquillity and dark skies of the nearby National Park. It is strongly suggested that conditions are imposed on external lighting in that any such lighting affixed to the proposed houses or lights in the gardens and parking areas etc can be controlled.

8.19 Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

8.20 Countryside Team Rights of Way Officer: Objection/ Concern raised/Comment

The plans show the existence of FP84a by way of a yellow dotted line and we welcome the applicant's acknowledgment FP84a will not be obstructed.

During site construction, FP84a will need to remain open and safely accessible at all times.

Following the case officer previously confirming to HCS that the length of FP84a will be resurfaced, HCS supports the proposed path following the legal line of FP84a up to Milford Road in its northern section, and up to property 111a in its southern section; with these sections being resurfaced to HCC design standards. The applicant is requested to supply further information to clarify these points.

Within its previous response, it was requested that the length of FP84a through the north and south sections of the site was improved to Countryside Service design standards. We acknowledge the creation of a surfaced path weaving over and around FP84a to the northwest of the development site.

The Countryside Team welcomes the various 'footpaths' proposed within the Alternative Recreational Natural Greenspace (ANRG), which support the principle of active travel and future residents' personal health and wellbeing.

HCS confirmed it's acceptance for the convenience and priority of PROW users, that a permeant diversion of FP84a onto the proposed 'footpaths' within the western section and around the eastern side of property 111a. Furthermore, HCS confirmed

its approval to formally divert FP84a under the Town and Country Planning Act 1990 (TCPA90) sec 257. It is, of course, open to the applicant to seek a path diversion. HCS would like to take this opportunity to acknowledge the comments of 27th September 2023 by Richard C. Kenchington (Walking Environment Officer of the Hampshire Area of the Ramblers), where the scope to divert FP84a is further referenced and presumed acceptable to the Ramblers association.

However, upon review of the further information that has been made publicly available, no plans have been presented relating to the possible diversion of FP84a and its construction. We trust this will be forthcoming in order to reconsider our position. If this option is no longer being considered by the applicant, than HCS reverts to its response of 19th July 2023 where it's request for further information remains outstanding. However, HCS recognise the location plan (Reference: SL01) shows the continuous flow of the proposed 'footpath', with no gaps, where it crosses FP84a in the northwestern section of the development, an amendment to its original design. HCS maintains its previous comments that, in principle, it supports the applicant laying the same material over the northern section of FP84a subject to it approving a specification prior to development. As such, due to the uncertainty of the position being taken by the applicant, and the absence of further information requested, Hampshire Countryside Service as Highway Authority in respect of Public Rights of Way, maintain its holding objection.

The applicant does not stipulate clear intentions on what entry and exit points are being provided to the north and south of property 111a for users of FP84a. The Countryside Team does not consider it could authorise an application for the installation of any structures along FP84a under the Highways Act 1980 Section 147. There is currently no legally recorded gate or other structure installed, which HCS is supportive of.

Where FP84a runs south of property 111a, a grass mown path is proposed. Whilst we are supportive of this intent, HCS seeks confirmation this is included also within the future site management company specification, thereby ensuring FP84a is conveniently available all year round. The applicant is requested to supply further information to clarify these points.

8.21 Walking Environment Officer of the Hampshire Area of the Ramblers:
Objection/ Concern raised

Concern raised about the way that development is proposed around Footpath 84A Lymington and Pennington. Whilst the existing route of the public footpath is not shown as being adversely affected there are other paths proposed in its immediate vicinity. This creates a situation where the highway authority is responsible for maintaining the surface of the right of way and the landowners of the adjoining land responsible for keeping the paths that are to be created in a safe condition for the intended users. In the interests of the proper planning of the area it would be better if the expenditure proposed was directed to improving the existing right of way rather than in duplicating the route. As an alternative there would appear to be scope without altering the northern and southern ends of the section within the development site to divert the right of way onto the new paths proposed in close proximity to the existing alignment. Please ensure that this issue is addressed in the interests of getting a sensible outcome of the redevelopment.

Scottish and Southern Electricity Networks (SSEN): No comment/ objection to make

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

2 letters of support

- Planning like this in the area needs to be approved. There will be benefits to the local economy daily from small shops, to larger retailers, restaurants, pubs and council tax. Without builds like this in the next few years people including lots of other young couples and family's in the area will be left with no choice but to move away and spend our money elsewhere. The influx of retirement flats over the last few years is not bringing in the revenue for area and this is obviously having an effect on the high street with more and more shops and pubs closing. The community is about more than just the holiday season and us "locals" need the council to finally sit up and listen

1 letter of comment in relation to the types of affordable homes being provided.

- The proposed "affordable homes" on this site comprise three separate classes of affordable dwellings, one of which is Affordable Shared Ownership. The Society understands the developer's wish to help people get a foot on the ladder of home ownership though the inclusion of this type of affordable ownership. However, as has been reported nationally, owners/tenants of such properties has often found it difficult or impossible to sell this type of property and the Society would suggest that the developer may wish to reconsider if this type of affordable homes is really in the interests of prospective owners/tenants.

56 letters of objections on initial application

Principle of Development

- Loss of Green Belt land/ countryside
- Site should have not been allocated for development – it is not a suitable site
- The proposal is not a sustainable development – not close to shops, schools and other facilities
- Impact on climate change
- The proposed development must ensure that the access from this 'Phase 1' of the development and the layout and landscaping is fit for purpose and does not prejudice the effective delivery of the remainder of the SS5 site.
- It must be demonstrated that adequate and suitable access by all modes, to this additional parcel for future residents, is secured and safeguarded; and the permission (reserved matters) secures that the future developer has the ability to tie into this road without ransom and that future residents have the appropriate rights to use the internal roads and footways of this application to access Milford Road by vehicle, foot and cycleway.
- Similarly, the layout and landscaping proposed in this Reserved Matters Application provides ANRG which, to meet NFDC criteria, would need to integrate with further provision on Phase 2. Together with other landscaping and pedestrian connections, for example, these are having the effect of predetermining the development and delivery of our Phase 2 site
- The proposed development should not threaten the effective delivery of Phase 2 as part of the allocation of the Local Plan, including the delivery of affordable homes (50% target in the Local Plan) needs careful consideration.

Community Services, Infrastructure and Facilities

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

Transport

- Milford Road is a busy and congested road and the proposed access is inadequate and unsafe
- No mention is made of active travel from the new housing development to local schools, shops, GP surgeries and other essential facilities available in Lymington.
- There have been many accidents along Milford Road
- Will the pavements be extended
- No safe crossing point
- Impact on the public safety and concerns in relation to increase in traffic generation and highway danger onto Milford Road
- Traffic survey was carried out at wrong time and is not accurate. The volume of traffic is higher compared to the surveys carried out
- South Street is already over capacity
- The tip road junction is already extremely dangerous with large numbers of cars and tip lorries pulling out.
- Emergency vehicles will struggle to pass the traffic
- Traffic lights should be provided
- Speed of traffic along Milford Road
- The proposals make no provision to limit vehicle speed on this stretch of the Milford Road if approved, and it is strongly suggested that the council consider introducing a 20mph speed limit on the section from Efford Tip into Pennington/Lymington to help mitigate pollution, disturbance and enhance road safety.
- Additionally provision needs to be made for safe cycle space on this section of the Milford Road, which is already dangerous for cyclists and prevents local residents cycling. The additional traffic will only exacerbate this, and runs counter to local and national policies to encourage less car use for local journeys
- Building an additional junction within a few metres of an existing extremely busy haulage road junction and a bus stop, onto an already congested A-road, on the brow of a hill that is an accident black-spot, would be a breach of Section 39 of The Road Traffic Act (1988) whereby local authorities have a duty to take steps to both reduce and prevent accidents
- The provision of car parking spaces requires further design work and improvement. Long rows of parking, some of which is poorly related to the units they serve is visually unattractive and unbroken by landscaping or screening. The courtyard parking for the affordable flats is equally cramped - although this is hidden from the public realm but likely to lead to conflict and management issues.
- The Society considers that the internal link road from the western part of the development to the eastern part is which seems to be single track, is too narrow and will lead to cars driving on to the adjacent grass area. This link needs further design consideration.

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Layout, Character, Design/ landscape

- Out of character - poor layout and design
- Buildings of three storey are out of character and too high
- The Outline permission only showed up to two storey buildings

- The introduction of a three-lane traffic system and a busy bus stop would undoubtedly detract from the charm and tranquillity of the area
- Harm to Conservation Area
- The large block of flats Block A, adjacent to Milford Road and the entrance to the site, which is too large and dominating a building for this part of the development and is out of keeping with the street scene for the rest of Milford Road. The Society would wish to see this building replaced with a lower density style of development more in keeping with other houses along Milford Rd. This characteristic is laid out in the Supplementary Planning Guidance, the Lymington Local Distinctiveness.

Ecology

- Impact on wildlife including but not limited to: deer, owls, woodpeckers, bats, fox's, bees and newts, the proposed estate would most definitely disrupt all this wildlife and course them all to find a new habitat
- Impact on dark skies
- Loss of habitat
- How is the development going to make an environmental improvement

Flooding, Surface Water and Foul Drainage

- Parts of the site are also vulnerable to flooding including the watercourse. The proposal would worsen the situation
- The land has high groundwater, plus significant surface run off flooding.
- There are concerns about surface water drainage run off from the development
- Who will be responsible for the upkeep/maintenance of the watercourses
- Foul drainage concerns and spills to watercourse, and capacity
- Pumping station would worsen flooding

Impact on amenity

- Increase in traffic – additional impact on noise and disturbance
- Impact on noise and disturbance from open space which will be available to the public
- The proposed parking courtyard would generate an unacceptable increase in light, noise and air pollution,
- Impact from privacy, outlook, and overshadowing - three storey building next to boundary
- Impact on health from dust and poor air quality
- Impact on light pollution
- Noise and odour from pumping station
- Noise from air source heat pumps
- The proposed bus stop relocation with result in unacceptable impacts on amenity - noise, air pollution and disturbance. The constant comings and goings of buses, accompanied by engine noise, door closing sounds, and the general hustle and bustle of passengers, would create a disruptive and stressful environment. Additionally, the bus stop would likely attract larger groups of people, potentially leading to loitering, littering, and even security issues, jeopardising the safety and security of our family home
- Can more trees be planted to protect privacy
- Children's play park (recreational areas) are also proposed in the vicinity of eastern boundary of development, causing further noise pollution to an otherwise currently peaceful area. This could also lead to an increased security risk to neighbouring properties in terms of potential vandalism and other antisocial behaviour.

Other matters

- The rear of property adjacent to the site is unfenced and the proposal would have public open space adjacent. This will require a fence to be installed for security reasons
- The introduction of a three-lane traffic system would significantly increase the volume and speed of vehicles passing by our residence. This would inevitably lead to more excessive noise levels, air pollution, and vibrations, which would disrupt the peaceful environment that my family and I currently enjoy.
- Planning permission was refused in 1981 on this site
- Lack of details in relation to pumping station
- Children's play park (recreational areas) are also proposed in the vicinity of eastern boundary of development, causing further noise pollution to an otherwise currently peaceful area. This could also lead to an increased security risk to neighbouring properties in terms of potential vandalism and other antisocial behaviour.
- Proposed tree planting of wrong sorts of trees along eastern boundary (e.g. willow - which caused blockage of culvert previously due to water seeking nature of willow roots which had to be physically removed; and oak - which will ultimately block light to gardens of eastern boundary residents)
- Concern in relation to with properly treated sewerage, because discharges into local water courses are currently poorly monitored.
- An on line petition with 1179 signatures raising concerns over the development and the Cllr need to view this petition.

Impact on existing businesses and operations

- The existing businesses and operations that use the haul/service road will be adversely affected by the new dwellings given the close proximity and such as use, new residents may raise complaints due to noise, dust and other disturbances. The dwellings are located too close to the haul/service road.

Amended Plans

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

10 PLANNING ASSESSMENT

10.1 The Principle of the development

10.1 Outline planning permission was approved in March 2023 for a residential development of up to 110 dwellings with areas of landscaping, ANRG, public open space and associated infrastructure. Access details were approved at the Outline stage leaving Appearance, Landscaping, Scale and Layout reserved. The site therefore benefits from planning permission for residential development.

10.1.1 The Outline planning permission secured the principle of the development and set out the parameters which must be followed in any Reserved Matters application. It is important to note that the principle of residential development of the site and the suitability of the site access has therefore been established and there is no scope to reconsider matters which have been dealt with, at the Outline stage.

10.1.2 This application relates to the aforementioned reserved matters, which includes the Appearance, Layout, Scale and Landscaping. The application is to determine the detailed plans of the layout of the site, the detailed elevational designs and appearance of the buildings, the scale of the buildings and landscaping for the site.

10.1.3 The Reserved Matters application is for a single phased development that covers all of the site approved under the Outline permission.

Strategic Site 5 Land at Milford Road (north and south)

10.1.4 Land at Milford Road is one of the Strategic Site Development sites that has been allocated for development in the recently adopted New Forest Local Plan 2016-2036. Policy Strategic Site 5 applies. This policy states:

i) Land at Milford Road, Lymington as shown on the Policies Map is allocated for residential development of at least 185 homes and public open space, dependent on the form, size and mix of housing provided.

ii) The masterplanning objectives for the site as illustrated in the Concept Master Plan are to:

a. Plan development including the design of recreational greenspace to define a new rural edge and enhanced boundary to the Green Belt, and to soften the transition between the development and the open countryside.

b. Retain tree belts and enhance the water course on the eastern boundary as landscape features softening visual impacts and providing some green amenity space buffer to existing residential areas.

c. Integrate the site into the built-up area of Lymington and Pennington connecting to its footpath networks.

10.1.5 The policy seeks to provide at least 185 homes and public open space across both parcels, in which the land to the south forms the larger part of the allocation where there is an expectation to provide the majority of the homes. This is highlighted in the supporting text, which states that about 140 homes are to be provided to the south of the A337 and 45 homes to the north

Details of the relevant Conditions in the Outline planning permission

10.1.6 The Outline permission includes a number of conditions. Of particular relevance to the main issues details below, Condition 4 states that any Reserved Matters Application submitted shall be broadly in accordance with the following:

- Site Framework Parameter Plan Drawing No 21.026.010 Rev E
- Land Use Parameter Plan Drawing No 21.026.011 Rev E
- Land Use Massing Parameter Plan Drawing No 21.026.013 Rev C
- Analysis Parameter Plan Drawing No 21.026.012 Rev C

Condition 6 requires the submission of the layout and landscaping details to be broadly consistent with the design principles and strategy that are illustrated on the illustrative Landscape & ANRG Framework Plan by Fabrik dated February 2022.

Condition 7 requires the development shall not exceed 110 dwellings and that the mix of housing shall substantially accord with the following mix, or as otherwise may be agreed through the approval of reserved matters:

- 1 & 2 bedroom units: 60-70% of all Affordable Rental Homes, 55-65% of all affordable homes ownership, 30-40% of all market homes
- 3 bedroom units: 25-30% of all Affordable Rental Homes, 30-35% of all affordable homes ownership, 40-45% of all market homes
- 4 bedroom units: 5-10% of all Affordable Rental Homes, 5-10% of all affordable homes ownership, and 20-25% of all market homes

Condition 16 states that prior to the commencement of development, a Landscape and Ecological Enhancement, Mitigation and Management Plan to be submitted. The details submitted shall broadly be in accordance with the outline ecological mitigation and enhancement measures detailed within the Ecological Impact Assessment by ECOSA February 2022.

Condition 20 follows on from Condition 16, in which it states that prior to commencement of development, a plan showing the locations where pedestrian connections will be made/secured to the immediately adjacent land to the south (identified as Phase 2) that is allocated for development through Policy Strategic Site 5 of the Local Plan 2016-2036 Part One: Planning Strategy.

Condition 19 also relates to finished floor levels, but specifically the need that the finished floor levels shall be set no lower than 600 mm above the 100 year flood event plus climate change

Condition 22 requires that prior to commencement of development, a detailed surface water drainage scheme is submitted for approval for the site based on the principles within the Flood Risk Assessment dated October 2021 and Drainage Strategy by Cotswold Transport Planning and Reuby and Stagg Ltd 10621 dated February 2022.

Condition 29 requires the details for car and cycle parking to be submitted as part of the Reserved Matters Application.

Details of relevant legal obligations in the Outline planning permission

10.1.7 There are several obligations set out in the Section 106 legal agreement which forms part of the Outline planning permission framework.

Affordable Housing

- No less than 50% of dwellings to be affordable, comprising 35% Affordable Rent, 35% Social Rent and 30% Shared Ownership/ Equity

Retention of the Priority Habitat as shown on the following Parameter Plans:

- Site Framework Parameter Plan Drawing No 21.026.010 Rev E
- Land Use Parameter Plan Drawing No 21.026.011 Rev E

ANRG

- Minimum of 8 hectares of on site ANRG per 1000 population and plan to be provided prior to the submission of the RM Application showing quantum and extent of ANRG together with the proposed housing numbers and mix.

- Extent of ANRG land to be provided within the area broadly identified on the Parameter Plan
- Long term maintenance and management of the ANRG

POS and Children's Play

- Minimum of 2 hectares of on site informal open space per 1000 population
- Minimum of 0.2 hectares of on site Play (to include a LEAP) per 1000 population
- Extent of POS/Play land to be provided within the area broadly identified on the Parameter Plan
- Long term maintenance and management of the POS/Play

Access

- To enter into a legal agreement (S278) with the County Council in relation to the main Junction site access onto the A337/ Milford Road, including road alignment and access into the service/ Haul Road that serves the recycling centres, crossing points, bus stop relocation, new cycle/ pedestrian footways and dropped kerb/ tactile paving across the Widbury Road/ Southlands junctions
- To complete the main highway works prior to first Occupation (Condition 41 of the Outline permission)
- A financial contribution towards roundabout improvements at Ridgeway Lane/ Milford Road

Other Mitigation Contributions and Measures

- To make a financial contribution towards the New Forest Access and Visitor Management, Solent Bird Aware and the New Forest Air Quality Monitoring Contributions in full.

Biodiversity net gain (BNG)

- There is a requirement that secures 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. The requirement for a minimum of 30 years for BNG on site.

Compliance with the Outline Planning Permission

10.1.8 The principle of erecting up to 110 dwellings on the site has already been approved as part of the Outline permission. In making this decision, the Council approved parameter plans which identified where built residential development would be provided, the areas where Public Open Space and Alternative Natural Recreational Green space (ANRG) would be provided and the area of the retained Priority Habitat. The parameter plans also outlined the scale of the buildings across the site and vehicular and pedestrian access connections (internally within the site).

10.1.9 The parameter plans that were submitted at the Outline stage were supported by detailed framework plans, Design and Access Statement and an illustrative layout plan, that shows the residential development to be provided south of the A337 and the Green Infrastructure to the west, south, central and eastern boundary. The plans also showed the area of land designated as a Priority Habitat to be retained.

10.1.10 The Land Use and Site Framework Parameter Plans on the Outline permission identified around 2.35 ha area of residential development within the centre and eastern part of the site separated into three parcels; around 1 hectare to be retained as a Priority Habitat within the central part of the site; around 0.75 hectares of public open space to be predominately located along the western boundary and around 2.3 ha of ANRG along the southern west and eastern boundary connected by a green corridor along the southern boundary.

10.1.11 In relation to this current Reserved Matters application, the proposed development shows the residential areas would be provided in 3 distinct blocks within the site (Parcel A, B and C): a western parcel of built-development partly linked to a central parcel and an eastern parcel of built development. The western and central parcel would be separated from one another by an area of public open space and a belt of existing trees and vegetation running north to south. The eastern block would be separated by the Priority Habitat, which is shown to be retained. The ANRG is shown on the south west and east boundaries of the site with a connecting green link. The public open space is shown to be provided on the north western boundary and a central north south spine of green space.

10.1.12 It is considered that the Reserved Matters application conforms to the obligations set out in the s106 Agreement and parameter plans approved at the Outline permission.

Breakdown of the s106 and policy requirements for mitigation that needs to be provided

	<u>Policy/ 106 requirement</u>	<u>Proposed in RM App</u>
ANRG	1.66 hectares (ha)	2.3 ha
POS	0.68 ha	0.75 ha
POS – Play	0.05 ha	0.054 ha
Priority Habitat	1.0 ha	1.0ha shown to be retained

10.1.13 As set out above, the proposal fully accords with the minimum requirements as set out in the s106 agreement, local plan policy and Parameter plans.

10.2 Design and Character matters including the layout, appearance, scale of the Development

10.2.1 Layout, scale and appearance is a matter for detailed approval at Reserved Matters stage and the application comprises the full detailed layout for the whole proposed development including the actual house plots, the design and appearance of buildings including their height, and street layouts and design. Details of the design and layout of the Green Infrastructure (ANRG and open space) has also been submitted.

10.2.2 The Parameter plans, illustrative layout and Design and Access Statement (DAS) that accompanied the Outline planning permission set out a framework for the proposed layout, design and appearance of the development, all of which set out the 'building blocks' for guiding all future 'Reserved Matters applications.

10.2.3 The supporting plans for the Outline permission separated the layout into different character areas, setting out the key features and characteristics of the proposed development. The different character areas are labelled 'Parcels 'A', 'B'

and 'C'. The three character areas consist of the built development areas within the site, which are separated by areas of green space.

10.2.4 The Outline permission also included illustrative images of possible appearances of the dwellings, which comprised a mixture of traditional but simple building forms with decorative detailing traditional porches, chimneys and bay windows which will add to the overall design quality of the development. Building scale and massing including their possible location within the development was set out in Parameter Plan and Design and Access Statement in the Outline application, which identified predominately two storeys, with the occasional two and a half and three storey buildings. The Parameter plan identified areas for *'Focal corners to introduce development up to three storey, exact location to be considered at Reserved Matters stages'*.

10.2.5 It is important to note that as part of the Outline permission, a Landscape Impact Visual Assessment was carried out, together with a character study, local and national policies and supporting design documents (Councils adopted SPDs), which subsequently set out an overall design framework and concept for the site.

10.2.6 Accordingly, site context and the different existing character areas within the immediate area was assessed as part of the Outline application, which helped inform the design framework and concept for the site. This highlighted that along Milford Road, the context comprises predominately large detached suburban dwellings which are two storeys in scale, but there are existing dwellings that are two and a half storeys and the occasional three storey building. Moreover, dwellings along Milford Road tend to sit in spacious settings with greenery, but there are the occasional residential apartment building along Milford Road.

10.2.7 With regard to other character areas within the vicinity of the site, Grafton Gardens to the north east comprises a higher density development where there is clear definition in type, material and theme. Dwellings are generally terraced with parking courts, garage courts and off street areas dedicated to the car. Houses are 2 storey and of traditional brick construction with some ornate detailing to the window bays, window type, with lead flashing to bays and pilasters to the entrances.

10.2.8 In Newbridge Way and Clausen Way on the eastern boundary of the site, the character comprises lower density bungalows and chalet style bungalows arranged around cul de sacs. The properties are generally detached with varying materials of brick and render. To the north of the site, to the rear of the A337 is Haglane Copse, which comprises a series of Cul-de-sacs directly to the north and the context is characterised by detached bungalow and chalet type dwellings with the occasional dormers and chimneys are also present. The context of one of a low density character with wide streets and greenery.

10.2.9 The character areas are also reflected in the Lymington Local Distinctiveness Document. The application site lies just on the edge of Character Area 9 'South Pennington' of the Lymington Local Distinctiveness Document, but given its close proximity, it is considered that consideration should be given to this SPD. Characteristics of the application site and surrounding area are highlighted in the document.

10.2.10 Paragraph 4.9.3 of the document states *that 'only two streets stand out as being different from the regular pattern of estates: the busy Milford Road, which includes a Keeper' Cottage evident on nineteenth century maps and a variety of large suburban houses and bungalows each in a large garden setting, often containing forest sized trees. This road is perceived as a green corridor largely as a result of the large gardens, frontage, frontages furnished with trees and hedges, and*

wide green verges'. These elements are important and must not be allowed to become unduly compromised by gradual loss of garden space, incremental loss of hedges or loss of verges through additional driveway cross-overs or further hard-surfacing'.

10.2.11 The illustrative map within the Lymington Distinctiveness Document highlights the residential development to the east of the site in Grafton Gardens and to the north in Haglane Copse as 'planned cul de sac groups of houses'. Clausen Way and Newbridge Way are referred to as planned connected type street layout.

The proposed development

Parcel A

10.2.12 Parcel A, is highly visible from the A337 and forms the north western edge of the development with views from the Green Belt (Green Belt on the western boundary).

10.2.13 The design concept set out in the Outline planning permission for Parcel A illustrated a larger residential building fronting onto the A337 and a residential street set back and addressing the western edge of the development facing the Green Belt. The Outline permission set out a primary access road to run from the A337 south through the site, in which open space would be provided on the western boundary and residential development on the east side of the internal access road.

10.2.14 The design concept to provide an larger building to front onto the A337 was outlined in the Outline permission to create a strong 'Gateway' building to respond to the distinctive character of the A337, which comprises larger detached buildings set in a fairly spacious setting.

10.2.15 Running south into the site, the Outline permission set out for the western edge to Parcel A facing the primary access road to form a mixture of predominantly two storey detached and semi-detached dwellings, in which space was offered between buildings and vegetation creating an appropriate edge to both the development and Green Belt. Car parking to serve the development along the north western edge of the site was shown to be predominately provided in rear courtyards, set behind the buildings facing the main internal road, and some of the dwellings to incorporate on plot parking.

10.2.16 In terms of appearance, the DAS accompanying the Outline permission highlighted the base materials in Pennington as red brick and render with a run of detached and semi-detached dwellings with hipped and gable roofs facing the western edge of the development. Decorative details within the DAS showed arched brick headers, glazing bars, chimneys to feature plots to add visual interest and quality to the buildings.

10.2.17 The layout, scale and appearance of the proposed development for this Reserved Matters application seeks to conform with the Parameter plans and design framework that supported the Outline permission.

10.2.18 At the entrance to the site, the proposed development would comprise a two and a half storey apartment building fronting onto the A337 (Block A). The proposed building has been designed with a frontage onto both the A337 and facing west onto the proposed internal road. Rear courtyard parking would be provided to serve the apartment block, as envisaged in the Outline permission.

10.2.19 It is considered that Block A is a well designed and articulated building form with decorative detailing and chimneys that would create a positive 'gateway' building to the development and visually appropriate along the A337. As set out above, the character along Milford Road is predominately large two storey detached dwellings, but there are existing two and a half storeys and three storey buildings including apartments. Accordingly the proposed building would reflect the design principles and concept set out in the Outline permission.

10.2.20 In response to the concerns raised in relation to the scale and mass of Block A, it is accepted that this would be larger compared the buildings in the immediate vicinity, however, the mass and scale of the proposed building is reduced by the articulation of the building with its sloping roof form and use of dormer windows in the roof form. Moreover, it is noted that the site layout has been designed in which, other than Block A, no other dwellings are proposed to the front of the site and a large open green space is proposed with new hedgerows and trees provided across a significant part of the site frontage. The green space and new trees proposed would help maintain the open green frontage character along Milford Road.

10.2.21 The arrangement of the remainder of the dwellings in Parcel A facing the western edge of the development (Plots 7-9, 10, 21, 22/23, 24/25), is considered to respond to the design principles set out in the Outline permission. The dwellings along the western edge comprises a run of detached and semi-detached two storey houses which will be positioned, spaced and designed to provide a positive edge to the development and the views from the Green Belt to the west. The dwellings are well space to offer open views through the site and tree planting and soft landscaping has been shown to be provided in front of the dwellings which will help soften the development from the western viewpoints.

10.2.22 It is considered that the proposed layout, which entails the built development edge to be set back from the western boundary and buffered by an area of green space with new trees and planting accords with the local plan masterplanning objectives for the site. The objectives encourage the development and recreational green space to define a new rural edge and enhanced boundary to the Green Belt, and to soften the transition between the development and the open countryside.

10.2.23 A secondary street (Plots 11-15 and 16-20) is proposed from the main internal road and this has been designed as a short narrow shared surface street framed by two terraced buildings on either side. The street connects to the open space to the east and would be constructed using block paving materials, together with soft landscaping and tree planting, which would create a high quality street with a semi rural feel, as envisaged in the Outline permission.

10.2.24 A second apartment block (Block B) is proposed in the southern area of Parcel A. This is as per the Outline permission, in which part of the building would face the open space to the east. Rear courtyard parking would be provided to the rear of the building. Views of the apartment building from the Green Belt edge to the west would be less visible. Visually, Block B would predominately be a two and a half storey building, with a three storey element. The building has been designed with articulation, detailing, and a sense of proportion.

10.2.25 In terms of the appearance of the detached, semi-detached and terraced houses within Parcel A, this would consist of predominately red brick with tile hanging under tiled/ slat roofs, designed with decorative details, arch window headers, plinths, tile hanging, chimneys, bay windows and porch features, which will add to the overall design quality of the development.

Parcel B

10.2.26 Parcel B relates to the central part of the site and lies to the north of the main internal road. The dwellings are arranged around a perimeter block facing onto three pockets of open space, lying to the west and south, with the eastern edge facing onto the Priority Habitat.

10.2.27 The DAS accompanying the Outline permission illustrated a shared surface street connecting the main internal road to the priority habitat. A mixture of dwelling types would be arranged along the street, in which parking would be predominately on plot for the houses and rear courtyards for the apartments. The Outline permission illustrated two apartment blocks within Parcel B, both of which to front onto the Priority Habitat.

10.2.27 The DAS accompanying the Outline application sought to repeat the general theme used for the design and appearance of buildings in Parcel A, but included some changes including different brick colour, brick detailed banding, roof tiles changes and string courses.

10.2.28 The proposed layout for this Reserved Matters application consist of a shared surface street (Plots 60-63, 36/37 and Block D) which connects the main internal road to the priority habitat. The road has been designed as a shared surface framed by a variety of dwelling types. A run of detached dwellings (Plots 63, 64, 65 and 66) lie on the south edge of Parcel B. Two apartment blocks are proposed, which include Block C located in the north part of the site and Block D located in the central part. Both buildings front onto the Priority Habitat.

10.2.29 It is considered that the proposed submitted layout follows the design concept outlined in the Outline permission to create a semi-rural street with buildings facing onto the Priority Habitat.

10.2.30 Parcel B consist of the different design features including the straight window headers, brick banding, tile hanging and chimneys, which all reflect the aspirations set out in the Outline permission. As set out in Parcel A, it is clear from the plans submitted that the layout and buildings are designed and detailed to a high quality and are rich in detail and attractive.

10.2.31 With regard to the two apartment buildings, these are larger scale of buildings of two and a half storey to three storey in part. Block C would be located to the northern part of the site, and would largely screened by existing trees and vegetation. Block D would be centrally located amongst the development, in which the building would face onto the shared surface street and priority habitat. The buildings have been designed with articulation, detailing, and a sense of proportion.

Parcel C

10.2.32 Parcel C comprises the land to the eastern part of the development and incorporates the preserved habitat to the west. The Outline planning permission set out the arrangement of this development to perimeter block of lower density dwellings, most of which were shown to be detached and included buildings of a lower scale. This was to pick up on the local context of Clausen Way and Newbridge Way which are lower scale buildings.

10.2.33 The DAS accompanying the outline illustrated some of the dwellings to incorporate dark stained timber cladding at first floor level to give a more rural aesthetic appearance. Dwellings vary in scales, with 2 storey dwellings interspersed with 1.5 storey homes and forms are traditional with traditional detailing with materials to reflect the rural buildings in the local area.

10.2.34 The proposed layout consist of a perimeter block of predominately detached and semi-detached dwellings fronting onto the Priority Habitat to the west and open space to the east. Parking tends to be on plot, with courtyard parking to serve the apartment Block E, as envisaged in the Outline application.

10.2.35 The run of dwellings on the eastern edge (Plots 72, 73, 74, 75, 76/77 and 78) consist of two storey and chalet style bungalows constructed from timber cladding, which accords with the design aspirations set out in the Outline permission. The design of some of these dwellings and their lower scale seeks to pick up on the local context of the residential development to the east.

10.2.36 A single apartment block (Block E) is proposed in the southern part of Parcel C, as envisaged in the Outline permission, in which part of the building would face the open space to the west and south. Rear courtyard parking would be provided to the rear of the building. Visually, Block E would predominately be a two and a half storey building, with a three storey element.

The Scale of Development

10.2.37 Scale is a matter for Reserved Matters application. Storey heights and massing is referred to in the submitted Design and Access Statement and Condition 4 states that the Reserved Matters Application submitted shall be broadly in accordance to the Massing Parameter Plan. The Design and Access Statement and Parameter Plan in the Outline permission suggests that the majority of the development will be 2-storey, but with some 2.5 and 3 storey development in key locations and focal corners. The Massing Parameter plan shows area of up to two storey, up to two and a half storey and highlights area for ' Focal Corners to introduce development up to three storeys, exact location to be considered at Reserved Matters stages.

10.2.38 The proposed development would provide a mixture of chalet style bungalows, two storey dwellings, two and a half storey apartments, with elements up to three storey in height. The plans submitted entail building massing and storeys that accord with the Design and Access Statement and Massing Parameter plan that was set out in the approved Outline permission.

10.2.39 Overall it is considered that the proposed scale and building heights would be appropriate to the site's context, with some variety helping to create legibility and a stronger sense of place. The sensitive edges to the site would rise to no more than two stories which is the correct scale and importantly, the proposal reflects the scale of buildings set out in the Outline permission. The buildings are great scale and mass are predominately located in the central parts of the site, located away from the sensitive edges.

10.2.40 In response to the concerns raised in relation to the apartments, in which the representation state that the two and a half and three storey buildings are out of character, it is considered that these buildings would be close to proposed open spaces and would be beneficial from the point of view of increased surveillance of these public areas. It is considered that this is an entirely appropriate design response for this part of the site and that appropriate care has been exercised in respect of the position, scale and design of these buildings. In other words, these buildings would be sited away from site boundaries and would be suitably articulated to avoid bulkiness. Moreover, there are several three storey buildings along Milford Road and to the north of the site in Pennington at Efford Way and Howards Mead, and other parts of Lymington.

10.2.41 Moreover, in response to the concerns that the two and a half and three storey buildings were not shown on the Outline permission, this is not correct. The Parameter plan approved in the Outline permission showed massing of buildings across the site, and the plan identified in some locations within the site, buildings at two and a half storeys and three storeys in focus corners.

Overall summary of design, character, layout, scale and appearance of the development

10.2.42 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.

10.2.43 The Urban Design Officer notes that 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, the Urban Design Officer 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.

10.2.44 The proposal picks up on the key design parameters set out in the Outline application and would create a compact pattern of well designed buildings and streets with enough garden space internally and along frontages to create a sylvan setting comparable to the characteristics of the low density development in the area. The scheme is considered to be compliant with both local and national design guidance and policy subject to detailed conditions on materials etc. A condition requiring the full details of the external facing materials to be submitted to and agreed in writing prior to construction will be applied to ensure that the quality of the scheme as now shown on the planning drawings is followed through to construction.

10.3 The Landscape Impact of the Development

10.3.1 Landscaping is a matter for detailed approval at Reserved Matters stage and the application comprises a detailed Landscape scheme.

10.3.2 The Landscape strategy set out in the Outline permission was informed by a Landscape and Visual Appraisal with Impact Assessment and the associated landscape policy, principles, concepts and framework were outline in the Landscape Strategy report.

10.3.3 Planning Condition 6 of the Outline permission (Landscape & ANRG Framework) requires the layout and landscape details to be submitted as part of the Reserved Matters application to be broadly consistent with the design principles and strategy that are illustrated on the illustrative Landscape & ANRG Framework Plan by Fabrik dated February 2022, or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority.

10.3.4 The Landscape Strategy that accompanied the Outline permission employed a sensitive approach recognising the importance to locate recreational green space within the west and southwest of the site, to define a new rural edge and enhanced boundary to the Green Belt, softening the transition between the development and the countryside. The Landscape and ANRG Framework at the Outline permission also sought to retain the Priority Habitat on the central part of the site and Crewkerne Copse to the north.

10.3.5 The Landscape proposals for this Reserved Matters application are detailed and comprehensive, which seek to evolve and improve on the principles and concepts contained within the Landscape Strategy and Condition 6 of the Outline permission.

10.3.6 The Landscape strategy proposes a variety and diversity of landscape and open space areas within the site. On the sites entrance fronting Milford Road, a green frontage is proposed with new hedgerows and trees. Along the western edge, a significant area of green space is proposed with new footpaths connecting to existing public rights of way, hedgerows, new trees and wildflower meadows.

10.3.7 The southern part of the site ' Southern Parkland' comprises a multifunctional open space area including a grassed play area, new tree planting, swales, connecting footpaths, wildflower meadows. Earth mounding defines the southern edge of play space, where a close mown lawn area will provide a kick about space for informal recreation. An area enclosed with fencing to allow dogs to play will be created within the south of the parkland.

10.3.8 The north-eastern part of the site will consist of retained semi-improved grassland with the introduction of permanent water areas and seasonally wet attenuation basins. These are shown to accommodate sustainable drainage with gentle gradients, native planting and seasonally wet meadows. New species rich wildflower grassland meadow is proposed alongside new tree planting and a block of new native woodland planting to create an extension to the existing woodland to the north.

10.3.9 The submitted Landscape Strategy employs a sensitive approach within the western, southern and eastern parcel that abuts the Green Belt through the introduction of an expansive landscape area and setting back of development, that limits the impact of the development, which is sympathetic to the local surroundings. The proposals seek to create a landscape character which is in keeping with the local landscape, including the Lowland Fen Meadow Priority Habitat on the central part of the site and Crewkerne Copse to the north.

10.3.10 The Councils Landscape Officer fully supports the proposed landscape framework for the site and considers that the plans convey a strong sense that this will be a pleasant place to live set within a high-quality landscape with generous amounts of public open space and mixed tree planting. It should be noted that there are some minor details with the landscaping plans that are unresolved and further detail that needs to be provided, but this is a detailed matter that can be appropriately resolved by condition. Equally, it is considered that some of the boundary treatments proposed are unresolved and the actual details is a matter that can be agreed by condition.

10.3.11 In response to the concerns raised that the grassed verges adjacent to the roads would be eroded by vehicles parking or 'overrunning' the roads, it should be noted that the submitted landscaping plan show a mixture of boundary treatments and planting along the road edges to deter this happening. Whilst the final detailed design of all of the grassed verges have not been agreed at this stage, as stated above and as recognised by the 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.

10.3.12 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.

Connectivity to the Wider Strategic Site

10.3.13 Planning Condition 20 of the Outline permission relates to the need to provide pedestrian connectivity to the Wider Strategic Site. The condition requires a connection / pedestrian access points to be provided to the boundary of the site and made available either before occupation of the penultimate dwelling or such other timescale as may be approved in writing with the Local Planning Authority.

10.3.14 The proposed layout shows four pedestrian points from the open space within the development to be provided up to the boundary to the adjacent land to the south (identified as Phase 2) that is allocated for development through Policy Strategic Site 5 of the Local Plan 2016-2036 Part One: Planning Strategy. The proposal therefore has demonstrated that it can secure accessible and joined-up green infrastructure and appropriate connectivity between the different parts of the Strategic Site.

10.4 Arboricultural Impacts

10.4.1 There are Tree Preservation Orders in place on site protecting key trees of high amenity value within the site and on adjacent land (TPO/13/02 and TPO/0005/23).

10.4.2 A detailed Arboricultural report was submitted at the Outline planning stage and conditions were imposed in the Outline permission which related to tree loss, surveys and the protection measures to be in place prior to commencement of development and require further details to be submitted before development commences.

10.4.3 A updated Arboricultural report has been submitted , which takes into account the detailed layout of the development and the need to provide highway works along Milford Road.

10.4.4 Whilst the Arboricultural report follows the original report at Outline stage, it is proposed to remove three trees (two Oaks and Ash Tree, two of which are Cat C trees (Low Quality) and one is a Cat B (Moderate Quality). These removals are necessary to allow the highway works, immediately to the south of Milford Road to be carried out. The Councils Tree Officer considers that the lost of the three trees at the main access points would be acceptable as they are low quality (except for one moderate quality tree near to the access point but this has a structural weakness impacting on long term retention prospects next to highway). The Tree Officer also considers that the loss of these trees can be mitigated by compensatory planting with an appropriate landscaping scheme. There is no reason to disagree with this view and the submitted landscaping scheme proposes new trees, including three Oak trees and several other native trees to be planted to the front of the site adjacent to Milford Road.

10.4.5 The Outline permission identified other trees that would be removed. In particular, the removal of two Monterey Cypress trees which are located within the site and close to the rear boundary of No 107 Milford Road. The Arboricultural Report recognises that there has been evidence of past structural branch failure throughout their canopies as well as signs of advancing declining health issues.

10.4.6 There is also a group of Ash and other trees to the east of No 107 Milford Road which were shown to be felled, as set out in the Outline application. The Ash trees have shown advancing signs of Ash Die Back, which is likely to progressively get worse, ultimately resulting in the trees having to be felled or severely pruned for safety reasons.

10.4.7 A group of trees located to the northern boundary of No 111a Milford Road, which have been identified as Category C are proposed to be removed in part. Their removal is required to facilitate the internal access serving the proposed development, but their loss of this part will not adversely impact on overall visual appearance or character.

10.4.8 The layout of the development is acceptable in terms of proximity to retained trees and provided sufficient protection measures are adopted through any construction phase they will not be adversely impacted. Some of the pedestrian walkways/footways and some parking areas are located within the Root Protection Areas (RPA's) of retained trees. However, a proposed asphalt footway is shown to be located with the RPA of T48 a category B Oak tree which has not been included so further information on the detail of the works will be required through the imposition of a condition (Condition 13 of Outline permission requires such detail to be submitted).

10.4.9 The Tree Officer has raised some minor concerns on the proposed layout/position of the main formal play area as detailed on the landscape master plan which abuts the mature protected Oaks to be retained. The Tree Officer states that the play area appears to be under the canopy spread of the adjacent trees and it would be preferable to allow for some space between the existing retained trees and the play area. This would allow the trees to develop as naturally as possible without the need to undertake too formal future tree management.

10.4.10 In response, the applicant has stated that open spaces within the development will be controlled and managed by a private company. Regular inspection and maintenance which will be secured that will address the matter of tree related risk. Importantly, green infrastructure and trees in particular, are accepted to provide significant benefits (both physical and mental), to people and places – certainly with regard to the generation and fostering of healthy play behaviours and experiences in children, as well as directly providing shade and cooling during periods of high temperature and solar glare. The applicant concludes that the proposed position of the play area within the development will not result in detrimental change to the existing tree context and will be a positive asset to the development into the long term both functionally and visually.

10.4.11 On the basis that the Tree Officer has not raised a formal objection together with comments from the applicant, it is not considered that in the long term the positioning of the play area will adversely impact on the trees or detract from the function and enjoyment of the play areas.

10.4.12 In summary, it is considered that, in the context of the proposed development tree losses have been minimised to those required to facilitate the new development. Significant new native tree and hedgerow planting will be incorporated into the proposed landscape response to strengthen the site character, particularly along the internal streets and within the Green Infrastructure. Residential plots are also designed with sufficient depth to encourage tree planting within the rear garden. More than 280 additional trees will be provided throughout the entire site. The Councils Tree Officer raises no objection to the proposal.

10.5 Impact on New Forest National Park

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

10.5.2 The Outline permission had regard to and assessed the impact on the special qualities of the National Park. This was set out in the Landscape and Visual Appraisal with Impact Assessment and Landscape Strategy which concluded that because of the extent of trees, vegetation and built form situated between the site and National Park boundary, which limits inter visibility or physical connectivity, the site does not perform a significant role in the setting to the National Park.

10.5.3 Given that the Reserved Matters application and accompanying Landscape Framework evolves and improves on the concepts and principles of the strategy set out in the Outline permission, it is considered that 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.

10.5.4 In relation to the concerns regarding light pollution, the full details of any street lighting or lighting to be placed on the dwellings will need to be submitted and approved as part of the condition as set out on the Outline permission.

10.6 Impact on Heritage Assets

10.6.1 Section 66(1) of the Listed Buildings and Conservation Areas Act applies. It requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In considering applications that impact on Listed Buildings the Planning Authority must take note of the following -

- The significance of the heritage asset
- Its setting - wider rather than narrower meaning of visual relationship
- Substantial harm (complete loss) – only in exceptional circumstances
- Less than substantial harm – to be weighed against the public benefits

10.6.2 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 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal

10.6.3 A detailed Heritage Assessment accompanied the Outline permission, which identified the heritage assets in relatively proximity to the application site, whose

setting could be affected by the proposed development. Although there are no designated heritage assets recorded on the site, the Heritage Assets that could be affected by the proposed development because of changes to their setting are the following.

- Grade 2 listed Granary at Manor Farmhouse Barn at Manor Farm
- Grade 2 listed Manor Farmhouse to the south east of the site
- Grade 2 listed Barn at Manor Farm

10.6.4 The effects of the development on designated heritage assets, in particular regard to the setting of the Grade 2 listed Manor Farmhouse, Barn and Granary, which are located approximately 170 metres south east of the site, was considered as part of the Outline permission. The Heritage Assessment concluded that the proposed development is unlikely to be visible from the farmhouse itself, the enclosed gardens, the drives or the surrounding spaces, or from the granary and the converted courtyard to the north east. The assessment also concluded that the layout of the development and the Green Infrastructure preserve the separation of the development from the land to the south east, and the spaces that are of value as part of the setting of Manor Farm. The Conservation Officer agreed with the conclusion in the applicants Heritage Assessment and therefore as no harm was identified, the policy assessment to balance public benefits was not engaged at Outline permission stage.

10.6.5 In the context of the above, it is of note that the proposed positioning of the built development accords to the location of land uses outline in the parameter plans. In addition, the Reserved Matters application proposes a reduction in the number of dwellings from 110 to 90, which would result in less built form and development to Heritage Asset. It is considered that there will be no change to the value derived from the fabric of the listed buildings and from the physical layout and visual qualities of the setting of the gardens, the drive and the spaces between the buildings of the group. The surviving elements of the historic farm holding that are of value as part of the setting; the stream, the two fields that retain their older form and vegetation of boundaries and the course of the track leading west, all of which are outside of the site and no physical change is proposed. In summary, it is considered that there will be no harm or loss to the significance of the heritage assets. Accordingly, The Conservation Officer does not raise any objection to the proposal.

10.6.6 For the reasons outlined above, it is considered that the Reserved Matters application will not result in any harm to the Heritage Assets.

10.7 Housing Mix

10.7.1 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).

10.7.2 In order to achieve the policy expectation, Condition 7 of the Outline permission (as set out below), requires the detailed designs for the approved development shall substantially accord with the following residential mix, or as otherwise may be agreed through the approval of reserved matters:

- 1 & 2 bedroom units: 60-70% of all Affordable Rental Homes, 55-65% of all affordable homes ownership, and 30-40% of all market homes

- 3 bedroom units: 25-30% of all Affordable Rental Homes, 30-35% of all affordable homes ownership, and 40-45% of all market homes
- 4 bedroom units: 5-10% of all Affordable Rental Homes, 5-10% of all affordable homes ownership, and 20-25% of all market homes

The proposed housing mix

<u>Market</u>	<u>Affordable</u>
1 bedroom = 6	1 bedrooms = 10
2 bedroom = 23	2 bedrooms = 23
3 bedroom = 11	3 bedrooms = 11
4 bedroom = 5	4 bedrooms = 1
Total = 45	Total = 45

10.7.3 The proposed development would provide a mixture of one and two bedroom apartments, Flats over garages (FOG'S), Maisonettes, detached, semi- detached and terraced houses ranging from three to four bedrooms. It is considered that the proposed variety of dwellings that would meet the policy objectives of Local Plan Policy HOU1 which seeks to improve the diversity of housing choice, and to achieve an overall balance of housing provision.

10.7.4 In terms of dwelling sizes (No of bedrooms), the proposed development would provide more than 50% of the market dwellings being smaller dwellings (one and two bedroom dwellings). The provision for larger dwellings (three and four bedroom dwellings) would be equate to a smaller amount at 16 out of 45.

10.7.5 It is recognised that the dwelling sizes do not fully accord with the mix set out in Condition 7, in that the proposal provides a higher proportion of smaller dwellings and fewer larger homes. It is important to note that the wording of Condition 7 requires the development to substantially accord with the following residential mix, unless otherwise may be agreed through the approval of reserved matters.

10.7.6 In assessing the proposed dwelling mix, which will provide a higher proportion of smaller homes, the supporting text to the Local Plan states that current evidence suggests a need for a greater proportion of new housing stock to be smaller-to-medium-sized homes. The supporting text goes on to state that as larger homes continue to form part of future new home supply, the existing housing stock of the Plan Area is predominantly three and four bedroom homes, and turnover within the existing stock will continue to be the main source of supply for meeting future demand for larger homes.

10.7.7 Moreover, the supporting text in the Local Plan states that based on demographic evidence there is an element of need for one-bedroom homes. One-bedroom homes are considered more likely to meet both need and occupier preferences where they are provided either as private rental accommodation, or as low-cost or affordable extra-care accommodation. Provision of more, smaller homes will help to meet the needs of newly forming households, including those not eligible for affordable housing. Smaller homes should be designed to be affordable and to meet the needs of newly forming households, or to be attractive to 'down-sizers' when they no longer need their family homes.

10.7.8 The proposal would provide 6 one bedroom market dwellings and 23 two bedroom units, which would accord with the supporting text of the Local Plan, which strongly supports proposals that provide a high proportion of smaller dwellings.

10.7.9 Overall, it is accepted that whilst housing mix does not fully accord with the housing mix set out in Condition 7, the proposal to provide a higher proportion of smaller dwellings reasonably reflects the identified housing need across the district and as set out in the local plan policy. The proposal to provide more than 50% of the market dwellings to be smaller dwellings accords with the local plan which seeks a greater proportion of new housing to be smaller to medium sizes homes. Equally, the proposal seeks to provide over 70% of the affordable housing to be one and two bedroom dwellings. Accordingly, the small deviation in the dwelling mix is considered to be justified.

Affordable Housing

10.7.10 Affordable housing was specifically considered within the Outline permission. Provision has been made for the delivery of 50% affordable homes in the completed s106 agreement and the tenure split to be comprised of 70% dwellings for rent, split equally between social and affordable rent, and 30% intermediate or affordable home ownership tenures including shared ownership.

10.7.11 Both the s106 Agreement and condition 7 of the outline approval requires that the development provide a mix of dwelling sizes in accordance with the Affordable Housing Unit mix, however there is some flexibility as the wording of the condition and s106 Agreement does enable a slightly different affordable housing mix to be provided and agreed with the Council.

Affordable total 45

<u>Affordable Rent</u>	<u>Social Rent</u>	<u>Shared ownership</u>
1 bed = 2 units	4 units	4 units
2 bed = 8 units	10 units	5 units
3 bed = 4 units	2 units	5 units
4 bed = 1 unit		
Total 15 units	16 units	14 units

10.7.12 The proposed development is proposing a full 50% of the homes to be affordable. It is considered that the breakdown of size and tenure of the affordable housing broadly aligns with the requirements set out in the s106 agreement. It is noted that there is a slightly higher percentage of two bedroom rental properties proposed, although the Councils Housing Manager considers that this would address needs locally.

10.7.13 In summary, given the Outline planning permission, including the accompanying S106 Agreement and condition 7, it is concluded that the proposal would be acceptable in affordable housing terms, in which, the proposed affordable housing layout identifies how the policy compliant affordable housing is to be integrated within the overall development.

10.8 Transportation

Access and Transportation matters approved at Outline permission

10.8.1 The Outline permission established that subject to mitigation (mitigation measures secured within the s106 agreement), the local highway network can acceptably accommodate the proposed development and would not give rise to highway safety concerns. These matters were considered in detail in the Transport

Assessment that accompanied the Outline permission.

10.8.2 Access was a matter that was approved in the Outline permission and the position as shown on Drawing No ITB11397-GA-018 Rev E is fixed. Accordingly, the principle of access to the site from Milford Road/A337 has been established by the Outline permission.

10.8.3 The approved Access Plan includes alterations to the road alignment along the A337/Milford Road and the access into the service/ Haul road that serves the recycling centres, crossing points, bus stop relocation, pedestrian footways and cycle path to connect to Harford Close. These are shown in detail on approved Drawing No ITB11397-GA-018 Rev E.

10.8.4 The S106 Agreement in the Outline permission secures the access and its timing of delivery, together with the need for the applicant to enter into a S278 Agreement with the Hampshire County Council. Condition 41 of the Outline permission states that the junction access onto Milford Road/A337 and crossing points as shown on drawing No ITB11397-GA-018 Rev E to be provided prior to first Occupation.

10.8.5 The Outline permission is also subject to a planning condition (Condition 27) requiring a Traffic Construction Method Statement to ensure that highway safety is maintained and inconvenience minimised whilst the site is built out.

10.8.6 In summary, the impact on the highway network and the main junction access has been considered at the Outline permission stage and this permits day to day vehicular access from the A337/ Milford Road. It is therefore important to note that this Reserved Matters Application is not to re-assess the capacity or impact on the local highway network and cannot be used to amend the position, siting or design of the main junction access into the site from Milford Road.

Access/ Transport matters to be considered at Reserved Matters Stage

10.8.7 This Reserved Matters application considers the appropriateness of the internal road layout (streets, roads, footpaths). This includes the highway safety of the internal roads and footpaths, the need to ensure that all vehicles (all car types, refuge, emergency vehicles) can use the roads in a functional and safe manner, pedestrian safety and footpath connections within the site and car parking provision. Matters of car parking provision is a matter to be considered at the Reserved Matters stage. The application has been accompanied by a Road Safety Audit.

10.8.8 Condition 4 of the Outline permission states that any Reserved Matters Application submitted shall be broadly in accordance to the Analysis Parameter Plan Drawing No 21.026.012 Rev C, which shows the possible hierarchy of roads within the site and circulation of footpaths.

The proposed arrangement and layout of the internal access layout

10.8.9 The proposed internal access arrangements would be framed around a single primary road that runs north to south and west to east, in which the built development would be contained within the inside perimeter of the road. Secondary streets would be situated off the primary street forming a network of Cul de sacs and connected streets. The secondary streets are designed as shared surfaces. Rear courtyard parking areas are also proposed.

10.8.10 It is the applicant's intention for the internal roads to remain as private and not be formally adopted. The internal road layout has been subject to a Stage 1 Road Safety Audit, which concluded that there are no significant concerns with the public safety. The RSA raised some minor concerns and suggested several recommendations. These have been addressed by the applicant, in which the road has been widened in places and vehicle tracking updated to demonstrate road width is sufficient. The detailed layout of the roads have been designed in a way to reduce traffic speeds and to reflect the guidance set out in Manual for Streets.

10.8.11 Swept path/ analysis and Tracking plans have been submitted showing how a refuse truck, tanker, delivery van and fire tender would satisfactorily use the proposed internal roads and junctions. The Road Safety Audit advice is that there are no fundamental concerns with the internal layout from a highway safety perspective.

10.8.12 The layout also includes the provision of walking routes and pedestrian connections through the site to link with the Public Rights of Way and open space, which would accord with the requirements of the original Outline planning permission.

Single carriageway within the site between Parcel B and C

10.8.13 Concerns have been raised in relation to the practicality of the single carriageway road between Parcels B & C and the effectiveness of the proposed mitigations.

10.8.14 The proposed internal layout would provide a single carriageway between Parcels B and C which runs to the south of the Priority Habitat. There is a separate footpath proposed to the south of the carriage way. This will enable pedestrians or cyclist to use a path separate from the carriageway. The width of the measures approximately 3.8 metres wide, which does not allow for two vehicles to pass. Essentially the carriageway is one way traffic. The length of the carriage way measures just under 70 metres. The proposed carriageway is a straight road with clear intervisibility.

10.8.15 In response, it is appreciated that the carriageway does not allow for two cars to pass, and there is a risk that vehicles may attempt to drive their vehicle onto the grass verge if faced with the situation that another vehicle is travelling in the opposite direction.

10.8.16 It is considered that this is a matter that can be designed out and mitigated as part of the landscaping and boundary treatment. As stated above in the 'Landscaping section', timber bollards, bunds, hedgerows, or railings can be installed to deter and prevent parking alongside the road. This is a matter that can be appropriately addressed by a planning condition.

10.8.16 In relation to highway safety matters and practicalities, the Road Safety Audit has assessed the safety and convenience of the carriageway, noting that the proposed 'one way section of carriageway extends for around 70 metres, with around a 6 metre wide carriageway which follows bends on both sides.

10.8.17 In their response, the Road Safety Audit state that the length of just 70 metres and intervisibility is achievable between the points at which the carriageway width reduces.. The RSA had raised some initial concerns that the proposed link is just 300mm narrower than that required for two-way movement of motorcycles, cars and small light goods vehicles and a driver / rider may therefore attempt to travel along the section of carriageway whilst an opposing vehicle is observed. In their report, the RSA

recommended that measures are provided to ensure that approaching drivers / riders become aware of the one-way nature of the carriageway. In response, the applicant has confirmed that they will install signage on either end of the narrowing that the carriageway is one way. It should also be noted that given the relatively short length measuring 70 metres and its straight alignment, if travelling in either directions vehicles can clearly be viewed before it narrows to a single carriageway. Both end of the carriageway is wide enough for vehicles to wait.

10.8.18 The Road Safety Audit Team did raise a concern that the bends either side will not allow a domestic vehicle to pass an HCV or tanker which could lead to sideswipe or reversing type collisions. In response to this concern raised, the applicant has amended the plan and the road widened on the bend to allow a vehicle to pull up and wait for an oncoming vehicle. In addition, as stated above, the applicant proposes to install road signage at either end of the narrowing will be sufficient to both notify vehicles to give way if required and enough space to pull up and wait.

10.8.19 Overall, given the relatively short length of the carriageway, its visibility and straight alignment, and that no concerns have been raised from the Road Safety Audit, it is considered that the practicalities, safety and convenience of the single road carriageway is acceptable. Indeed, the RSA has been reviewed again with the auditor confirming that there initial concerns have been addressed.

Public Right of Way

10.8.20 There are several Public Rights of Way (PROWs) in the vicinity of the site, including Footpath 84a which crosses the western part of the site and Footpath 81 which runs along the southern boundary of the site (outside the application site). It is noted that the definitive route of Footpath 84a differs from the grassed path on the ground.

10.8.21 Footpath 84a would lie within the proposed open space as part of the development. As part of the Outline permission, it was not proposed to alter the definitive route, although it was noted consideration would be given to enhance or upgrade the path.

10.8.22 It is not proposed to enhance or upgrade (other than as a grassed own path) the existing definitive route of Footpath 84a. Equally, the Footpath 84a would form part of the green space and it is not proposed to block, or disrupt the footpath.

10.8.23 The applicant does propose to create new footpaths within the site, including a north south footpath of a hoggin surface material, which would be in close proximity to the definitive public footpath 84a. The proposed footpath would connect to the public footpath 81 to the south of the site.

10.8.24 Careful consideration has been given to whether to upgrade the existing path. In their response, Hampshire County Council Rights of Way Officer and Ramblers Association considers that it would not be appropriate to have two footpaths running parallel to each other, both of which would lie in close proximity. HCC Rights of Way Officer and the Ramblers Association suggest that a more appropriate solution is for the layout to have a single footpath that provides a single attractive route made form an appropriate surface that goes through the greenspace.

10.8.25 Accordingly, it is considered that the better solution would be to focus on providing one single well designed and attractive route, in which tis current proposal achieves. Hampshire County Council has advised that following the delivery of the new footpath, the definitive PROW route could be diverted to the new path, which

would be subject to a separate application. It should be noted that this is not a matter for this application.

Car parking

10.8.26 The level of car parking to be provided for the proposed development is a consideration for this Reserved Matters application. It should also be noted that car parking is not a matter for the Highway Authority to assess, unless there is a fundamental highway concern in relation to parking. The Council has adopted a Supplementary Planning Document, which sets out its own car parking standards and design.

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

10.8.28 As stated above, the Council has adopted Car Parking Standards to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and other local policy seeking a shift away from cars to more sustainable forms of transport.

10.8.29 The amount of parking provision proposed is in accordance with the adopted Car Parking Standards. The development proposes a total of 184 parking spaces, in which 16 spaces would be provided for visitors. Cycle parking would also be provided in garages, sheds or cycle stores.

10.8.30 Parking provision for residents in the scheme includes a predominance of driveway/on-plot based parking and courtyard parking. Where car ports and garages are used, they are designed to 3m x 6m internal size, which in accordance with Manual for Streets and Council's Parking Standards Supplementary Planning Document (SPD) advice makes them more likely to be used for parking. Tandem parking (one vehicle behind another) is provided within the development together with parking side by side. In response to the concerns that the tandem car parking would lead to more on road parking, the council's adopted Car Parking Standards states that tandem parking will be acceptable for individual properties. It does however highlight that in order to accommodate side-by-side parking on a driveway, additional width (3 metres wide space) will be required where it is also used for pedestrian access to the rear of a property. The submitted layout shows car parking spaces will be 3 metres wide which accords with the SPD.

10.8.31 In relation to visitor car parking, NFDC standards states that 'layouts based on-plot parking may include lay-bys and/or other visitor parking space providing that highway safety is not prejudiced and up to a maximum of 20% of the total amount of parking is on site. The layout would provide 16 visitor spaces, well within the maximum 20% visitor allocation. In response to the concerns raised in relation to lack of car parking throughout the development and within the courtyards serving the apartments, it should be noted that each one and two bedroom flat will have one parking space, together with unallocated parking, which will accord with the car parking standards.

10.8.32 Provision for electric vehicle charging has been incorporated within the development and is covered by condition on the Outline permission, which require provision to be made prior to occupation.

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

10.8.34 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 and within the apartments (that would be large enough to accommodate cycles) and within sheds and communal stores.

Internal Access connection to Phase 2

10.8.35 The S106 Agreement requires an internal access road to be provided within the layout of the site as part of the Reserved Matters application from the A337/Milford Road to within 1 metre of the boundary of Phase 2. The S106 Agreement requires the internal access road to be delivered prior to Occupation of 75% of the dwellings.

10.8.36 The proposed layout has been designed with an internal road which connects to within 1 metre of Phase 2 land. The internal road is shown to be designed to facilitate a residential development on Phase 2 land. It is important to note that neither the S106 nor the governing Outline planning permission requires internal road to be built up right up to the boundary of Phase 2 land and such as connection therefore falls outside of the scope of Reserved Matters application. This will mean that any future developer on the adjacent land will need agreement from landowner of Phase 1.

10.8.37 It is important that this application does not prevent any developer of the land to the south of the site being able (subject to agreement between the landowners) to connect their development to the road infrastructure that is provided as part of the current application. Whilst the council has negotiated a layout that does not preclude connectivity, this will ultimately a matter between the two landowners.

10.8.38 It should also be noted that parts of the main internal road within the site, including the junction to the south has been widened to ensure adequate future access arrangements into Phase 2.

10.9 Nature Conservation

On site Ecology

10.9.1 Condition 16 of the Outline permission requires the submission of a Landscape and Ecological Enhancement, Mitigation and Management Plan to be submitted prior to the commencement of development, in which the detailed plan shall broadly be in accordance with the measures set out in the ecological mitigation and enhancement measures detailed within the Ecological Impact Assessment (ECOSA February 2022) and outline Biodiversity Mitigation and Enhancement Plan (ECOSA February 2022) or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority.

10.9.2 Due to the amount of time that had elapsed since the ecological surveys, the applicant's Ecological Consultant has carried out an updated ecological walkover survey in September 2022. This has been fed into the submission of a detailed Landscape and Ecological Enhancement, Mitigation and Management Plan to accompany the Reserved Matters Application and discharge Condition 16 of the Outline permission. A Biodiversity Net Gain Design Stage Report and an updated Ecological Impact Assessment, Ecological Mitigation Strategy for site has also been provided.

10.9.3 Condition 17 of the Outline permission requires a minimum of 1 in 4 of the dwellings / development plots to incorporate either a bird nesting box (including nesting opportunities for swifts and house sparrows), a bat box or bat roosting provision, or enhancements for invertebrates such as bee bricks, the precise details of which shall be submitted with each Reserved Matters application where new buildings are proposed.

10.9.4 The application is accompanied by a plan that details the dwellings within the development that will incorporate the proposed bat tube, bat boxes, swift and sparrow nest boxes, bee bricks and reptile hibernacula.

10.9.5 In particular, to enhance the site for roosting, foraging and commuting bats, 25 of the dwellings on the site will have built in Bat tubes installed in the walls and five bat boxes would be erected in the retained trees. To enhance the site for breeding birds, 25 of the dwellings on the site will have swift boxes, a further ten dwellings will have house sparrow boxes. In addition, ten woodcrete nest boxes would be installed on trees.

10.9.6 With regard to reptiles, a reptile site will be created in the northern area of the site, which comprises the marshy grassland. In addition, three hibernacula would be installed within the reptile receptor site area and a further three would be created across the site within the grassland habitats. In relation to invertebrates, 25 of the dwellings on the site would have bee bricks built into the homes.

10.9.7 It is considered that the detailed plan provided shows that a minimum of 1 in 4 of the dwellings will incorporate one of the ecological enhancement features and therefore meet the requirements of Condition 17.

Habitats of Principle Importance

10.9.8 The presence of Habitats of Principle Importance (Priority Habitat) was identified on the site at the Outline stage and through the S106 Agreement and Parameter plans, the permission secured the retention of the majority of the Priority Habitat and its long term management.

10.9.9 In accordance with the principles set out in the Outline permission, the proposal seeks to retain the priority habitat and the proposed development has been designed in which dwellings would be arranged to face the meadow. The proposal includes measures designed to protect damage to the perimeter from car parking or other erosion, but noting that the meadow will be available for the public to walk across with a new footpath provided.

10.9.10 In order to limit the impact upon the habitat areas, access through the open space will be restricted to an informal path mown between the housing areas that will form part of the circular walking route. A low fence will be proposed either side of the mown footpath and to the interfaces with the private drives east and west, and a timber post and rail fence will enclose the habitat to the north. Timber bollards set

within granite set aprons will enclose the southern extent of the habitat that will prevent vehicle ingress whilst providing an open aspect. Information boards will be provided at the entrance points to the habitat area to help inform and educate the local residents as to the importance of the habitat areas.

10.9.11 The Priority habitat will be managed by mowing, which will occur once a year during the autumn once the majority of species have set seed. If the grassland starts to become tussocky then it may be possible to undertake a second early spring cut (March or early April). These measures would be secured within the Landscape Management Plan.

Ecology: Mitigation of Recreational Impacts

10.9.12 In accordance with the Habitat Regulations, the Council's Local Plan policies require that the recreational impact of new residential development on European designated nature conservation sites within the New Forest be mitigated. For larger Strategic Sites, the most significant element of such mitigation is expected to be the provision of Alternative Natural Recreation Green space (ANRG).

Alternative Natural Recreational Green Space (ANRG) provision

10.9.13 Policy ENV1 of the Local Plan specifically requires that at least 8 hectares of natural recreational greenspace per 1000 population be provided on Strategic Development sites in order to mitigate the recreational impacts of development on designated New Forest European sites.

10.9.14 The s106 on the Outline permission stipulates the ANRG Land to be defined based on standardised methodology (8ha / 1000 population) and the s106 and Parameter plan also set out the broad location of the ANRG within the site. This means that any Reserved Matters application must follow the requirements for the location and space to be provided for ANRG as set out in the Outline permission and within the s106 agreement. In addition, the S106 agreement secured the provision of ANRG to be provided on site and available for the public in perpetuity together with its long term management and maintenance.

10.9.15 Based upon the estimated population of 209 people and in accordance with the s106 and local plan policy, this would result in a minimum requirement of 1.7 hectares of ANRG to be provided on site. The Reserved Matters application provides over 2 ha of ANRG, which exceeds the minimum requirement as set out in the s106 and local plan policy. It is noted that a multi use grassed area is proposed within the area defined as the ANRG, which has been discounted but this only equates to a small amount and the overall provision of ANRG is still in excess of the minimum requirement.

10.9.16 The proposed ANRG land is shown to be located across the south west of the site and to the east of the site, with these two areas being connected by a Green Link and footpaths. 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 and connected to existing public rights of way.

10.9.17 The alternative natural recreational greenspace takes on an informal, naturalistic landscape in a parkland setting with a focus on the creation of a multi-functional diverse mix of habitats, amenity and wildflower meadows maximising biodiversity, whilst providing a network of attractive key amenity spaces. An area for off lead dog walking is proposed. Clusters of trees frame and enclose key spaces such as pockets of play and the attenuation basins. Trees are also positioned for

wayfinding along key routes and shade.

10.9.18 It is important to note that the 120m circular radius of the main area is not completely in line with guidance in the Mitigation for Recreational Impacts SPD. The quality of the ANRG however is good as it contains a purpose built dog exercise trail and a variety of spaces, which demonstrates that the ANRG accords with Policy and the main design principles of the SPD, together with meeting the purposes of the Habitat Regulations. In assessing the quality of any ANRG area it is also necessary to consider that this area of ANRG needs to be read in context with other areas of ANRG provided on the remainder of Site 5 adjacent to the application site. Whilst this radius cannot be achieved, the full radius will be achieved when the development for Phase 2 comes forward, in which the ANRG for that scheme can be sited adjacent to the ANRG proposed within this current application. Importantly notwithstanding the fact that the radius cannot be achieved, the layout and design of the proposed ANRG has been designed to maximise this space containing large open area to enable dogs to be left off their leads.

10.9.19 The approach to mitigation in the New Forest District involves the provision of a network of natural greenspaces located close to people's doorsteps. This will provide a realistic alternative to visiting the natural habitats of the New Forest and Southampton Water and Solent Coast European Sites for recreational purposes, including dog walking (as well as providing attractive and healthy places to live). As stated above, other than the 120 metre radius not being met, which is guidance set out in the SPD, the proposed layout and design will function as ANRG in accordance with the local plan policy and the design principles set out in the SPG.

10.9.20 In addition to the ANRG, the site itself also contains areas of POS which is also available to those wishing to exercise their dogs. Taken as a quantum whole, the amount of ANRG, added to POS which is available and the Council are in this respect the competent authority in which to carry out this judgement as to whether or not the ANRG area provided is acceptable. In this case the judgement made for the reasons set out above is that the ANRG provided is acceptable and in line with Policy ENV1.

10.9.21 Normally, surface water attenuation features would be discounted from counting towards the ANRG land, however, these will be predominately dry basins, gently contouring and appearing as positive natural landscape features contributing to a variety of meadow grass mixes. Importantly they will be accessible to the public. As such, these features are not discounted towards the overall quantum of ANRG Land.

10.9.22 Overall, through the provision of the ANRG on the development, it is considered that the scheme will not have an adverse impact upon protected environments. Therefore, the proposal meets the requirements of the Habitats Regulations. As such, the proposed design for the ANRG is considered appropriate and reasonable, and meets the requirements set out in the Outline permission. Moreover, the s106 agreement sets out the need to submit the full details for the ANRG including seats, signage and bins.

10.10 Flooding and Drainage

Flooding

10.10.1 A detailed Flood Risk Assessment (FRA) was submitted with the Outline application, which set out the detail of the flood risk to the development and key protective measures that are proposed to ensure that the development does not flood (during a relevant flood event).

10.10.2 Whilst the risk of flooding was considered within the proposals at the Outline permission stage and therefore is not a matter reserved for subsequent approval, it is important that the developable areas (built development) in the layout for the Reserved Matters application are located outside areas at risk from flooding (Flood zones 2 and 3) as confirmed in the FRA that accompanied the Outline permission.

10.10.3 In addition, it is important that the Reserved Matters Application adheres to the mitigation measures set out in Condition 19 of the Outline permission, which requires the finished floor levels shall be set no lower than 600mm above the 100 year flood event plus climate change (35% allowance), as stated in paragraph 5.4 of the FRA.

10.10.4 This Reserved Matters application is accompanied by a Drainage Strategy, which follows on from the previously submitted Drainage Strategy by Reuby & Stagg and the Flood Risk Assessment (FRA) by Cotswold Transport Planning that accompanied the Outline permission.

10.10.5 The proposed development shows that the built development including SUDs features are located outside the modelled Flood Zones 2 and 3 as confirmed in the FRA. The proposal therefore complies with the mitigation measures which sequentially develop the site, which means that the developable area (roads and houses) and surface water attenuation areas (SuDS) will be directed to Flood Zone 1 and therefore outside the areas at risk of fluvial and surface water flooding.

10.10.6 The application is also accompanied by a site-levels plan, which shows the finished floor levels of the built development set no lower than 600mm above the 100 year flood event plus climate change (35% allowance), as stated in paragraph 5.4 of the FRA of the Outline permission.

10.10.7 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the proposed development accords with the Outline permission and principles set out in the FRA and accordingly the proposal 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. In response to the concerns in relation to flooding, a detailed flood risk assessment of the site was carried out at the Outline application stage, in which the EA confirmed to be acceptable subject to mitigation. The mitigation has been secured by condition and this Reserved Matters application accords with the mitigation measures out in the Outline application.

Surface water drainage strategy

10.10.8 A surface water drainage strategy was submitted with the Outline application stage and this included technical information with the necessary drainage calculations and indicative drainage layout and design to demonstrate the effectiveness of the SUDs and the exact area of land required to accommodate the drainage system.

10.10.9 Condition 22 of the Outline planning permission requires further formal approval of detailed drainage matters before works can commence on the site. Specifically, the condition requires a detailed surface water drainage scheme based on the principles within the Flood Risk Assessment & Drainage Strategy by Cotswold Transport Planning dated October 2021 and Reuby and Stagg Ltd 10621 dated February 2022, shall be submitted and approved in writing by the Local Planning Authority.

10.10.10 Whilst Drainage is itself not a 'Reserved Matter' and is a matter that can be dealt with by condition, the application is accompanied by a surface water drainage strategy, which has now taken forward into a detailed design based upon the principles of the original drainage strategy that accompanied the Outline permission. The submitted surface water drainage strategy includes the necessary drainage calculations. The submitted drainage report states that there have been no additional investigative findings since the submitted drainage strategy that accompanied the Outline application, and therefore, the proposed drainage strategy is to remain in keeping with the scheme previously submitted.

10.10.11 The proposed surface water drainage would be split into two areas. The surface water runoff from the developable areas (such as from the roofs of the houses and roads) would be intercepted through drainage swales and gravel trenches running north south and directed to larger basins / swales, before discharging at a controlled rate to existing ditches. 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).

10.10.12 Infiltration drainage is proposed to surface all parking areas with permeable pavements in order to optimise the storage potential of their sub base layers. Swales have been introduced in the scheme for both storage and water quality purposes. The eastern catchment drains also to a detention basin however cellular storage.

10.10.13 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.

10.10.14 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the applicant's 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 can be provided through the planning conditions as set out in the Outline permission and in accordance with standard practice.

10.10.15 The Flood Risk Assessment demonstrates that the proposed development would be at minimal risk from flooding and would not increase flood risk elsewhere. 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.

10.11 Public open space

10.11.1 The S106 Agreement and Parameter plans in the Outline application requires the development to provide a minimum level of on site public open space and childrens play area and sets out the areas where this needs to be provided within the site.

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

10.11.2 Based upon the estimated population of 209 people, this would result in a minimum requirement of 0.68 hectares of Public Open Space to be provided on site. The proposed development comprises around 0.75ha of public open space and is shown to be provided along the western boundary and the central part of the site, immediately adjacent to the dwellings and this conforms to the s106 Agreement and Parameter plans in the Outline permission.

10.11.3 New wildflower and amenity grassland, footpaths, small play areas, scrub, hedgerow and tree planting will make a significant element of the Open Space, 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.

10.11.4 Part of the main recreational area to the south west of the site is shown to be laid out with grass to enable different types of recreational uses. A landscape management plan (secured by s106 and condition) will 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.

Children's play

10.11.5 The s106 Agreement and Parameter Plan outlines there to be a main play area (LEAP) within the south west green space and incidental play areas along the western and central green space.

10.11.6 Based upon the estimated population of 209 people, this would result in a minimum requirement of 0.5 hectares of Childrens Play area to be provided on site. The actual area of proposed public open space as defined plan is 0.54 hectares, which accords with the policy requirement. The proposal seeks to provide a LEAP within the open space to the south of the internal access road, as set out in the Outline permission and two smaller play areas within the open space to the west. It is also considered that the proposed siting of the children's play area will form an integral part of the main recreational green space on the site and there will be sufficient natural surveillance.

10.11.7 The proposed LEAP provides more than six play experiences (swinging, climbing, sliding etc.) and is shown to provide all the equipment and features to cater for all ages and abilities. Whilst the proposed play area is not fully detailed, it is considered that the final design and layout is a matter that can be appropriately dealt with by condition. Overall, the proposal accords with the principles set out in the Outline permission.

12 Residential amenity

10.12.1 The impact on the living conditions of the adjoining neighbouring properties is a matter to be considered at Reserved Matters stage.

10.12.2 There are several existing residential properties with garden boundaries that abut the application site: properties in Grafton Gardens, Clausen Way and Newbridge Way. There are also several residential properties along the south side of the A337 which either back onto or in close proximity to the application site: 95 to 111 and Southernwood and Crest along the A337. It is also noted that there are glasshouses adjacent to the site associated with a nursery. Dwellings to the north side of Milford Road will also be affected and this includes Robins Copse, Dene

Lodge, Little Dene and Havenhurst..

10.12.3 The proposed access onto the A337 will face onto the boundaries of Dene Lodge and other dwellings (Little Dene and Robins Copse) on the north side of the road. Along the boundaries to the properties on the north side of the A337 is a high hedge and dense vegetation and the properties is situated back from the A337. Whilst there may be some impact upon those properties caused by additional noise and disturbance, and light spillage from vehicles, it will not be so severe or adverse to warrant recommending refusal. In addition, the Outline permission has already established the point of access and the impact of these residents was assessed and considered at that stage.

10.12.4 Concerns have been expressed from the existing residential properties to the north side of the A337 that proposed Block A would result in an unacceptable loss of privacy. In response, whilst Block A would face onto the A337, this creation of main windows facing a busy street is not untypical in this location. In addition, the distance from the first and second floor windows to the boundaries of these properties measures more than 22 metres, which is considered to be a significant distance that would not result in demonstrable harm by way of overlooking. Accordingly, it is not considered that the proposal would not give rise to unacceptable overlooking to existing residential properties in Milford Road.

10.12.5 In relation to No's 107, 109 and 111 Milford Road, these neighbouring properties lie to the south of the A337 and the application site immediate abuts the side and rear boundaries.

10.12.6 With regard to No 111, the side elevation on proposed dwelling on plot 15 will have a side elevation positioned on part of the end of the rear garden to that property. A first floor bathroom window is proposed on the side elevation of Plot 15 which would face into the rear garden of No 111. In order to mitigate against unacceptable overlooking, it would be reasonable to impose a condition for that window to be glazed with obscure glass.

10.12.7 In terms of the physical relationship, whilst the positioning of Plot 15 is positioned on the rear boundary of No 111, given that the proposed building does not 'straddle' all of the rear garden that property and that the proposed dwelling lies on the far end of the rear garden, it is not considered to result in demonstrable harm to the outlook of that property.

10.12.8 In relation to the proposed dwellings on Plots 7-9, this group of buildings would be sited a sufficient distance away from the side boundary of No 111 (more than 15 metres), which would not result in any unacceptable harm by way of loss of light or outlook. In terms of privacy, a first floor bathroom side window is proposed on Plot 7 and in order to mitigate against any unacceptable overlooking to No 111, it would be reasonable to imposed a condition for that window to be obscurely glazed.

10.12.9 Block A is positioned away from the side boundary of No 111, in which there will be a distance of approximately 10 metres between the two and a half storey element of the building and the side boundary. Given the distances involved, the depth of the proposed building and its physical relationship sited to the boundary, it is not considered to result in demonstrable harm on the light and outlook of that property. In term of overlooking, two first floor windows and a roof light on the second floor are proposed on the side elevation facing No 111. These windows serve a bathroom and stairway and have been shown to be glazed with obscure glass. In order to mitigate against unacceptable overlooking, a condition is imposed for these windows to be glazed with obscure glass.

10.12.10 Concerns have been raised that the proposed car parking courtyard would generate unacceptable noise disturbance, light and dust pollution. In response, it is accepted that the relationship of the car parking courtyard would increase noise and disturbance from vehicles manoeuvring and parking that would result in an impact on No 111.

10.12.11 However, the number of car parking spaces for nine dwellings is not considered to generate a level of excessive level of noise and air pollution that would result in demonstrable harm to the living conditions of that neighbour. Vehicle maneuvering within the space have limited space to generate any speed which will help reduce noise levels. The main access point into the courtyard and the main internal road is proposed away from the boundary of that neighbour. The car parking spaces would be set off the boundary and a landscape buffer is proposed on the side boundary. New Trees are proposed within the courtyard to help reduce the visual impact.

10.12.12 In relation to impact on light pollution, whilst no details have been submitted showing the design of lighting for the courtyard, a condition has been imposed for details of lighting to be submitted and approved. It is considered that the design, siting and impact of the lighting can therefore be carefully considered through the discharge of condition.

10.12.13 In relation to No. 109, it is accepted that the proposed development would have some impact on the living conditions of that neighbour, but it is not considered to result in demonstrable harm to refuse permission. The proposed development has been laid out in which no dwellings or buildings are proposed directly along the rear boundary of No 109, and accordingly the proposals would not result in any unacceptable harm on their light or outlook.

10.12.14 The proposed group of dwellings on Plots 12-15 are shown to be located at an oblique angled view off the rear boundary of No 109 and this would not result in any unacceptable loss of light or outlook. The proposed first floor windows on the front elevation of Block 12-15 would have views into the far end of the rear garden to No 111. However, the views from these windows would be very oblique and facing the far end of the garden, and as such, it is considered that they would not result in an unacceptable impact on their privacy. Moreover, whilst there would be an increase in noise and disturbance, given the low number of dwellings proposed to the rear of No 109, it is not considered to result in demonstrable harm to refuse permission.

10.12.15 In relation to No 107, given the distances between the front elevations of No's 13-15 and that the POS is proposed along part of their side boundary, it is considered that this element of the proposed development would not adversely impact on their living conditions of residents. Along the south boundary of No 107, a two storey dwelling at Plot 34 is proposed. Given that the proposed dwelling is set slightly off the rear boundary and there is a distance of more than 9 metres, it is not considered that the proposed development would unacceptable impact on their light or outlook. In order to mitigate against unacceptable overlooking, a condition can be imposed for the first floor window on the side elevation of lot 34 to be glazed with obscure glass.

10.12.16 Along the east boundary of No 107, Apartment Block C is proposed, together with its associated car parking. Given the distances involved, it is considered that the physical relationship is acceptable. Moreover, No 107 has a large garden area on a wide plot, and the proposed dwellings do not surround and are not located immediately against or abutting the boundaries of that neighbour, which will reduce the feel of being surrounded and dominated by new development.

10.12.17 With regard to potential overlooking to No 107, given the distances involved and oblique views from the proposed rear elevation of Plot 39, it is not considered that the proposed dwelling would result in unacceptable overlooking. In relation to Block C, it is noted that the existing property is situated approximately 18 metres to the side boundary and there will be a distance of around 28 metres between the side elevation and nearest part of proposed Block C. On the first floor side elevation, a first floor bedroom window is proposed and on the second floor a bedroom and a living room window and roof light is proposed. The distances from these windows measures some 10 metres to the boundary and around 28 metre to No 107. Given these distances, it is not considered that the proposed Block C would result in demonstrable harm to the privacy of that neighbour. Moreover, the existing garden area to No 107 is large in size, and whilst it is accepted that there will be some harm by way of overlooking to the garden, it is not considered to result in significant harm to refuse permission. Other proposed windows on Block C are located further away from the side boundary of No 107.

10.12.18 Concerns have been raised from No 107 that the proposed car parking courtyard would generate unacceptable noise disturbance, light and dust pollution,. In response, it is accepted that the relationship of the car parking courtyard would increase noise and disturbance from vehicles manoeuvring and parking that would result in an impact on No 107. However, the number of car parking spaces for a single block of apartments is not considered to generate a level of excessive level of noise and air pollution that would result in demonstrable harm to the living conditions of that neighbour. Vehicle maneuvering within the space have limited space to generate any speed which will help reduce noise levels. The main access point into the courtyard is through the building proposed away from the boundary of that neighbour. The car parking spaces would be set off the boundary and a landscape buffer is proposed on the side boundary. New Trees are proposed within the courtyard to help reduce the visual impact. In relation to impact on light pollution, whilst no details have been submitted showing the design of lighting for the courtyard, a condition has been imposed for details of lighting to be submitted and approved. It is considered that the design, siting and impact of the lighting can therefore be carefully considered through the discharge of condition.

10.12.19 In relation to the neighbouring properties to the east in Grafton Gardens, Clausen Way and Newbridge Way, the proposed development on Parcel C would be sited more than 35 metres to the boundary of the site and separated by proposed green space used as ANRG. Given the extent of Green Infrastructure on the eastern part of the site and the distances between the proposed residential development and the neighbouring properties in Grafton Gardens, Clausen Way and Newbridge Way, it is not considered that the proposals would be materially harmful to the amenities of these properties by way of overlooking and loss of light/ outlook. Moreover, it is considered that the activity associated with use of the Green Infrastructure land would not be materially harmful to the amenities of these properties. Matters of boundary treatment around the perimeter of the site can be dealt with by condition as part of the details for boundary treatment and landscaping.

10.12.20 With regard to the neighbouring properties at 95, 97 and 101, given the distances involved, it is not considered that proposed Block C would not unacceptably impact on their light or outlook. In terms of privacy, a first floor window on the north elevation and balcony on the side return is proposed facing the rear of these neighbours. The distances from the window and balcony to the rear boundary measures approximately 15 metres and the distance to the nearest building measures more than 40 metres. Given these distances, it is not considered that the proposed Block C would result in unacceptable harm by way of loss of privacy to these neighbours.

10.13 Sustainable Design

10.13.1 The Outline permission was 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 applicant noted the specific requirements of Local Plan Policy IMPL2 and have confirmed that their proposals will provide and the delivery and implementation of these measures have been secured within Planning conditions 28, 30 and 31 of the Outline permission.

- A higher water use efficiency standard of 110 litres per day;
- The provision (where practicable) of a high speed fibre broadband connection to the property threshold;
- Provision to enable the convenient installation of charging points for electric vehicles.

10.13.2 It is also important to note that in December 2021 the Government confirmed that new Building Regulations will come into effect in June 2022 in the form of amendments to Approved Document L 'Conservation of Fuel & Power' that will require new homes to produce around 30% less CO₂ than the current standards. These requirements are enforced through the Building Regulations which the applicant will be required to adhere to.

10.13.3 Since the decision on the Outline permission, the Council has recently consulted on a draft Climate Change Supplementary Planning Document (SPD), and the comments received are currently being considered before the council considers it for formal adoption in the autumn. At this stage, minimal weight can be attached to this draft SPD.

10.13.4 In relation to this Reserved Matters Application, the applicant has stated that they are committed to deliver a sustainable development and have submitted an updated sustainable development statement report, in which the applicant proposes to construct each home to an efficient fabric and building services specification capable of delivering CO₂ and fabric energy efficiency savings in line with the Building Regulations Part L.

10.14 Appropriate Assessment

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

10.14.2 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.

10.15 Community Infrastructure Levy (CIL)

10.15.1 The 90 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) plus indexation, for all new residential development. Given that this application is the Reserved Matters Application, the CIL contribution equates to £491,178.00.

10.16 Officer response to Town Council and representee objections

10.16.1 The views of the Town Council and other representees have been properly considered and a summary of the officer's response is provided below.

10.16.2 A number of local residents have raised concerns regarding traffic, highway safety, loss of countryside, flooding, drainage issues, pressure on local services and facilities, and inadequate public transport. In addition, the suitability of the proposed access has been questioned, as has the need for the new dwellings proposed. As set out in the report, the Outline permission assessed and considered the technical details including flooding and drainage matters, impact on local services etc and it is not for this Reserved Matters application to re-consider these issues. In response to the concerns that the traffic surveys were carried out are inaccurate given that they were during lockdown. As stated above, the issue of traffic surveys and their timing was considered in detail as part of the Outline application and it is not for this Reserved Matters application to re-consider this matter given that Access was approved at the Outline stage.

10.16.3 In response to the concerns in relation to the safety of the proposed access, the dangerous nature of the A337 and that there needs to be better crossing facilities and cycle improvements, these are all matters that were assessed and considered at the Outline permission stage. In response to the comments in relation to Section 39 of the Road Traffic Act, and the proposed main access onto the A337, matters of road safety was assessed and considered at the Outline planning permission stage and it is not for this Reserved Matters application to re-consider these matters. The application site is allocated in the Local Plan for a residential development, and both the principle of developing 110 dwellings on this site and the proposed access, have been approved by the Outline permission. Under this application there is no ability to reconsider matters that were dealt with at outline stage.

Impact on local infrastructure

10.16.4 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. These are matters that were considered as part of the outline planning permission: it is not therefore possible to address these matters again as part of this Reserved Matters application.

Impact on Ecology

10.16.5 In response to the concerns in relation to the impact on species and ecology, this was considered as part of the Outline permission in which appropriate surveys were carried out and planning condition imposed to ensure that ecology and protected species are protected during construction and as part of the long term operational development. Notwithstanding this, the applicants Ecologist has carried out updated site ecological walkovers in September 2022 to inform their mitigation and enhancement strategy.

Concerns in relation to contamination

10.16.6 In respect of contaminated land risks, this was considered as part of the outline planning permission and condition 35-39 of such a permission also addresses this matter.

Concerns in relation to flood risk and are there any plans for the long term maintenance of ditches

10.16.7 The long term maintenance of the river, watercourses or ditches are the responsibility of the riparian landowner. As such, should the function of these watercourses be affected by silt or vegetation, the responsibility falls within the landowner. Action can be taken by the Environment Agency in the case of a main river to remedy.

10.16.8 In this case, part of the stream falls within the control of the applicant and as such, will be responsible for the management and maintenance of the stream. As part of the wider landscape enhancements for the site, the stream form an integral part of the Green Infrastructure with new planting and a detailed long term management plan will be required and this has been secured by condition and Section 106 Agreement as part of the planning permission.

10.16.9 In response to the concerns raised in relation to flood risk, this was a matter that was assessed and considered in detail in the Outline permission. The Outline permission established the principle of the development and concluded that subject to complying with the mitigation measures as set out in the conditions of the Outline permission and that the detailed layout of the built development is located within Flood Zone 1, the development would not impact on flood risk.

Crime Reduction/Prevention Officer comments

10.16.10 Comments have been made by the Designing Out Crime Officer in relation to the proposed development not giving rise to unacceptable levels of crime or an increase risk of crime. The Designing Out Crime Officer states that the overall layout of the proposed development including Green Spaces require the basic level of protection and highlights the importance that all dwellings must sit within an area of private space.

10.16.11 In response, 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 and soft landscaping to several of the dwellings including apartments to provide greater protection from the public realm to help alleviate the points made by the Designing Out Crime Officer. In addition, the patio areas to ground floor apartments are enclosed by 1.2 metre high railings as shown on the submitted plans.

10.16.12 The Crime Design Prevention Officer has also raised concerns in relation to the two areas of public open space, the area between plot numbers 16 and 36, the other between plot numbers 37 and 67 (shown as "Preserved Habitat"), in that the shortest and most convenient route for a pedestrian to move east / west through the development is via these two areas of POS.

10.16.13 In response, with regard to the Preserved Habitat, it is considered that there is a good level of natural surveillance of the route through the centre as it is overlooked by 8 houses and 3 apartment blocks. Alternative lit routes alongside the roads are available throughout the development.

Impact on residential amenity due to re-location of bus stop and widening of A337

10.16.14 Concerns have been raised that the widening of the A337 would impact on the character of the area and would give rise to greater impact of noise and disturbance. In addition, concerns have been raised that the re-location of the bus stop directly opposite their house would give rise to unacceptable levels of noise and disturbance and possible security issues.

10.16.15 In response, the widening of the A337 was secured and established as part of the Outline permission and whilst it has already been accepted that this would change the nature and character of the area, in which the road would appear more urban, it is considered that the proposed road changes are necessary to facilitate the development and this was balanced against other impacts. It should also be noted that the creation of three lanes in places would improve the flow of traffic as 'turning' or 'waiting' bays are provided which would reduce vehicles 'backing' up on the road, which is reason that can increase carbon emissions which is contrary to the policy of Local Transport Plan.

10.16.16 The detailed access plan in the Outline permission indicated the re-location of the bus stop, which would be close to existing dwellings. Whilst it is accepted that this would increase noise, disturbance and air pollution close to this property, it is not considered to be materially worse than the current situation. The frequency of bus stopping along the road and the time they wait on the road would be minimal and would not result in demonstrable harm to the living conditions of the existing neighbouring properties.

Impact on residential amenity and lack of details showing sustainable energy

10.16.17 Concerns have been raised in relation to the unacceptable loss of amenity due to potential noise and disturbances from the Pumping station/ Air Source Heat Pumps. In addition, concerns have been expressed that details of the solar panels has not been submitted and in the absence of these details, the impact on the character in not known

10.16.18 In response, it should be noted that the installation of air source heat pumps or solar panels is not a policy requirement and accordingly, the actual details of the air source heat pumps is not a matter that is required to be shown on the plans given that there is no policy reason to require them and the applicant may not decide to install.

10.16.19 The applicant has stated that are committed to delivery homes which meet requirements of the revisions to the Building Regulations. Should the applicant decide to install air source heat pumps or solar panels, there are permitted development rights available which allow their installation without requiring planning permission subject to certain criteria.

10.16.20 In summary, whilst the concerns over the impact on residential amenity and the potential impact on the character of the development have been noted, given that the installation of the air source heat pumps and solar panels are not required by policy and are currently not included within the proposal, should the applicant decide to install on dwellings, there are permitted development rights that enable their installation, subject to certain criteria, without the need to obtain planning permission. In addition, Air Source Heat Pumps would need to operate at a noise level suitable to the plot its serving.

10.16.21 In relation to the pumping station, the distance to the nearest residential property measures over 35 metres. Following comments from the Environmental Health Officer, it is considered that the separation distance from the nearest residential properties is acceptable and the proposal would not give rise to any adverse consequences from a living conditions point of view in terms of outlook, light, noise or disturbance.

10.16.22 In addition, the applicants drainage consultant has advised that the wet well of the pump station in accordance with the design and construction guidance that needs to be sited 15m away from any dwelling which has been achieved here with the compound in its current position.

Planning history

10.16.23 In response to the concern that there was a refusal of planning permission on this site back in 1981 due to impact on countryside and road safety, this is not considered to have minimal relevance given its over 40 years and that the circumstances have changed in that the site is allocated.

Foul drainage/ Sewage

10.16.24 Foul drainage was considered at the Outline stage, in which it was concluded that there is capacity in the existing network and the applicant has a 'Right to Connect'. In relation to the concern with properly treated sewerage and discharged into local water courses and monitoring, is a matter for the Water Authorities.

Noise, disturbance and security impacts from childrens play area

10.16.25 Concerns have been expressed that the children's play park are proposed in the vicinity of eastern boundary of development, causing further noise pollution to an otherwise currently peaceful area and could also lead to an increased security risk to neighbouring properties in terms of potential vandalism and other antisocial behaviour.

10.16.26 In response, there are three childrens play areas proposed within the site, one larger area of play known as a LEAP and two smaller areas known as a Lap. All three play areas are located a significant distance away from the eastern boundary and close to the proposed residential properties. Given the distances involved and that the proposed dwellings would surround the play areas, it is not considered that the childrens play area would adversely impact on the living conditions or security of existing neighbouring properties.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	4496.7	0	4496.7	4496.7	£102.15 /sqm	£491,178.00.*
Social Housing	3855.7	0	3855.7	3855.7	£102.15 /sqm	£421,161.08

Subtotal:	£491,178.0
Relief:	£0
Total Payable:	£491,178.00

11 CONCLUSION AND PLANNING BALANCE

11.1 The site is allocated for development under policy SS5 of the Local Plan which establishes the principle of development on this Greenfield site. The site benefits from Outline permission and therefore the principle of up to 110 dwellings on this site is acceptable. Access was a matter fixed and accepted in the Outline permission.

11.2 The above assessment has highlighted how the proposed development would deliver a range of significant, economic, social and environmental benefits. The proposed development would significantly change a greenfield site on the edge of Lymington into a 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 people.

11.3 In particular, the proposed development would provide 90 houses which would make a significant contribution to and form of the Councils 5 year land supply. The proposed development would also provide 50% affordable dwellings, which would make a significant contribution of affordable housing for the District where there is a deficit. The provision of 90 dwellings, of which 45 are affordable should be given substantial weight.

11.4 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.

11.5 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 3 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.

11.6 Over 280 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.

11.7 Understandably, there are local concerns with the proposed access, impact on the existing traffic in the area, poor pedestrian connections and the internal layout has several design flaws. However, in response, the technical information to support the application at the Outline permission has been accepted by the Highway Authority and it considered to be robust, the proposed development will provide several off site mitigation measures including improvements to crossing and links to existing footpaths.

11.8 Overall, the proposed development is considered to be one that meets the three key objectives of sustainable development, it would meet social objectives, by creating a safe, vibrant and healthy new community; and it would meet environmental objectives by securing a high quality built environment and by protecting and enhancing the natural environment. It is considered that the proposed development would satisfy all of the relevant requirements of Policy Strategic Site 5, as well meeting other relevant local and national planning policy requirements.

11.9 The proposed development is in accordance with the development plan as a whole and there are no material considerations which would indicate that the permission should not be granted.

12 OTHER MATTERS

Crime and Disorder

12.1 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

12.2 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

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

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

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13 RECOMMENDATION

Grant Subject to Conditions

Reserved matters of layout, scale, appearance and landscaping, specified in conditions 1 and 3 of outline permission reference number 20/11192 dated 29th March 2023.

Proposed Conditions:

1. Condition 1 - Plan Numbers

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

Location Plan

LP.01. Rev A

Site Plans

CSL.02. Rev C
SL.01 Rev E

Highway plans

Parking Strategy Layout PSL.01 Rev C

Tree Protection Plan

Barrell Plan Ref No 20079-6

House Units

Block A

Drw No: BLK -A - e Rev B
Drw No BLK -A -p1 - Rev B,
Drw No BLK-A-p2 Rev B,
Drw No BLK-A -p3 -Rev B

Block B

Drw No: BLK-B.e-P1 Rev B
Drw No: BLK -B -P1 Rev B
Drw No: BLK -B -P2 Rev B
Drw No: BLK -B - P3 Rev B

Block C

Drw No: BLK C -e Rev B
Drw No: BLK C -P1 Rev B
Drw No: BLK C - P2 Rev B
Drw: No BLK C - p3 Rev B

Block D

Drw No: BLK D. e1 Rev B
Drw No: BLK D. e2 Rev B
Drw No: BLK D p1 Rev B
Drw No: BLK D p2 Rev B
Drw No: BLK D p3 Rev B

Block E

Drw No: BLK E. e Rev B
Drw No: BLK E. p1 Rev B
Drw No BLK E p2 Rev B
Drw No: BLK E. p3 Rev B

Plots 7-9

Drw No:P 7-9.e Rev B
Drw No: 7-9.P Rev B

Plot 10

Drw No: HT. 4.4 -a-1-e Rev B
Drw No: HT 4.4-a-1-e Rev B

Plot 11

Drw No: HT 2E FOG e Rev B
Drw No HT 2B FOG p Rev B

Plots 12-15

Drw No:P12.-15.e Rev B
Drw No: P12-15.p Rev B

Plots 16-20

Drw No: P.16-.20.e.1 Rev B
Drw No. P16-20.2.2 Rev B
Drw No:P.16-20.p.1 Rev B
Drw No.P.16-20.p.2 Rev B

Plots 21, 39, 75 and 78

Drw No: HT 3.1 -A 3. e Rev B
Drw No: HT.3.1 -A - 2 e Rev B
Drw No: HT.3.1-A 1.e Rev B
Drw No: HT.P1-A -P Rev B

Plots 22 and 23

Drw No: P.22-23.e Rev B
Drw No: P.22-23.p Rev B

Plots 24 and 25

Drw No:P.24-25.e Rev B
Drw No: P24-25.p Rev B

Plots 34-36

Drw No:P34-36.e Rev B
Drw No:P34-36.P. Rev B

Plots 37-38

Drw No:P37-38.e.Rev B
Drw No:P37-38.p Rev B

Plots 48 and 49

Drw No: HT.S.2BM.e Rev B
Drw No: HT.S.2BM.p Rev B

Plot 60

Drw No: HT.3.5.A-e Rev B

Drw No HT 3.5 a.P Rev B

Plots 61 and 62

Drw No: HT.2.1 .E Rev A
Drw No HT 2.1 P Rev B

Plots 63 and 66

Drw No: HT.4.4.A-2 .e Rev B
Drw No: HT.4.4 A-2-p Rev B

Plots 64 and 65

Drw No:HT.4.2.e Rev B
Drw No: HT.4.2.p Rev B

Plot 67

Drw No:HT.S.4.1.e Rev B
Drw No: HT.S.4.1.p Rev B

Plots 68 and 69

Drw No:HT.S.3.1.e Rev B
Drw No:HT.S.3.1.p Rev B

Plots 70 and 71

Drw No:HT.S.1BM-2 e Rev A
Drw No: HT.S.1BM-2-p Rev A

Plots 72, 73 ans 74

Drw No: HT. 3.6.e Rev B
Drw No: HT.3.6.P Rev B

Plots 76-77

Drw No:HT.3.7.e Rev A
Drw No: HT.3.7.p Rev B

Plots 79 and 80

Drw No: HT.S.1BM-1e Rev A
Drw No: HT.S.1BM-1p Rev A

Plot 81

Drw No:HT.S.2BFOG.e Rev B
Drw No: HT.S.2BFOG.e Rev B

Garages/car ports

Car ports

Plots 16, 17, 36 and 37

Drw No: CP. 01 pe Rev B

Single Garage

Plots 21, 22, 39, 63, 66 and 72

Drw No: GAR 01. pe Rev B

Double Garage

Plots 64-65, 73-74, 75-76 and 77-78

Electricity Sub Station

Drw No: ESS.01. pe Rev A

Reason: To ensure satisfactory provision of the development.

2. Condition 2 - 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

3. Condition 3 - Details of boundary Treatment

Notwithstanding the boundary treatment shown on Drawing BML.01 Rev C and 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 BML.01 Rev C (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.

4. **Condition 4 - 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.

5. **Condition 5 -Visitor Car parking**

The 16 visitor 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.

6. **Condition 6 - Obscure Windows - Block A**

The first floor stairway and bathroom windows and second floor rooflight on the rear (annotated as east rear elevation) elevation of the approved building Block A (Plots 1-6) and in accordance with details set out on Drawing No BLK-Ae Rev B 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.

7. **Condition 7 - Obscure Windows - Plot 7**

The first floor bathroom window on the side elevation (east) of the approved building (Plot 7) 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.

8. Condition 8 - Obscure Windows - Plot 15

The first floor bathroom window on the side (north) elevation of the approved dwelling on plot 15 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,

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.

9. Condition 9 - Obscure Windows - Plot 34

The first floor bathroom window on the side (north) elevation of the approved dwelling on plot 34 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,

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.

10. Condition 10 - Obscure Windows - Plot 11

The first floor bathroom and living room window on the rear (north) elevation of the approved dwelling on plot 11 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,

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. Condition 11 - No further windows to rear elevation of Block A and Block C

No other first floor windows or rooflights other than those hereby approved shall be inserted into the rear (east) elevation of Block A (Plots 1-6) and the west elevation of Block C unless express planning permission has first been granted.

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. **Condition 12 Details of Landscaping**

In accordance with the submitted Fabrik Landscape Architects combined soft and hard general arrangement plan sheet 1-6 Rev PL02, a detailed 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 all new planting of shrubs, hedgerows and trees (species, size, spacing and location) for the whole site including individual dwellings; 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) the detailed design (including soft and hard landscaping) of all areas of public open space and ANRG to include details of dog bins, benches and Intrepatation boards;
- (d) the hardsurfacing details to include the details of the roads and footpaths;
- (e) the detailed specification design and details of the proposed SUDS and attenuation features to include gabion walls, headwalls and outflow details
- (f) the details of the childrens play areas and fencing
- (g) the details of the pumping stations, including the materials and surfaces to be used, any enclosures and landscaping
- (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: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

13. **Condition 13 Highway details**

Before development commences, the following details shall be submitted to and approved in writing by the Planning Authority.

- (a) a specification of the type of construction for the roads and footpaths, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels;
- (b) a programme for making up the roads and footpath. The development shall be carried out in accordance with the approved details before any part of the development is occupied unless otherwise first agreed in writing by the Planning Authority.

Reason: To ensure that the roads and footpaths are constructed to a satisfactory standard and in the interest of highway safety in accordance with Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

14. **Condition 14 - Removal of permitted development for extensions, alterations and changes to roofs**

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

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

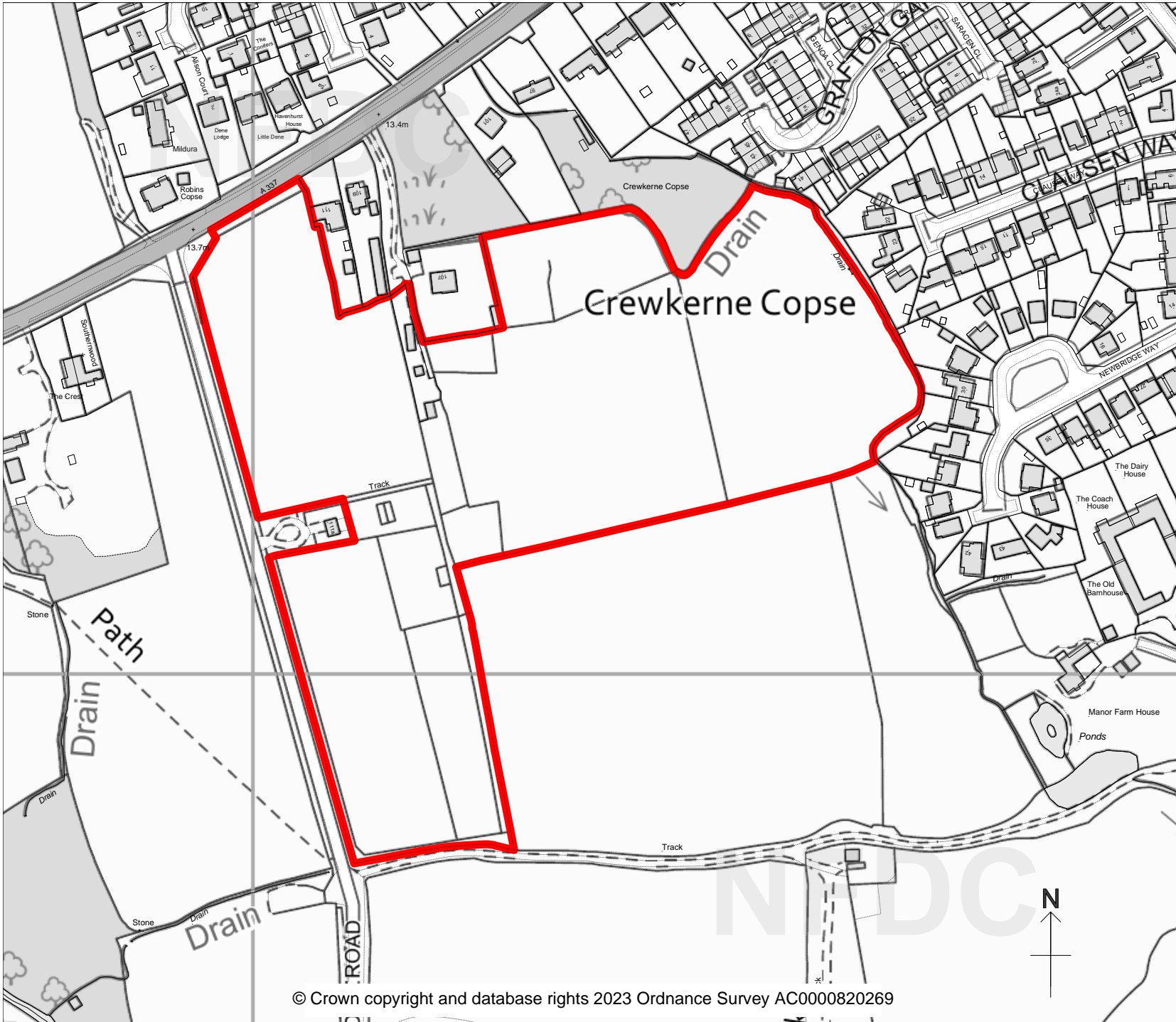
15. **Condition 15 Visibility Splays**

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 shaded green on the approved plan. The vehicular visibility splays shall be retained free from any obstruction at all times thereafter.

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

Further Information:

Richard Natt
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67



New Forest

DISTRICT COUNCIL

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 Appletree Court
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 SO43 7PA

PLANNING COMMITTEE

October 2023

Land South of Milford Road
 Pennington

23/10691

Scale 1:2800

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

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Planning Committee 11 October 2023

Application Number: 23/10375 Full Planning Permission
Site: LYMINGTON SPORTS GROUND, ST THOMAS PARK,
LYMINGTON SO41 9NF
Development: Additional spectator stand; re-build of facilities to rear of
existing stand; new maintenance store; 3 x turnstiles; fence
(AMENDED REASON TO ADVERTISE)
Applicant: Lymington and Pennington Town Council
Agent: Draycott Chartered Surveyors
Target Date: 16/06/2023
Case Officer: Sophie Tagg
Officer Recommendation: Grant Subject to Conditions
**Reason for Referral
to Committee:** Ward Councillor Objection

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- Principle of the proposed development
- Impact on the character and appearance of the surrounding area, including the Lymington Conservation Area
- Amenity considerations
- Impact on the local highway network, parking and access
- Ecological considerations

2 SITE DESCRIPTION

The site lies within the built-up area of Lymington and is in the Lymington Conservation Area. The football pitches are currently enclosed by fencing on the northern and western boundaries of the pitches and part of the eastern boundary, comprising a white post and rail fence infilled with a white square mesh. There is a single-storey spectator stand with a shipping storage container set behind the fence on the western side of the pitches with an area of hardstanding adjacent to the south of the existing stand. There is a grassed area to the north of the stand.

The site forms part of the wider sports grounds, which include cricket and rugby pitches, a pavilion building and tennis courts and a bowling green with associated club buildings. There is car parking available on hardstanding to the north of the football pitch within the site accessed from the north.

The site can be accessed from Southampton Road to the south-west and Avenue Road to the north.

3 PROPOSED DEVELOPMENT

The proposal seeks to rebuild the facilities to the rear of the existing stand, removing the container, to provide improved changing and toilet facilities and a kitchen, and to add additional seating to the front of the stand, providing an additional c.30 seats. An additional spectator stand is proposed to the north of the existing stand, which would provide covered standing for c.60-80 spectators, whilst a new maintenance store is proposed in the north-western corner of the site. Additionally, 3 turnstiles are proposed to each corner of the site, with a 2 metre high fence with gates also proposed, which would allow for emergency vehicle access along the northern side of the pitch along the perimeter of the car park. The existing car parking area would remain in situ.

The intention is for the football club facilities to be upgraded to a standard which meets the FA requirements set out within the submitted Design and Access Statement.

In order to comply with FA Ground grading standards for grade F to D (step 5 Premier divisions to step 4), alterations are required to the grounds and facilities. The first phase of the alterations was completed in 2021/2022, and the next phase is now required for 2023 to meet League and FA requirements at this level.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
12/98598 Removal of Condition 1 of Planning Permission 09/94792 to allow permanent siting of portable cabin	08/06/2012	Granted	Decided
09/94792 Temporary siting of a portable cabin for a period of 2 years	21/04/2010	Grant Temporary Permission	Decided
07/90184 Temporary siting of portacabin for use as hospitality room for a period of two years	26/07/2007	Grant Temporary Permission	Decided
04/81923 Temporary siting of Portacabin for use as a hospitality room (renewal of Temporary Permission 74583)	08/12/2004	Granted Subject to Conditions	Decided
02/74583 Continued siting of portacabin for use as hospitality room (Retrospective)	24/05/2002	Grant Temporary Permission	Decided
98/NFDC/63066 Continued siting of portacabin - renew PP 58067 :	06/03/1998	Granted Subject to Conditions	Decided
96/NFDC/59927 Erect floodlighting to tennis courts	14/11/1996	Granted Subject to Conditions	Decided
96/NFDC/59566 Siting of Rollalong structure for store/ablution facilities	02/09/1996	Granted Subject to Conditions	Decided
95/NFDC/58067 Siting of portacabin for use as hospitality room	12/01/1996	Granted Subject to Conditions	Decided
95/NFDC/56925 Erect replacement floodlight and construct hardstanding	25/07/1995	Granted Subject to Conditions	Decided

91/NFDC/48930	Addition of stores to rear of spectators' stand	07/01/1992	Granted	Decided
88/NFDC/38858	Erection of covered sports stand.	22/09/1988	Granted	Decided
79/NFDC/13351	Construction of full floodlighting of football pitch.	16/07/1979	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel

Policy STR8: Community services, Infrastructure and facilities

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

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

Core Strategy 2009

CS7: Open spaces, sport and recreation

Supplementary Planning Guidance And Documents

SPG - Lymington - A Conservation Area Appraisal

SPD - Lymington Local Distinctiveness

Plan Policy Designations

Town Centre Boundary

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: We are happy to accept the decision reached by the District Council's Officers under their delegated powers.

7 COUNCILLOR COMMENTS

Councillor Jacqui England:

Objects to the proposed planning application

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Conservation Officer

No objection

It is recommended the colours and materials for the fence, store, stand including seating, fence and turnstile are agreed.

Sport England

No objection - comment relating to siting of stand and views of pitch - this has been flagged to the Applicant.

Ecologist

No comment

HCC Highways

No objection

Further information has been submitted regarding the proposals, which indicated that this application involves providing a new covered stand. This new stand will result in a small increase of trips associated with the site; however, this is acceptable in this instance.

NFDC Tree Team

No objection

NFDC Community Safety

Support the proposal, which addresses reports of antisocial behaviour within the site.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

5 comments received neither supporting or objecting

1 letter of support received

1 letter of objection received

The following comments in support have been made:

- Positive step forward in that they would limit vandalism to the grounds and in particular to the stands and facilities
- Welcome renovations to improve facilities
- Plans to improve security and fencing

The following comments have been made in relation to queries or concerns:

- The convenient shortcut between Avenue Road and Southampton road would be affected
- Concerns regarding the increased need for parking and increased congestion around the local road network and within car parks
- Traffic disruption with increased vehicles and impact of pollution
- Reassurance sought around retaining the unrestricted access around the pitch for pedestrians
- Reassurance sought around retaining access to the tennis courts during matchdays
- Noise nuisance and flood lights left on after matches and training
- Request details of materials and colours of stands
- Overlooking into the changing rooms
- That the blue ticket cabin located at the changing end be removed
- The Sports Field status of a Conservation Area will not be complied with if this development goes ahead. The openness and ambience will be lost.

10 PLANNING ASSESSMENT

Principle of the proposed development

In principle, improved facilities for recreational uses are supported through both national and local policy. The site is designated as an area of public open space as shown on the policies map, and the development proposed is considered to be appropriate and in line with Policy DM8 of the Local Plan Part 2, as it seeks to provide small scale development of ancillary facilities which would enhance the recreational use of these areas. The football club is well established and the proposal would offer benefits to the club through the improvement of their facilities.

Impact on the character and appearance of the surrounding area, including within the Conservation Area

Policy ENV3 of the Local Plan and the Lymington Local Distinctiveness Supplementary Planning Document (SPD) stipulate that new development will be required to be well-designed to respect the character, identity and context of the area's towns. Moreover, the policy states that new development will be required to create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features.

The site is located on the edge of the Lymington Conservation Area and the proposal is viewed in the context of the existing sports ground which comprises a number of ancillary buildings, boundaries and formal pitches. There has been no objection raised by the Conservation Officer, and the proposal is considered to preserve the contribution the area makes both to the setting of listed buildings along Southampton Road, St Thomas Street and Queen Street, and to the character and appearance of the Lymington Conservation Area, as it seeks to contain the new development along the western edge of the site where there is the existing stand.

The proposed 2metre high fencing along the northern boundary is also considered to be acceptable within the setting, provided the fencing style and colour would match the existing square mesh fence around the perimeter of the football pitch. Details of the type and colour have been provided by the Applicant to ensure that there is consistency in design. It is therefore not necessary to condition this aspect of the proposal.

The application does not specifically detail the cladding materials and colour of the extension to the existing stand or the new stand, maintenance store or turnstiles. To ensure that these would be muted in colour and appearance and acceptable within the Conservation Area, a condition needs to be applied for further details to be submitted.

Amenity considerations

The Application has been considered in relation to the overall impact on the amenities of neighbouring occupiers. Given its location within the existing sports ground area and the distance of the works from the closest properties on Southampton Road which back to back with the edge of the proposed development, are approximately 34 metres away, there is not considered to be any undue overlooking, loss of light or outlook. The windows proposed in the extension to the existing stand would be high level and would not result in any overlooking to rear garden areas. To maintain privacy of the users of the changing rooms (as raised by a local resident), the Applicant may wish to obscurely glaze the windows, but this is not considered to be a necessary planning requirement.

Impact on the local highway network, parking and access

The site is located in a sustainable town centre location with access to a bus route and within walking distance of the train station. There have been concerns raised that the addition of a second stand will generate additional traffic in the vicinity of the site, along with associated parking difficulties. A Transport Statement has been submitted by the Applicant, which was requested by HCC Highways. This statement anticipates that any change in the levels of traffic would be negligible, as the crowds will remain fairly static and growth of the club would be in small increments. The

majority of spectators arrive at the site on foot. The club have advised that the numbers of persons attending to watch a match is unlikely to exceed the weekly average per game of 55 to 120 per week, and that it has been at these levels historically. The FA requirements are such that extra undercover seating and shelter is required to enable to club to improve and attract sponsors and stakeholders to ensure the club is supported long term. The Statement advises that the impact on local transport systems and highways will be unchanged, and an optimistic viewpoint would be a 1 or 2% growth by Season 2030.

HCC Highways have been reconsulted on this basis and raise no objection, advising that whilst the new stand, in their view, would be likely to result in a small increase in the number of trips associated with the site, this would be acceptable from a highway safety perspective.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Officers are satisfied that the proposals would not be of severe detriment to the operation and safety of the local highway network. Overall, it is considered that the proposal would not result in severe harm to public highway safety.

There is open access available at the moment for pedestrians between entrance points to the north and to the south. However, the route through the site is not a designated public right of way. The Applicant has advised that pedestrian access would be available during the week day through the proposed double gates which would be left open, and only on match days would the access be more limited. An appropriately worded condition is proposed to address this. The applicant has provided assurance that there would still be access to existing bowls and tennis facilities at all times, even on matchdays, via open pathways and routes around the recreation ground.

Ecological Considerations

Following the adoption of the Local Plan 2016-2036 Part 1 in July 2020, the Council has sought to secure environmental net gain / ecological enhancements, where it is proportionate to do so, as a requirement of planning permission for most forms of new development, in accordance with Policies STR1 and DM2. There have not been any ecological enhancement measures incorporated within the proposed development plans. However, an appropriately worded condition will be applied to require that proportionate in-built ecological enhancements are provided to secure biodiversity enhancements in line with the expectations of the Local Plan.

11 CONCLUSION / PLANNING BALANCE

Overall, on balance, it is considered that the proposal would not have a harmful impact upon the character of the area including the Conservation Area, highway safety, ecological interests, or neighbouring amenity subject to conditions as set out in the report above, in accordance with policies of the development plan. It is therefore recommended that planning permission be granted subject to conditions.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

SGD 003

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Fence elevation revised (as submitted 12 July 2023)

Reason: To ensure satisfactory provision of the development.

3. Prior to commencement of development, samples or exact details of the facing and roofing materials to be used for stand 2, the extension to stand 1, the maintenance store and the turnstiles 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.

4. Specific details of ecological enhancements to be incorporated into the development shall be provided to the Local Planning Authority prior to commencement of the development. The identified ecological enhancements identified shall be installed prior to first use of the buildings hereby approved and shall thereafter be retained in perpetuity.

Reason: To deliver ecological enhancements in accordance with Policies STR1 and DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

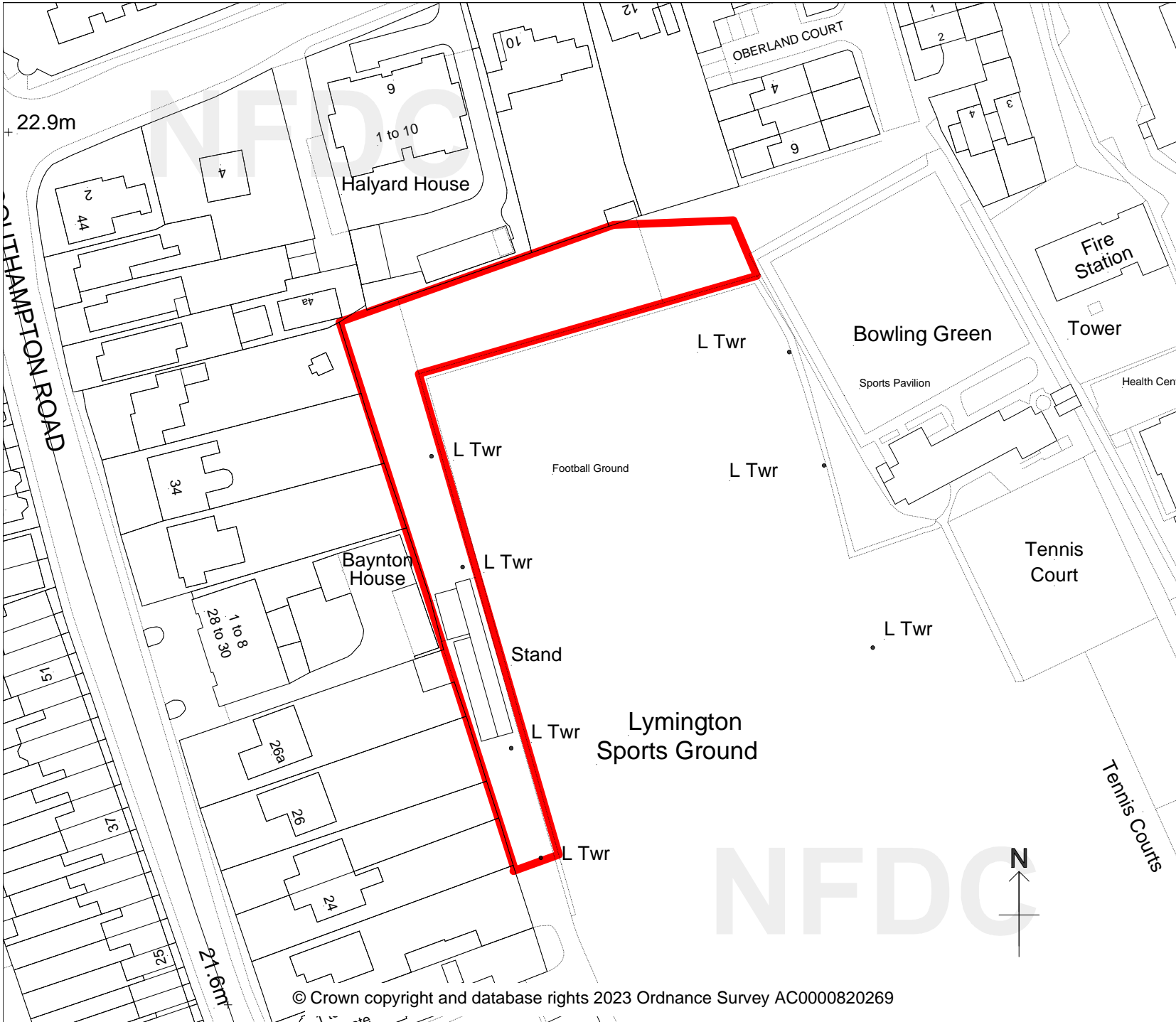
5. The approved gates along the northern boundary of the site shall only be closed on match days and at all other times shall remain open to provide available public access into the sports ground.

Reason: To ensure that public access into the sports ground is maintained.

Further Information:

Sophie Tagg

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New Forest

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David Norris
 Service Manager
 Development Management
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 Appletree Court
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PLANNING COMMITTEE

October 2023

Lymington Sports Ground
 St Thomas Park
 Lymington
 23/10375

Scale 1:1087

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Planning Committee 11 October 2023

Application Number: 22/10936 Full Planning Permission
Site: Land adj. to OAKBRIDGE HOUSE, LYMORE VALLEY,
MILFORD-ON-SEA SO41 0TW
Development: Retention of log store (retrospective); completion of pole barn.
Applicant: Mr Chamberlain
Agent: Draycott Chartered Surveyors
Target Date: 03/10/2022
Case Officer: Jessica Cooke
Officer Recommendation: Refuse
Reason for Referral to Committee: Parish Council contrary view.

UPDATE REPORT TO COMMITTEE MEMBERS

Members will recall that this application was previously considered at the February 2023 Planning Committee.

The original Officer Report is set out in full at the end of this Update Report which described and assessed all of the main planning considerations for this application.

February 2023 Committee

A verbal update was provided at the February 2023 Planning Committee whereby 3 letters of objection were received from the closest neighbouring properties and 16 letters of support were received for the application.

Members voted to defer this application in order for the applicant to provide their agricultural information and justification for the structures. The applicant agreed to provide this information during the Committee.

Post February 2023 Committee actions and developments

The following information was requested:

- Official County Parish Holding documentation;
- Livestock in ownership of the applicants and all evidence of ownership and registration of the livestock to the land in question;
- Official documentation of flock or herd mark registration to the Animal and Plant Health Agency (APHA) and movement records of all stock that has been purchased;
- Evidence of accounts relating to the agricultural business and evidence of the registration of the business.

The applicants have not submitted any of the requested information. However, an amended plan was received removing the containers from the proposal and the

description of the works have been amended to reflect this, and now is '*Retention of log store (retrospective); completion of pole barn.*'

Milford on Sea Parish Council were reconsulted on the amended plans and description and raised the following comment: '*PAR 3 Recommend Permission.*' No further representations were made.

Policy Considerations

An updated version of the National Planning Policy Framework was published in September 2023, though all paragraph numbers referenced in the original officer report below remain the same.

Planning Assessment

Following the February Planning Committee, the Council requested documentation to demonstrate the agricultural justification at the request of Members. However, none of the requested information was forthcoming and the proposed agricultural and forestry activities have not therefore been substantiated. Officers therefore maintain that the proposal does not accord with national and local planning policy and constitutes inappropriate development within the sensitive countryside location designated as Green Belt.

Whilst the containers have been removed from the plans, the remaining log store and pole barn with concrete slab are still subject to the same national and local policies which seek to protect the Green Belt from inappropriate development.

As previously set out, no justification has been provided to demonstrate that the structures are necessary for the purposes of agriculture and forestry and therefore, none of the exception criteria for development within the Green Belt in NPPF para 149 apply.

As such, officers maintain that the proposal does not accord with national and local planning policy within the sensitive countryside location designated as Green Belt. It is considered that the proposals constitute inappropriate development in the Green Belt and no very special circumstances (including agriculture and forestry) have been demonstrated to justify an exception to established policy to outweigh this harm.

Conclusion

The proposal fails to comply with Policy ENV2 and Policy ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2, 'saved policy' CS21 of the Core Strategy and Chapter 13 of the NPPF. The proposal is therefore considered to be contrary to both the Development Plan and NPPF.

Recommendation

The original recommendation remains to refuse the application for the reasons as stated below.

ORIGINAL REPORT FEBRUARY 2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development outside the defined built-up area
- 2) South West Hampshire Green Belt
- 3) Design, layout and impact upon the character and appearance of the area

This application is to be considered by Committee due to a Parish Council contrary view.

2 SITE DESCRIPTION

The application site comprises a piece of land adjacent to and associated with the dwelling, Oakbridge House. It is located within the open countryside and the South West Hampshire Green Belt.

The application site is accessed via Oakbridge House which abuts Lymore Valley and lies adjacent to Lymore Lane. Lymore Valley has a rural character although this character has been impacted upon by a number of recent works.

The application site is not part of the residential curtilage of Oakbridge House, although there are various items of residential paraphernalia sited on the land including a significant number of plant pots, ornamental boats and domestic storage. The site has a somewhat wooded character although a significant amount of tree clearance has recently been undertaken on the site.

3 PROPOSED DEVELOPMENT

This is a retrospective application for the use of the structures which are subject to ongoing enforcement investigation relating to a material change of use of the land, siting of 3no. storage containers, pole barn and log store, operational development to lay concrete hardstanding and engineering works and installation of access bridges without planning permission. This planning application was submitted to regularise the structures.

The proposal comprises 3no elements:

- A log store which is filled with chopped timber;
- A pole barn with existing concrete hardstanding and an existing timber frame to be completed with the addition of a roof.
- 3no. existing storage containers for land-management purposes and agricultural / forestry land management storage proposed to be clad in natural timber.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
17/11798 Two-storey rear extension; conservatory	20/02/2018	Granted Subject to Conditions	Decided
17/11206 Two-storey rear extension; Conservatory	08/11/2017	Refused	Decided
17/10316 Two-storey side extension	09/05/2017	Withdrawn by Applicant	Withdrawn
94/NFDC/54523 Two-storey addition (demolish existing conservatory)	28/06/1994	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy STR1: Achieving sustainable development

Local Plan Part 2: Sites and Development Management 2014

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

Policy DM22: Employment development in the countryside

Core Strategy

Saved Policy CS21 Rural Economy

Relevant Advice

NPPF Chapter 12: Achieving well designed places

NPPF Chapter 13: Protecting Green Belt Land

Constraints

NFSFRA Fluvial

NFSFRA Surface Water

SSSI IRZ Wind and Solar Energy

SSSI IRZ Rural Residential

SSSI IRZ Waste

SSSI IRZ Water Supply

SSSI IRZ Rural Non Residential

Aerodrome Safeguarding Zone

SSSI IRZ Air Pollution

Small Sewage Discharge Risk Zone - RED

Plan Area

SSSI IRZ All Consultations

SSSI IRZ Infrastructure

SSSI IRZ Minerals Oil and Gas

SSSI IRZ Residential

SSSI IRZ Combustion

SSSI IRZ Compost

SSSI IRZ Discharges

Plan Policy Designations

Green Belt

Countryside

Group TPO TPO/0026/22

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: PAR 3: We recommend PERMISSION

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Tree Officer

The site is fairly rural in character and has a mix of trees and shrubs within and around the periphery of the site. The nature of the proposal itself is fairly low impact in terms of trees. The pole ban is sited on a concrete pad which is not close to any important trees, equally the log store. The containers are close to a group of trees but will be of low impact being sited above ground level and not likely to cause adverse impact.

I am satisfied this proposal will not adversely impact on trees within the site I therefore have no objections on tree grounds.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- No objection to the proposal, support for previous improvements made to the application site.

For: 1

Against: 0

10 PLANNING ASSESSMENT

Principle of Development

The site lies outside any established settlement boundary and within the open countryside which is also designated as part of the South West Hampshire Green Belt. Policy STR1 points to such area being protected from any harmful development.

Guidance in relation to development within the Green Belt is contained within Chapter 13 of the NPPF, the advice of which is broadly echoed within Policy ENV2 of the Local Plan Part 1. These policies attach great importance to protecting the Green Belt. NPPF Paragraph 137 advises that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristic of the Green Belt being of openness and permanence. National policy further requires local planning authorities to ensure substantial weight is given to any harm to the Green Belt.

Within the Green Belt, NPPF Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except if it can be demonstrated that very special circumstances exist.

NPPF Paragraph 149, subparagraph (a)-(g) sets out very specific, limited criteria where exceptions to inappropriate development in the Green Belt can be accepted. Whilst these very special circumstances do include agriculture and forestry, there must be a clear agricultural and forestry need to justify such development in this sensitive location.

Throughout this application and prior Enforcement investigation, the site appears to the case officers to have been in use by the applicants as residential garden and contains various residential paraphernalia and domestic storage. The Council does not consider the site to be residential curtilage and it forms a separate piece of land.

It is understood the log store is used for both commercial and residential purposes which, would constitute a material change of use of the land and is contrary to local and national policy within the Green Belt. However, this is disputed by the agent/applicant who have stated no change of use has occurred. The applicant has confirmed that the log store is used as a side line business. The case officer has observed that the storage containers on the site contained domestic gardening equipment, domestic storage, furniture and fixtures/fittings. The timber pole barn is partially complete, with concrete hardstanding and timber frame.

The agent stated that the log store and containers are immune, however, the Council has not received any evidence to support this view and aerial imagery demonstrates otherwise.

Whilst the applicants Planning Statement states that '*it is concluded that the structures serve sound agricultural/forestry/land management purposes*', no agricultural or forestry use has been demonstrated on the site and so in the absence of evidence demonstrating these very special circumstances, it is not considered that the structures are necessary for the purposes of agriculture or forestry on that land. Accordingly, the proposal would constitute inappropriate development in the Green Belt and a principal objection is raised.

Agriculture

In support of the application, it is stated that the applicant owns a small holding of 2.3ha. Aerial screenshots were provided to show the extent of this land ownership. It should be noted, however, that 1.2ha of this small holding comprises land of the applicant's holiday let, which lies 5.3 miles away in Boldre and outside of the New Forest District area. The submitted Planning Statement notes the applicant is using the property in Boldre as a main base for storing agricultural equipment and will be moving this equipment to the application site, although no evidence has been provided of this equipment or its storage at this land.

Evidence has not been provided to demonstrate that the structures are required for the purposes of agriculture and forestry and the agricultural activities outlined in the Planning Statement have not been substantiated by the applicant.

During a number of site visits, no evidence of agricultural activities on the site were observed and it is concluded on the basis of this that there is no farming or agricultural business associated with the application site or the associated dwelling, Oakbridge House. Therefore, in the officer's assessment the current proposals fundamentally change the use of the site to a mixed use including residential and commercial purposes and that these activities are ongoing on the site. It is considered that a change of use of the land has occurred. However, the current application should be determined on its merits based on the proposed development as described and the information provided.

The application site and adjacent field equate to 1.1ha in size. When assessing the application and the small size of the small holding immediately associated with the land, is not considered to be proportionate to the scale of agricultural activities. In the absence of sufficient agricultural justification, the proposal does not comply with Chapter 13 of the NPPF, Policies ENV2 and ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2 and 'saved policy' CS21 of the Core Strategy.

Forestry & Trees

The proposals include a log store which is filled with chopped timber and storage containers which are stated to be necessary for forestry and land management purposes. The applicant has confirmed in writing that the log store is used for a side line business.

The submitted Planning Statement states *'It is not the applicant's intention to run a formalised, new 'business' from the site; this is a smallholding which involves selective tree felling and tree removal to allow light into site, as well as to allow a small supply of logs, and the applicant intends to re-plant trees to replenish his stock in future via tree planting, as part of an on-going cycle.'*

The Council questions this statement. However, the current application needs to be determined on its merits.

The applicant does not have a Woodland Management Plan agreed with the Forestry Commission to undertake felling activities on this site. Whilst this is not a planning matter in itself, it is not considered there is a forestry justification on the site and there is no evidence of planting at the site or a planting schedule to support the proposed forestry. However, extensive tree felling has been undertaken on the site to the extent that it is considered that the applicant no longer has a woodland to manage.

On the basis of the risk to the remaining trees on the site as identified in the submitted Planning Statement, a number of Tree Preservation Orders have been served on trees on the application site and Lymore Valley in the interests of protecting amenities of the area.

As such, based on the above assessment and in the absence of a Woodland Management Plan, it is not considered that the structures are necessary for the purposes of forestry and in the absence of sufficient forestry justification, the proposal does not comply with Chapter 13 of the NPPF, Policies ENV2 and ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2 and 'saved policy' CS21 of the Core Strategy.

Design, Site Layout and Impact on the character of the area including the Green Belt

Notwithstanding the principal objections set out above, the visual impact of the proposals needs to be assessed.

The containers on site are proposed to be clad in timber which would be appropriate in this rural location and preferable to their current incongruous appearance. This could be secured by planning condition. Furthermore, the roof of the log store comprises a large area of metal sheeting which is not of an appropriate appearance within its setting. The pole barn comprises a large area of concrete hardstanding which has already been laid, and a partially completed structure. A large area of corrugated metal roofing is proposed to complete the pole barn, which is not of an appropriate appearance for its location. The structures appear industrial and are not sympathetic to the rural character of the area.

Whilst there are other outbuildings and domestic paraphernalia on the adjacent land within the residential curtilage, the introduction of the proposed buildings within the countryside and Green Belt is considered to be harmful to the rural character and appearance of the area and the retrospective structures appear out of keeping within this rural area and sensitive area designated as Green Belt. As such, is considered contrary to Chapter 13 of the NPPF and Policy ENV2 and Policy ENV3 of the Local Plan.

Residential amenity

The Development Plan policies ENV3 seek to protect residential amenity, including noise disturbance.

Whilst it is recognised that if the structures were used for agricultural purposes, this would be unlikely to impact upon noise disturbance. However, the processing of timber on the land could impact upon residential amenity through noise disturbance in this tranquil countryside location. However, if the application was for the use of this land for commercial logging purposes and this was considered otherwise acceptable these amenity impacts could be mitigated by planning conditions.

The proposed structures are not considered to impact upon residential amenity in respect of loss of privacy, visual intrusion or loss of light.

11 CONCLUSION

The site lies within a sensitive open countryside setting designated as Green Belt. The proposal fails to comply with policy and would constitute inappropriate development within the Green Belt, affecting its character.

No justification has been provided that the structures are necessary for the purposes of agriculture and forestry. The proposed agricultural and forestry activities have not been substantiated and as such it is considered the proposals constitute inappropriate development in the Green Belt and no very special circumstances have been demonstrated to justify an exception to established policy to outweigh this harm.

As such, the proposal fails to comply with Policy ENV2 and Policy ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2, 'saved policy' CS21 of the Core Strategy and Chapter 13 of the NPPF. The proposal is therefore considered to be contrary to both the Development Plan and NPPF, and the recommendation is one of refusal.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The site lies within a sensitive area of open countryside and within the Green Belt where development for agriculture and forestry can be permitted provided that they are necessary for the purposes of agriculture and forestry and a such uses can be demonstrated. No evidence has been provided to demonstrate that the structures are necessary for agriculture and forestry and the proposal is not considered proportionate to the scale of such activities. No very special circumstances that have been demonstrated in this case to justify an exception to established Green Belt policies. As such, the proposals would be contrary to saved Policy CS21 of the Core Strategy, Policy STR1 and Policy ENV2 of the Local Plan Part 1: Planning Strategy, Policy DM22 of the Local Plan Part 2 for the New Forest outside of the National Park and the NPPF (2021) Section 13 para 147 - 149.

Further Information:

Jessica Cooke

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NFDC

NFDC



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**PLANNING
COMMITTEE**

October 2023

Land adj to Oakbridge House
Lymore Valley
Milford-on-Sea
22/10936

Scale 1:850

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

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Track Ford

Pippin Cottage

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Planning Committee 11 October 2023

Application Number: 23/10358 Full Planning Permission
Site: CAIRNS, 12 - 14 LANGDOWN LAWN, HYTHE SO45 5GR
(PROPOSED LEGAL AGREEMENT)
Development: Construction of 5 residential units and all associated works
Applicant: Ibex homes Ltd
Agent: Hampshire Design Consultancy
Target Date: 13/06/2023
Case Officer: James Gilfillan
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council Contrary View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of the development
- 2) The character and appearance of the area and scheme
- 3) Residents Amenity
- 4) Highway Safety
- 5) Relationship with trees

2 SITE DESCRIPTION

The site is on the west side of Langdown Lawn, the main road linking Dibden Purlieu and Hythe, and is located in the built-up area as defined by the Local Plan Part 1.

The application site comprises a large portion of the existing rear gardens of a pair of large semi-detached properties with frontage on to Langdown Lawn. The application site relates to land to the rear and side of the existing dwellings and is surrounded by residential properties including flats and detached houses.

There is a vehicular access from Langdown Lawn to No.14. No.12 has a garage at the west edge of the site, served by a lane shared with neighbouring properties, along the north edge of the site.

There are prominent mature trees along the lane to the north, overhanging the site and an area of woodland protected as public open space to the south.

3 PROPOSED DEVELOPMENT

Construction of 5 residential units and all associated works

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

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 CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

Policy H2 - New residential buildings that facilitate future conversion and utilisation of roof space to provide additional accommodation will be encouraged

Policy WEL1 - Development proposals should seek to support public health, active lifestyles and community wellbeing

Policy WEL2 - New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking.

New residential developments should provide infrastructure for charging electric vehicles.

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development.

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

Relevant Advice

NPPF 2023

Tree Preservation Order: TPO/0029/14/T2

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: PAR 4: Recommend REFUSAL.

The proposal is overdevelopment of the site in relation to the surrounding area.

There are concerns of overlooking from the new properties into existing properties in Fairview Close.

There are concerns over traffic movements both during construction and once the properties are occupied.

The Council questions whether the existing drainage system will be able to cope with the additional properties.

The Council has concerns over the precedent of overdevelopment being allowed in what was garden space.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist: Likely cumulative impacts on New Forest and Solent habitats would occur and require standard mitigation secured. A comprehensive ecological assessment has been undertaken and appropriate mitigation and enhancement has been identified. No objection.

NFDC Environmental Health Contaminated Land: A precautionary ground contamination condition should be imposed due to historic brewing and malting processes potentially causing contamination. No objection.

NFDC Tree Team: A satisfactory layout has been achieved that preserves important trees adjacent to the site. Drainage details should be sought to avoid impacts on rootzones in rear gardens and PD rights restricted for rear extensions. No objection subject to conditions.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Object to the principle and the use of 'backland' gardens
- Loss of privacy and neighbouring amenity
- Overdevelopment out of character
- Insufficient foul drainage details
- Impact on air quality of more vehicles
- Highway safety impact of access at junction with Deerleap Way
- Insufficient parking

For: 0

Against: 6

10 PLANNING ASSESSMENT

The scheme proposes to sever the rear portion of the rear gardens to No's 12 and 14 and erect five dwellings, as a semi-detached pair and terrace of three. The existing drive would be extended along the southern boundary past No.12 to serve the development. The access on to Langdown Lawn would be widened.

Principle of Development

The site is in the built up area of Hythe and Dibden Purlieu. The character of the area is residential and the site is surrounded by flats and detached houses. The site does fall to the rear of the existing properties and is currently garden land, as such would not be 'Previously Developed Land' as defined by the NPPF, however there is no reason in principle why such land shouldn't be used for development.

Adopted policies STR3 and STR4 of the Local Plan Part 1, seek to direct development to locations appropriate to the scale of the development. Dibden Purlieu would fall within 'Hythe Village', on the list of locations capable of accommodating the proposed scale of development and are the most sustainable locations due to the range of services and facilities available within the community. The application would comply with these strategic aspects of the development plan.

Furthermore, by reason of its location within the existing built-up area surrounding by residential development, the scheme would preserve the spatial landscape qualities of the New Forest National Park and Cranborne Chase AONB, in accordance with STR2 of the Local Plan part 1.

The Council can not currently demonstrate it has a 5 year supply of land for housing. Proposing 5 residential units, in a mix of sizes, the scheme makes a positive contribution to the availability of housing in the District and the current Housing Delivery Target of 400 units per year.

The principle of additional residential development in the urban area is acceptable.

The supporting text to Local Plan policy HOU1 includes an indicative housing mix. The scheme proposes a mix of two and three bedroom market houses which are identified in figure 6.1, of the Local Plan, as compromising a significant portion of the overall market housing need. The scheme is considered to not be large enough to provide a wider mix without compromising the efficient use of the site or resulting in overdevelopment.

The Hythe and Dibden Neighbourhood Plan refers to a desire to see more smaller sized houses, including 1 and 2 bedroomed properties, more affordable housing and housing suitable for first time buyers and young families, being provided in their plan area. The Plan goes on to indicate a principal aim of its policies are to provide new housing of up to 3 bedrooms to meet local needs, provide a substantial number of starter homes and provide a mix for down sizing to retire to and for young families, couples and single people to start their first home.

Whilst the Neighbourhood Plan does not follow through to include a policy that reflects these principals explicitly, it is considered that the scheme does present a mix of housing and plot sizes that would fit these aspirations.

As such the proposed housing mix of two 2-bed houses and three 3-bed houses is considered to be acceptable.

The scheme would have economic benefits of generating employment during construction and likely spend in local shops and services, by residents, supporting the local economy.

It would have environmental benefits of using land in the urban area, close to services, facilities, schools and employment opportunities, reducing reliance on the private car. It would deliver energy efficient, highly insulated housing, built to modern building regulations requirements.

The scheme would also have social benefits of providing additional housing in a residential area, with community uses in close proximity.

In summary the principle of residential development and the proposed housing mix is acceptable and provides weight in favour of the scheme.

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

The local area has a mixed appearance due to the variety of ages of buildings surrounding it, especially the flats to the north and west contrasting with the houses on the application site and those to the south along Langdown Lawn.

The character is dominated by the mature treescape along Langdown Lane, across the front of the site and opposite. The trees screen much of the surrounding development from views, including the existing properties on the application site. None of this landscape setting would be changed or impacted as a result of the proposal.

The proposed houses would be set behind the existing, served by a driveway extending along the existing route in to the rear of the site. Due to their position, the size of the existing properties and the scale of landscape along the site frontage, the proposed houses would not be readily visible from Langdown Lawn.

Whilst the access drive would be widened at the point of access from Langdown Lawn, allowing greater visibility of the proposals, the flats at the rear of the site in Fairview Close are already a feature of that view. Furthermore glimpsed views of existing houses on adjoining roads through the landscape along Langdown Lawn are already a feature of the area, not only would the scheme not be a prominent addition to the streetscene, but glimpsed views of houses from Langdown Lawn are already a characteristic of the area.

The existing plots that would be reduced to accommodate the scheme are significantly larger than the prevailing plots in the area. The size of the proposed plots and resultant plots for No's 12 & 14 would be generally commensurate with those to the west of the application site in Fairview Close and prevailing throughout the local area.

The two retained houses on the front portion of the existing sites have larger proportions and scale than that typical of modern houses, as such the proposed houses would be significantly lower in height than the existing. Furthermore the ground levels of the rear garden are over 1m below that of the ground floor of the existing houses, giving the impression of subservience.

Due to their position the proposed houses would not be readily viewed in relation to any of the surrounding houses. The proposed architectural style is simple, but with design detailing around windows, brick bands, articulation and porches that would sit comfortably on site.

The roof form contributes to the collective design of the group, by reducing in scale from plot 5, on the east edge closest to the large existing houses, down to the west edge of the site, where ground levels drop to the flats on Fairview Close. This gives a degree of hierarchy to the group of properties, contributing to the articulation and avoiding homogeneity.

The houses front on to the parking courtyard, providing active frontage and passive surveillance of parked cars.

Landscape setting of plot frontages and the parking courtyard would soften the hard surfaced environment and provide an attractive contribution to the views down the access drive. An illustrative landscape scheme is shown on the Block Plan, but lacking in any detail of plant schedules and species, these details are captured by a condition.

Due to the location of the site the character and appearance of Langdown Lawn would be preserved, the scheme would not readily engage with any surrounding streetscene or visually conflict with the appearance of properties in the wider area. Due to the proposed design and layout the scheme would sit comfortably both on the site and within the local area.

Residential amenity

Whilst surrounded by residential properties, the position of the plot would preserve the amenity of neighbours to the north. Shade would be cast in a westward direction towards the flats in Fairview Close, positioned on lower ground, during the early morning. Due to the separation distance, hipped roof form and extent of time that shade would be cast, the impact would not be materially detrimental to the amenity of those neighbouring occupiers.

A first floor window in the side elevation of plot 1 serves a bathroom and is indicated to be obscure glazed on the plans, a condition could be used to secure such treatment to preserve the amenity of residents of the neighbouring flats. Any views from first floor windows in the proposed front and rear elevation would not allow intrusive views towards the Fairview Close flats due to the 90 degree angle of view.

The proposed first floor windows in the front elevations would allow views towards 16 Langdown Lawn. However the separation distances, landscape and garden layout would preclude any significant loss of privacy materially detrimental to the amenity of that occupier.

The orientation and layout of the scheme would preserve the amenity of occupiers of the other nearby properties. There would be a degree of mutual overlooking between adjoining properties within the scheme from first floor rear facing windows allowing views across neighbouring gardens, however such a relationship is normal for houses laid out in this manner.

The existing houses would have views across the rear garden of plot 5, however the separation distance, landscape and size of that plot would ensure adequate amenity for the occupier.

Concerns have been raised regarding the size of the gardens retained for the existing pair of properties. Whilst the Council has no space standards, both properties would retain front and rear gardens, with patios and lawns, adequate to meet the reasonable needs of residents.

A residential scheme would not give rise to a level or type of vehicle movements likely to detrimentally effect air quality. In any event, emissions would be reduced through installation of EVC equipment, supporting use of electric vehicles.

Due to the design and layout of the scheme, subject to conditions, the amenity and privacy of neighbours and occupiers would be preserved.

Highway safety, access, storage and parking

The scheme proposes to widen the existing access from Langdown Lawn to allow vehicles to enter and exit simultaneously, the dropped kerb on to the carriageway would need to be revised to match the widened access, however a condition could readily capture an appropriate design to the satisfaction of the Highway Authority. Sufficient pedestrian and highway visibility would be achieved.

The access is opposite the junction between Langdown Lawn and Deerleap Way. The small increase in vehicle movements generated by this scheme would preserve highway safety across this junction. There is already a hatched 'reservation' along the centre of Langdown Lawn providing space for turning vehicles. Coupled with the wider access to the site, highway safety would be preserved.

The proposed plans include reference to electric gates to be erected alongside the existing house. Whilst these appear unnecessary and potentially bothersome to residents, any vehicles waiting while they open would be located on the site and would have no impact of traffic flows along Langdown Lawn. A condition to prevent gates being added to the access from Langdown Lawn is merited though.

Twelve parking spaces would be provided on site, in excess of the allocated requirements of the adopted parking SPD, with sufficient manoeuvring space to ensure vehicles could enter and exit in a forward gear. A turning head would also be provided for larger vehicles, such as emergency vehicles and home shopping delivery trucks, to turn safely on site.

A condition securing details of a scheme of bollard lighting along the driveway and parking courtyard to achieve safety whilst avoiding impacts on the amenity of nearby residents and conflicts with bats is set out.

A bin collection point has been shown on the plans, close to the site entrance to assist efficient collection of refuse. A communal bin store is also shown in the parking courtyard, however it would normally be expected that private residential properties would keep bins within their own curtilage. A condition is proposed seeking revised bin storage and collection details to be provided prior to occupation in order to meet the collection regime as it changes across the District to reflect the expected provision of wheeled bins for all residential properties.

Sufficient and safe access and parking has been accommodated for the existing two dwellings.

The site is well located that residents could walk or cycle for many daily services, such as school and small scale convenience shopping. Bus routes pass the site on Langdown Lawn and stops are a short walk from the site. Bike stores are proposed to be provided for each house.

A single electric vehicle charging point is proposed on the plans, however in accordance with policy IMPL2 a condition is proposed to require charging points are provided for all five houses.

The scheme would meet its access and parking needs and is well located to minimise reliance on the private car and support active travel choices. Highway and pedestrian safety would be preserved.

Trees and Surface Water Drainage

There are no trees on the site protected by a TPO. There are important trees along the north edge of the site that overhang the site, considered to be a constraint to the development. The most significant of these is an Oak tree beyond the north west corner, that is protected by a TPO. There are two Yew trees, identified as cat A quality closer to the existing houses.

The layout of the scheme has been amended in order to ensure sufficient separation from the crown and root zones so that units 1-3 don't have a detrimental impact on the crown or roots of the Oak tree, nor does the tree unduly dominate and shade the

rear gardens. A significant gap between units 2 and 3 contributes to minimising the overshadowing from the buildings of the rear gardens.

Plot 5 is larger and set far enough away from the Yew trees that there no direct impact.

An Oak tree, located on the south boundary, is identified for removal to facilitate the development. This tree does not have an important public benefit and isn't protected by a TPO, its contribution could be adequately mitigated by new tree planting across the site, covered by a landscape condition.

The consultation response from the Council's Arboricultural Officer raises concerns regarding the lack of surface water drainage details. Space on the front drive and parking courtyard could adequately accommodate soakaways. Surface water drainage details are proposed to be secured by a condition to ensure no harm is caused to trees.

The Arboricultural Officer goes on to request conditions are imposed to ensure no harm arises during construction and to remove Permitted Development rights for rear extensions that could conflict with those rootzones.

The scheme would preserve an acceptable tree-building relationship, ensuring appropriate amenity for the residents and the continued landscape setting for the area.

Ecology

Largely laid to lawn, the site does not provide any important or rare habitats, supporting protected or species sensitive to the proposed development. A comprehensive ecological impact assessment has been submitted in support of the application largely identifying the site as having potential to support species, but without any evidence of their presence.

The report includes mitigation and enhancement measures that are largely precautionary and to the satisfaction of the Council's Ecologist. A condition is proposed to secure such measures are delivered. A condition has already been proposed in respect of bollard lighting for the drive and parking courtyard to avoid conflict with bats potentially foraging in the area.

Recreational impacts on protected habitats

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has indicated a willingness to enter into a legal agreement, to secure the required habitat mitigation contribution.

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether

granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. These adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to address the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to the recommendation.

Protected habitat 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_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Other Considerations

The Council's contaminated land officer has identified the site has a history of brewing and malting, that could have resulted in ground contamination occurring. A precautionary condition addresses potential land contamination is attached.

Foul drainage would be a matter for the applicant to deal with in order to comply with the requirements of the Building Regulations and with the service provider directly, there is no conflict to suggest the principle of development is unacceptable on this ground.

The applicant has completed the air quality statement to indicate that they would install electric vehicle charging points, highlighting that the scheme is remote from the edge of the road and that wood burners, nor chimneys, are proposed for the scheme. This would limit any contribution of the scheme to a reduction in air quality. A condition has been proposed to ensure electric vehicle charging is provided.

Highway safety, access and parking

The scheme proposes to widen the existing access from Langdown Lawn to allow vehicles to enter and exit simultaneously, the dropped kerb on to the carriageway would need to be revised to match the widened access, however a condition could readily capture an appropriate design to the satisfaction of the Highway Authority. Sufficient pedestrian and highway visibility would be achieved.

The access is opposite the junction between Langdown Lawn and Deerleap Way. The small increase in vehicle movements generated by this scheme would preserve highway safety across this junction. There is already a hatched 'reservation' along the centre of Langdown Lawn providing space for turning vehicles. Coupled with the wider access to the site, highway safety would be preserved.

Twelve parking spaces would be provided on site, in excess of the requirements of the adopted parking SPD, with sufficient manoeuvring space to ensure vehicles could enter and exit in a forward gear. A turning head would also be provided for larger vehicles, such as emergency vehicles and home shopping delivery trucks, to turn safely on site.

A condition could be used to secure details of a scheme of bollard lighting along the driveway and parking courtyard to achieve safety whilst avoiding impacts on the amenity of nearby residents and conflicts with bats.

A bin collection point has been shown on the plans, close to the site entrance to assist efficient collection of refuse. A communal bin store is also shown in the parking courtyard, however it would normally be expected that private residential properties would keep bins within their own curtilage. A condition could be used in order to accommodate the bin collection regime prior to occupation.

Sufficient and safe access and parking has been accommodated for the existing two dwellings.

The site is well located that residents could walk or cycle for many daily services, such as school and small scale convenience shopping. Bike stores are proposed to be provided for each house. A single electric vehicle charging point is proposed. Conditions could be used to ensure these are provided to ensure these positive features are delivered.

The scheme would meet its transportation needs and is well located to minimise reliance on the private car and support active travel choices. Highway and pedestrian safety would be preserved.

Trees

There are no trees on the site protected by a TPO. There are important trees along the north edge of the site that overhang the site, considered to be a constraint to the development. The most significant of these is an Oak tree beyond the north west corner, that is protected by a TPO. There are two Yew trees, identified as cat A quality closer to the existing houses.

The layout of the scheme has been amended in order to ensure sufficient separation from the crown and root zones so that units 1-3 don't have a detrimental impact on the crown or roots of the Oak tree, nor does the tree unduly dominate and shade the rear gardens. A significant gap between units 2 and 3 contributes to minimising the overshadowing from the buildings of the rear gardens.

Plot 5 is larger and set far enough away from the Yew trees that there no direct impact.

An Oak tree, located on the south boundary, is identified for removal to facilitate the development. This tree does not have an important public benefit and isn't protected by a TPO, its contribution could be adequately mitigated by new tree planting across the site, covered by a landscape condition.

The consultation response from the Council's Arboricultural Officer raises concerns regarding the lack of surface water drainage details. Space on the front drive and parking courtyard could adequately accommodate soakaways. Details could be secured by condition to ensure no harm is caused to trees.

The Arboricultural Officer goes on to request conditions are imposed to ensure no harm arises during construction and to remove Permitted Development rights for rear extensions that could conflict with those rootzones.

The scheme would preserve an acceptable tree-building relationship, ensuring appropriate amenity for the residents and the continued landscape setting for the area.

Ecology

Largely laid to lawn, the site does not provide any important or rare habitats, supporting protected or species sensitive to the proposed development. A comprehensive ecological impact assessment has been submitted in support of the application largely identifying the site as having potential to support species, but without any evidence of their presence. The report includes mitigation and enhancement measures that are largely precautionary and to the satisfaction of the Council's Ecologist. A condition could be imposed to secure such measures are delivered.

Recreational impacts on protected habitats

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has indicated a willingness to enter into a Section 106 legal agreement, to secure the required habitat mitigation contribution.

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. These adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to address the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to the recommendation.

Protected habitat 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_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Other Considerations

The Council's contaminated land officer has identified the site has a history of brewing and malting, that could have resulted in ground contamination occurring. A precautionary condition could readily be imposed.

Foul drainage would be a matter for the applicant to deal with in order to comply with the requirements of the Building Regulations and with the service provider directly, there is no conflict to suggest the principle of development is unacceptable on this ground.

The applicant has completed the air quality statement to indicate that they would install electric vehicle charging points, highlighting that the scheme is remote from the edge of the road and that wood burners, nor chimneys, are proposed for the scheme. This would limit any contribution of the scheme to a reduction in air quality

Developer Contributions

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

Heads of terms

- New Forest Recreational Impact mitigation Infrastructure £27,277
- New Forest Recreational Impact mitigation Non-infrastructure £4,058
- Solent Bird Aware mitigation £3,780
- New Forest Air Quality Monitoring £515
- Commencement Monitoring £808

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

Community Infrastructure Levy (CIL) Summary Table

Demolition (sq/m):

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	495.2	0	495.2	495.2	£80/sqm	£54,091.08 *

Subtotal:	£54,091.08
Relief:	£0.00
Total Payable:	£54,091.08

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

11 OTHER MATTERS

None

12 CONCLUSION / PLANNING BALANCE

The scheme makes effective use of land in the established built-up area that would preserve the character and appearance of the area and provides a mix of house sizes that makes a positive contribution to meeting housing need, in doing so accords with strategic objectives and policies of the Local Plan and the Hythe & Dibden Neighbourhood Plan.

The scheme has economic, environmental and social benefits that ensure delivery of a sustainable development, that also preserves highway safety and the amenity of neighbours.

Conditions can ensure trees are protected, support for sustainable forms of travel are delivered and highway safety is preserved. A legal agreement will secure mitigation for the adverse impact of the development arising from likely significant effects identified as occurring, to protect sensitive habitats and species in the New Forest and Solent.

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:

- New Forest Recreational Impact mitigation Infrastructure £27,277
- New Forest Recreational Impact mitigation Non-infrastructure £4,058
- Solent Bird Aware mitigation £3,780
- New Forest Air Quality Monitoring £515
- Commencement Monitoring £808

ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

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

Location Plan Ref:315/DP/001 rec'd 20/09/23
Block Plan Ref:315/DP/002 rev D rec'd 20/09/23

Proposed GF Plans Ref:315/DP/003 rev A rec'd 20/09/23
Proposed FF Plans Ref:315/DP/004 rev A rec'd 20/09/23
Proposed Roof Plans Ref:315/DP/005 rev B rec'd 20/09/23

Proposed Elevations 1of3 Ref:315/DP/006 rev B rec'd 20/09/23
Proposed Elevations 2of3 Ref:315/DP/007 rev B rec'd 20/09/23
Proposed Elevations 3of3 Ref:315/DP/011 rev A rec'd 20/09/23

Streetscene Ref:315/DP/008 rev B rec'd 20/09/23
Bicycle & Bin Store Details Ref:315/DP/009 rev A rec'd 20/09/23
Electric Gates Ref:315/DP/010 rec'd 20/09/23
Site Entrance details Ref:315/DP/012 rec'd 20/09/23
Block plan w levels Ref:315/DP/013 rec'd 20/09/23

Reason: To ensure satisfactory provision of the development.

3. 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.

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 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).

5. The first floor windows shown as 'Obscure Glazed' on the plans of the buildings hereby approved 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.

6. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking of motor vehicles have been provided.

The spaces for the parking shall be retained and kept available for the parking 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.

7. Prior to the commencement of construction, including any foundation groundworks, the access to the site shall be widened as shown on the approved plans.

Prior to first occupation of the scheme hereby approved the access widening, front boundary wall and surface treatment of the access drive, the maneuvering space and turning head, as shown on the approved plans shall be completed and thereafter retained.

Reason: In the interests of securing safe access to the site for large construction vehicles and to ensure on site highway safety and to preserve highway and pedestrian safety off site and in accordance with policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

8. Prior to occupation of the relevant house, its bike store and access, as shown on the approved plans shall be provided.

Reason: In the interests of supporting active travel and reducing reliance on the private car and in accordance with policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020

9. Notwithstanding the approved plans a revised strategy for the storage of refuse and presentation for collection shall be submitted to and approved in writing by the LPA. The strategy shall be implemented and available for use prior to occupation of the each house in turn and thereafter retained.

Reason: In order to respond to the most up to date waste collection strategy of the Council at the time of occupation and in the interests of the appearance of the site and highway safety, in accordance with policies ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

10. A scheme for the design, layout and installation of bollard lighting along the driveway and parking courtyard, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. the approved scheme shall be installed prior to first occupation and thereafter maintained in accordance with the manufacturers instructions and retained.

Reason: In the interests of highway and pedestrian safety on site, residential amenity and ecology and in accordance with policies ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

11. Prior to the commencement of construction above Damp Proof Course 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.

The approved programme for implementation and future maintenance shall then be followed.

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.

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

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

13. The conclusions, recommendations, mitigation and enhancement included in the Ecosa EIA received 27/03/23 shall be implemented and followed through the implementation of the development hereby approved and installed prior to occupation of the relevant dwelling hereby approved.

Reason: In the interests of supporting features of nature conservation interest on and using the site and in accordance with policy DM02 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

14. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arb-Solute Tree Management Tree Survey, Arboricultural Impact Assessment & Preliminary Method Statement A dated Aug 2023 Ref AS_1000-160 and associated Tree Protection & Removal Plan ref AS_1000 Drawing no. 110 Rev A.

3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as illustrated on the above plans.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

15. No development, demolition or site clearance shall take place until the following information has been submitted and agreed to in writing with the Local Planning Authority:

A method statement and engineering drawings for the installation of new hard surfaced areas for the access drive to the development and driveway for 12 Langdown Lawn.

A method statement and drawings for the construction of the shed for plots 2 & 3.

A plan showing the location of service routes, including the position of soakaways;

A plan showing the location of site compound and mixing areas;

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

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

16. 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 Class G of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the health and retention of important trees overhanging the site, contrary to Policies ENV3 & ENV4 of the New Forest District Local Plan: Part One: Planning Strategy 2020.

17. Construction of the scheme hereby approved shall not proceed above Damp Proof Course until details of a scheme for the alteration of the dropped kerb access with Langdown Lawn have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of the development and thereafter retained.

Reason: In the interests of highway and pedestrian safety and in accordance with policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

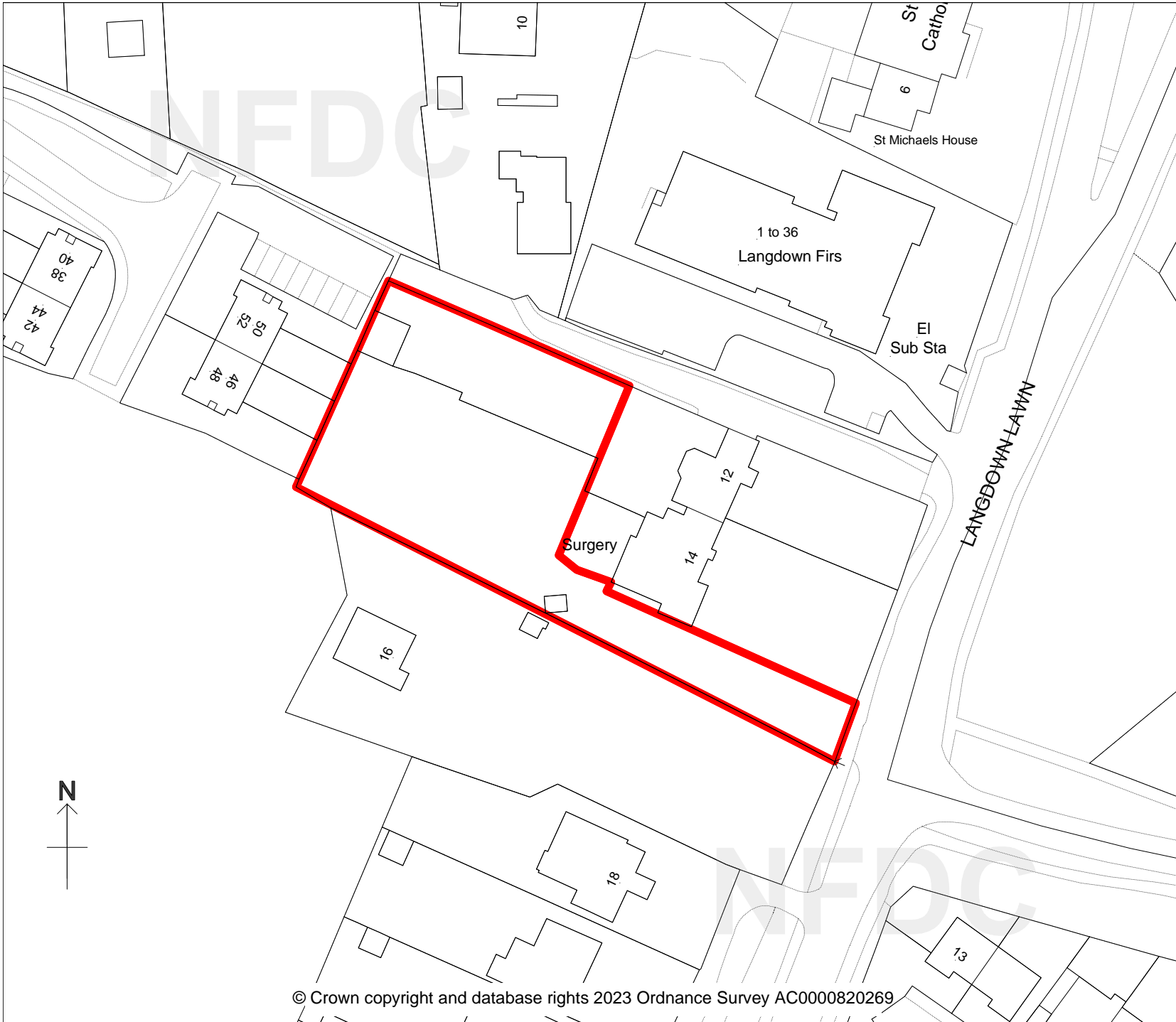
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no gates at the access on to Langdown Lawn otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In the interests of highway safety.

Further Information:

James Gilfillan

Telephone: 02380 28 5797



New Forest
DISTRICT COUNCIL

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

PLANNING COMMITTEE

October 2023

Cairns
12 - 14 Langdown Lawn
Hythe
23/10358

Scale 1:850

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

Planning Committee 11 October 2023

Application Number: 23/10806 Variation / Removal of Condition
Site: BARN TO EAST OF SANDLE LODGE, MAIN ROAD,
SANDLEHEATH SP6 1PF
(PROPOSED LEGAL AGREEMENT)
Development: Variation of condition 2 and 10, removal of condition 9 of
application 20/10487 to allow changes to elevations and
increase to x 4 no bedroom
Applicant: Healthy Property Group Ltd
Agent: Master Land & Planning Ltd
Target Date: 14/09/2023
Case Officer: Vivienne Baxter
Officer Recommendation: Service Manager - Grant
**Reason for Referral
to Committee:** Contrary Parish Council view.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

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

2 SITE DESCRIPTION

The site lies within the countryside adjoining the built up area of Sandleheath. It is accessed along a track off Scats Lane, although Sandle Lodge itself is accessed off Main Road and is within the built up area.

At the northern edge of the site, the access opens out into a field of which the site forms a small part. The track continues south across the field where levels drop. Although the site is open to its southern boundary, the northern boundary is well screened by trees and other vegetation with only glimpses of nearby dwellings visible from the site.

3 PROPOSED DEVELOPMENT

The proposal is made under Section 73 and seeks the variation of conditions 2 (plan numbers) and 10 (submission of a CEMP) and the removal of condition 9 (restriction of a mezzanine) of planning permission 20/10487. Condition 10 has been discharged.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
21/10578 Demolition of existing barn and erection of replacement dwelling	12/10/2022	Granted Subject to Conditions	Decided	
20/10487 Demolition of existing barn and erection of replacement dwelling	09/12/2020	Granted Subject to Conditions	Decided	
19/10561 House; detached garage; demolition of existing barn	25/06/2019	Refused	Appeal Decided	Appeal Dismissed
19/10008 Use of agricultural barn use as residential dwelling (Prior Approval Application)	05/03/2019	Prior Approval not required	Decided	
16/10436 Use of barn as 1 residential unit; fenestration alterations (Prior Approval Application)	25/05/2016	Prior Approval not required	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 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

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Design of Waste Management Facilities in New Development

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Air Quality in New Development. Adopted June 2022

Neighbourhood Plan

None

National Policy

NPPF 2023

NPPG

6 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council: Sandleheath Parish Council voted all in favour of PAR 4 and recommend Refusal for the following reasons:
The previous application was adequate
The increase in bedrooms increases footfall down a narrow track
Building should remain on footprint of barn and not moved

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: Comment only

Natural England: Obligations and conditions will address potential impacts on the New Forest and River Avon SACs

HCC Highways: Comment only

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- inadequate access
- damage to access from construction traffic
- over shadowing neighbouring property
- loss of privacy
- conversion under Class Q should not be a fall back
- proposal is larger than original permission
- provision for protected species is just a sweetener
- demolition of the barn has had a massive impact on the local environment
- additional traffic generation

For: 0

Against: 3

10 PLANNING ASSESSMENT

Background

The site has a lengthy planning history dating back to 2016 and starting with two prior approvals. Shortly after the later prior approval, a planning application was submitted although this was refused and dismissed on appeal. Application 20/10487 for the replacement of the barn with a dwelling was approved in late 2020. This was for a single storey property with two bedrooms with a restrictive condition preventing the provision of a mezzanine floor.

It is the planning consent (20/10487) that is now the subject of this application to vary the details of the scheme..

The approval was subject to only one pre-commencement condition for this permission has been discharged and the appropriate payments made in respect of

Habitat Mitigation and Air Quality in line with the S.106 legal agreement secured under that consent.

The barn has subsequently been demolished although no further works have been implemented. This planning permission remains extant until 9th December 2023.

The site also benefits from an extant permission (21/10578) for a two storey dwelling with 4 bedrooms. This application was approved in October 2022.

The current proposal has the same footprint as the 2022 scheme although there are minor elevational differences as well as internal changes. Externally, there are two additional roof lights proposed and the gable feature to the rear elevation has been removed. In terms of the internal alterations, the proposal now includes an enclosed hallway with staircase and utility/boot room where the study was previously approved. The corner utility room off the kitchen is now proposed to be removed.

Principle of Development

Given the background to this site, the principle of development in terms of a dwelling replacing the former barn on site has clearly been established and on this basis, there are no objections to the principle of the proposal to provide a 4-bed dwelling on site.

The three conditions requested to be changed are condition 2 which identifies the plan numbers, condition 9 which restricted the proposed to two bedrooms and no mezzanine floor and condition 10 which required the submission of a Construction Environmental Management Plan (CEMP). In determining this S.73 application, should approval be granted, condition 10 would be removed and replaced by a condition requiring the development to be undertaken in accordance with the approved details, condition 9 would be removed as the revised plans show a first floor and condition 2 would be amended to include the plans submitted as part of this application. Other previously imposed conditions can be amended as appropriate where policy has been updated since the permission in 2020.

The permission for a 4-bed dwelling in 2022 considered that as the height and appearance of the proposed dwelling was the same as that approved in 2020 for a 2-bed dwelling, the increase in floor space (in excess of the 30%) through the provision of additional first floor bedrooms would not have a harmful impact on the character of the area. The same considerations would apply in this instance.

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

The proposed dwelling would be sited as per the extant permissions. In terms of its appearance, the rear roof line would have straight eaves without the approved gable feature, the front doors would be solid rather than glazed and there would be extra roof lights in the front roof slope. There are no objections to these changes which provide a simpler form to the dwelling and are not considered to have an adverse impact on local character.

It is considered that the current proposal would have a lesser impact than the 2022 permission which has the gable feature to the rear and as such, a slightly greater

mass. Whilst there would be two additional roof lights (one for each bedroom), this is a relatively minor change which would not be visible from public vantage points.

Residential amenity

The proposal does not include any first floor windows which face towards other residential properties and given the vegetation and distances between the site and these properties, it is not considered that the proposal would result in any loss of privacy. Similarly, the built form of the dwelling would not have any significant impact on light to the nearest dwellings.

The concern of third parties in respect of traffic generation is noted and whilst the proposal is for a larger dwelling than previously there is also an extant permission for a dwelling of this size. As such, it is not considered that the additional traffic generated by the proposal would harm amenity in terms of noise and disturbance.

Construction traffic would be a temporary disturbance and these details (phasing of works, delivery arrangements, contractor parking, hours of operations and associated compound locations) have been agreed following the discharge of condition 10 of the 2020 approval. A condition can be added to this consent ensure that the approved CEMP is adhered to.

Highway safety, access and parking

The site contains adequate parking and turning for a 4-bed house to meet current parking standards. The Highway Authority has not raised any objections to the proposal advising that standing advice applies in this case. The standing advice for a single additional dwelling accessed off a non-classified road does not require the provision of turning space and recommends any gates are set back from the highway by a minimum of 6m. The proposal does not include any gates but provides turning facilities for future occupiers.

In order to comply with policy IMPL1, provision should be made to enable future occupiers to install an electric vehicle charging point should they require. This can be secured by condition.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has been asked 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. These will be that the development is away from the road, electric car charging points and provision for cycling infrastructure through the provision of cycle parking within the site.

Ecology

No objections to the changes have been raised by the ecologist although a slight amendment to the position of the proposed swift boxes has been put forward and they are now indicated slightly higher up the building under the eaves on the west elevation. This is acceptable and can be secured for provision prior to occupation and retention 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 entered into a Section 106 legal agreement under 20/10487 and the appropriate contributions were paid earlier this year.

However, in view of the subsequent adoption of the Mitigation for Recreational Impacts on New Forest European Sites SPD since 20/10487 was approved and increase in the number of bedrooms, the contributions have now increased and the applicant has agreed to pay the appropriate uplift in contributions. This uplift will need to be secured in a further S.106 legal agreement which also enables the transfer of monies already paid, to the current scheme.

Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

As with the Habitat Mitigation contributions, the Air Quality SPD has been revised since the original approval for 20/10487 and the contribution already paid towards this has now increased. The necessary S.106 legal agreement will also need to secure the relevant uplift for air quality (£77.43) as well as ensure monies already paid are transferred across to the current scheme. However, at the time of writing, the applicant has not yet agreed to this additional payment.

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 case law, 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. Since the approval of 20/10487, such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation. As this is a different situation to when 20/10487 was determined, the current scheme has to be determined in accordance with the latest position which will require the imposition of the Grampian style condition for the appropriate number of phosphates credits to be purchased to mitigate the additional impact..

Developer Contributions

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

- Habitat Mitigation uplift
- Air Quality Monitoring uplift
- transfer of monies paid under 20/10487

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

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	130	100	30	30	£80/sqm	£3,276.92 *
Dwelling houses	48.1		48.1	48.1	£80/sqm	£5,254.00 *

Subtotal:	£8,530.92
Relief:	£0.00
Total Payable:	£8,530.92

11 OTHER MATTERS

The applicant has requested removal of condition 9 of 20/10487. There is no requirement for this condition to be imposed again as it has been discharged already. However, a replacement condition requiring the development to be implemented in accordance with the approved details of the CEMP is required to

prevent highway difficulties and minimise disruption to the amenity of neighbouring properties.

12 CONCLUSION / PLANNING BALANCE

The proposal would provide a single detached dwelling with the same footprint and very similar elevational treatment to two extant schemes. Subject to securing the necessary uplift in contributions, approval is recommended for the current proposals subject to the previously imposed conditions as amended or replaced where appropriate.

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 the transfer of monies paid under application reference 20/10487 and the uplift contributions as follows:
 - Air Quality Monitoring £77.43,
 - Habitat Mitigation (infrastructure) £2,311.79 and
 - Habitat Mitigation (non-infrastructure) £416.71
- (ii) the imposition of the conditions set out below.

Proposed Conditions:

1. The development hereby permitted shall be begun on or before 09 December 2023, which is within 3 years of the decision date of the original planning consent 20/10487.

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:

1:1250 Site Location Plan
A-191108-100 Rev 7 Proposed site plan
A-191108-101 Rev 8 Floor Plans and elevations
Preliminary Ecological Appraisal by Abbas Ecology dated 10/07/2020
Tree Survey and Arboricultural Assessment by Hellis dated April 2020
Planning Statement by Fowler Architectural and Planning

Reason: To ensure satisfactory provision of the development.
3. Prior to any development above slab level of the dwelling hereby permitted, samples or exact details of the facing, fenestration 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 Part 1 Strategy for the New Forest District outside the National Park.

4. Prior to any development above slab level of the dwelling hereby permitted, 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 Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest District outside the National Park.

5. 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 (including signage) only if and as agreed in writing with the Local Planning Authority. 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 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.

6. 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.

- 7. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the 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).

- 8. Before the development is occupied, the recommendations for incorporation of wildlife enhancement measures into the development, as outlined in Preliminary Ecological Appraisal by Abbas Ecology dated 10/07/2020 and provision of swift boxes as indicated on drawing A191108-101 rev8, shall have first been implemented in accordance with the agreed details. These measures shall thereafter be retained in perpetuity.

Reason: To safeguard protected species in accordance with Policy ENV3 of the Local Plan Review 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).

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

granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. The development hereby approved shall only take place in accordance with the approved Construction Environmental Management Plan (CEMP) method statement (Fowler Architecture and Planning (dated August 2021) and plan A-191108-120 dated 23 August 2021 as approved by the Council's discharge of condition decision notice dated 01 September 2021 under application 20/10487 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In order that the Planning Authority can properly consider the effect of the works on the residential amenity and highway safety of the locality in accordance with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest outside of the National Park.

Further Information:

Vivienne Baxter

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New Forest DISTRICT COUNCIL

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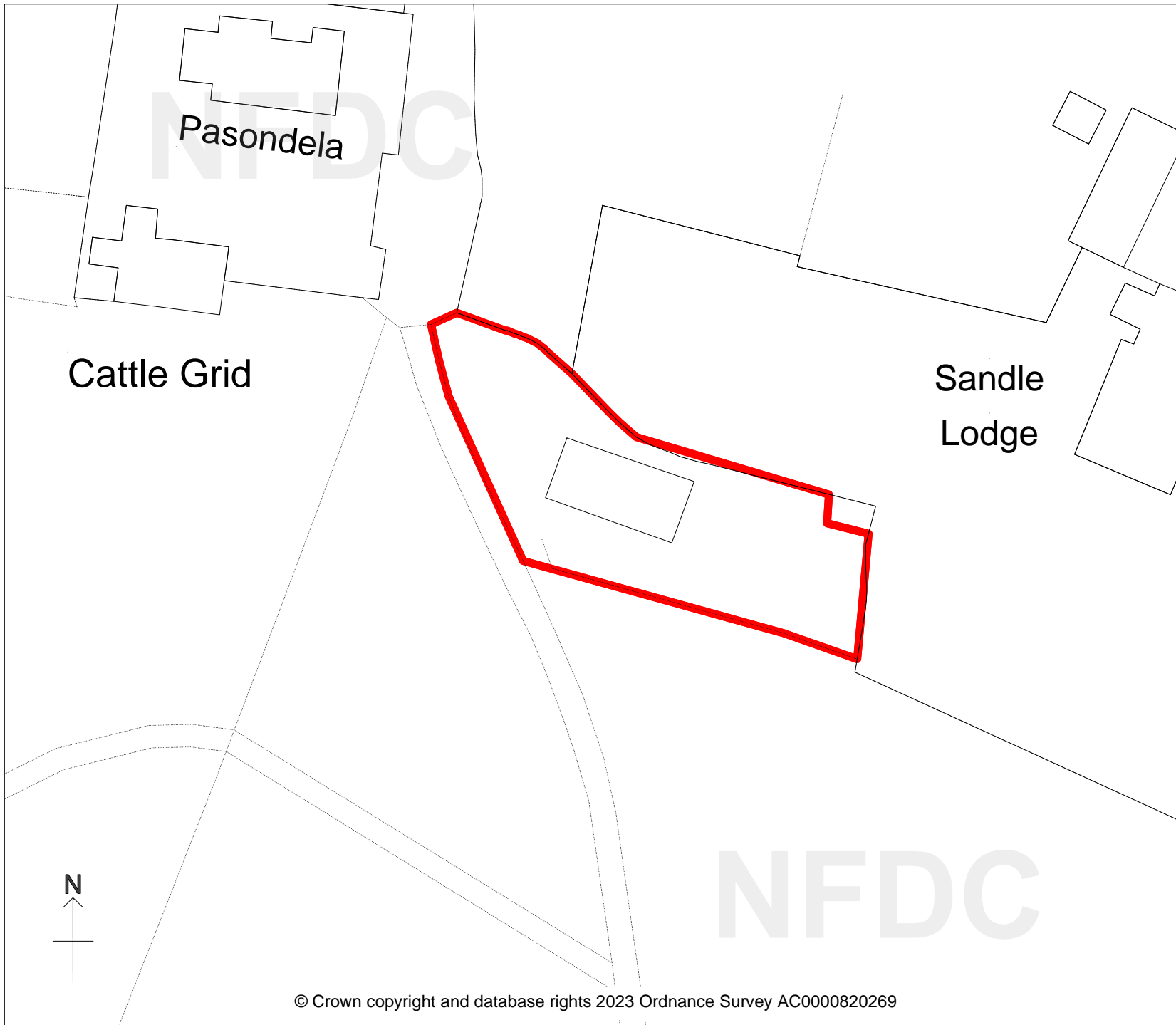
PLANNING COMMITTEE

October 2023

Barn to East of Sandle Lodge
Main Road
Sandleheath
23/10806

Scale 1:600

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



Planning Committee 11 October 2023

Application Number: 23/10820 Full Planning Permission
Site: THE LODGE, MUSHROOM FARM, ROCKBOURNE SP6 3NS
Development: Erection of a replacement dwelling; hard and soft landscaping
Applicant: Mr & Mrs Gater
Agent: Atlas Planning Group
Target Date: 21/09/2023
Case Officer: Vivienne Baxter
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Contrary Parish Council view

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

2 SITE DESCRIPTION

The site lies to the north eastern edge of Rockbourne accessed off a public right of way. It currently contains a detached building which has a lawful use as a dwelling. Also sharing the same access off the footpath is a commercial building and a further dwelling known as The Mushroom Farm. Between the two dwellings is a well kept garden, bound by a wall or close boarded fencing, for the existing lawful dwelling although this area is omitted from the site area.

There is a further public right of way running along the north eastern boundary between the site and adjacent dwellings fronting the road through Rockbourne.

An area of the site which not presently incorporated into the garden area for the property is currently a concrete area with open storage including gravel and timber planks.

3 PROPOSED DEVELOPMENT

The proposal is for the replacement of the lawful dwelling with a single storey property comprising bedroom with ensuite bathroom, utility/WC and open plan kitchen, dining area and living room. The living part of the proposed dwelling would be on the footprint of part the existing dwelling with the rest of it over land currently used as open storage

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/10664 The office located at 'The Mushroom Farm' has been in continuous use as a separate independent dwelling house for more than 4 years, and is therefore considered lawful (Lawful Use Certificate for retaining an existing use or operation)	09/09/2020	Was Not Lawful	Appeal Decided	Appeal Allowed
11/97852 House; carport; garage/gym; use of land as extension to residential curtilage; demolition of existing bungalow	30/12/2011	Granted Subject to Conditions	Decided	
11/97854 2 barns; demolition of 10 existing	21/12/2011	Granted Subject to Conditions	Decided	
10/96166 House; carport; garage/gym; use of land as extension to residential curtilage; demolition of existing bungalow & 2 barns	13/01/2011	Refused	Decided	
04/81600 Use of agricultural workers dwelling without compliance of Condition 5 of Planning Permission 2572	09/08/2004	Granted	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Design of Waste Management Facilities in New Development
SPD - Parking Standards
SPD - Air Quality in New Development. Adopted June 2022

Neighbourhood Plan

None

National Policy

NPPF 2023
NPPG

Plan Policy Designations

Countryside

6 PARISH / TOWN COUNCIL COMMENTS

No comments received

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way: No objection subject to condition

Ecologist: Comment Only

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- excessive height for a single storey property - appears to be designed as a two storey building
- loss of view
- change to siting is unreasonable
- light pollution in the winter

For: 0

Against: 2

10 PLANNING ASSESSMENT

Principle of Development

Although the site lies within the countryside where new residential development is restricted (Local Plan Part 2 Policy DM20), in accordance with this policy proposals to replace an existing property are acceptable in principle where they are not the result of a temporary permission, an unauthorised use or if it has been abandoned. Reference is made to an existing dwelling in footnote 1 of the policy where an existing dwelling is defined as "*the dwelling as it existed in July 1982, or as a dwelling as originally built or legally established*". In this respect, the use of the property as a dwelling is not temporary, the dwelling is still occupied and its use as a dwelling house was legally established in 2020 as a result of an appeal against the refusal of a lawful development certificate being allowed. The principle of its replacement is therefore acceptable in accordance with this.

Replacement dwellings should not normally provide for an increase in floor space in excess of 30%. In this case, the existing floor space amounts to approximately 76m² meaning the proposed floor space should not exceed 98.8m². The proposed floor space would be 96.4m² (26.8%) and so it would not exceed this limitation. However, to ensure that the size of the dwelling in the countryside is controlled in future it is considered appropriate to restrict the provision of additional floor space being created in the proposed built form or through permitted development additions in order to ensure this is not significantly exceeded.

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

The proposed siting of the dwelling would be changed from currently a linear building running SW to NE across the site, parallel to the access track/public right of way to a squarer building which would cover the NE section of the existing building. However, it would project to the north west which is currently largely open except for a 2m high close boarded fence. Concern has been expressed locally about the change to the siting. In visual terms, the relocation of the building would result in a larger gap between the dwelling and adjacent commercial building which does not raise any concerns. The proposed dwelling would remain on the same north eastern building line, 2m from the public right of way which runs between the Mushroom Farm and houses fronting the road through Rockbourne.

The design of the building is more domestic in appearance than the existing structure but it is of a relatively modest simple design with gables reflecting other buildings within the Mushroom Farm site. Timber cladding is indicated as one of the proposed materials with brick and flint also noted within the application documentation. All of these materials are found locally and are acceptable within this context.

It is noted that the proposed dwelling is higher than the existing structure which is between 4m and 4.6m high. The ridge of the proposal would be 6.6m high although the eaves level would be maintained at a single storey height. The pitch of the roof is more traditional than the existing dwelling and would be able to accommodate clay tiles which are found on many buildings in the area. It is noted that the commercial building to the other side of the Mushroom Farm site access drive is also higher than the existing dwelling and the proposal would be seen as an appropriate addition to the countryside location in this respect.

At present when viewed from the access track/public right of way, a 2m high close boarded fence with dual height dwelling roof visible behind this, with a total length of around 21m. The proposal would reduce the length of the current built form when viewed from this direction to around 12m and increase the gap between two buildings from 5m to 12m. This is considered to enhance the location and views towards the site and its appearance within the street scene.

Having regard to the AONB, slight amendments to the proposal were made to reduce the number and size of high level windows, including roof lights which were initially put forward. In addition to this, a brise soleil is proposed across the elevations where full height glazed doors are proposed to minimise the impact of these openings on the Dark Sky Reserve.

Overall, the more spacious appearance of the site due to the re-siting of the proposed new dwelling coupled with its more traditional design are considered to represent an improvement to the area in visual terms and would be acceptable within this location.

Residential amenity

Concerns have been expressed locally about the impact of the proposed dwelling on residential amenity in terms of the view currently afforded by neighbouring properties. Having regard to this, it is noted that there is a row of mature trees between the site and nearest residential properties meaning that intervisibility between the two is limited, particularly in the summer months. Although the proposed dwelling would be close to its north eastern boundary with the public footpath, it would be approximately 37m from the nearest dwelling, Townend Gate

which also has a large garage structure between it and the closest part of the proposal. The distances are such that the size and siting of the proposed dwelling would not be harmful in an overbearing way to residential amenity.

The proposal includes a single ground floor window in the north eastern elevation facing towards these properties and the roof light and high level lounge window both face towards the host dwelling in excess of 30m away. The dormer style high level window faces towards the commercial building and as such, the proposal would not have any implications relating to a loss of privacy.

Removal of the permitted development rights would retain control of amenity impacts as well as limiting light emissions in the AONB

Highways and parking

The proposal does not involve any changes to the access provisions for the dwelling and the site includes adequate parking space for a 1-bed property. In order to comply with IMPL2, a condition is included in the recommendation to ensure future occupiers can install an electric vehicle charging point where required.

Ecology

The application is supported by a Phase 2 Bat Survey and Mitigation Report which identifies a day roost for low numbers of common pipistrelle. The proposed mitigation strategy demonstrates that the developer would be able to maintain a favourable conservation status for this bat were works to go ahead and subject to the imposition of a condition requiring compliance with this, there are no objections to the proposal. The report also includes ecological enhancement measures which can be secured for provision and retention by a condition.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no solid fuel appliances, an electric car charging point and the provision of cycle storage.

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	100	76	24	24	£80/sqm	£2,621.54 *

Subtotal:	£2,621.54
Relief:	£0.00
Total Payable:	£2,621.54

11 OTHER MATTERS

As a replacement dwelling, Habitat and Phosphate Mitigation are not required.

12 CONCLUSION / PLANNING BALANCE

The proposal would allow for the replacement of a 1-bed dwelling with another 1-bed dwelling without exceeding the size limit identified within policy DM20 or resulting in any adverse impact on the residential amenities or character and appearance of this sensitive area within an AONB. Planning permission 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
Location plan rev.A
Block plan rev.B
1234/01 - existing plans and elevations
1436/01 E - proposed plans and elevations
Bat survey and mitigation report

Reason: To ensure satisfactory provision of the development.

3. 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.

4. 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.

5. Any works that impact on the bat roost (day roost for common pipistrelle) identified in the Phase 2 Bat Survey and Mitigation Report undertaken by Ecosupport, dated 19th July 2023, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence; or
 - c) Natural England's decision on whether to accept the registration of the site under a Registered Consultants Bat Mitigation Class Licence (BMCL).

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).

6. Prior to the occupation of the dwelling hereby permitted, 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.

7. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the 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).

8. No other windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.
- Reason: To safeguard the privacy of the adjoining neighbouring properties and Dark Sky Reserve in accordance with Policies ENV3 and STR2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.
- Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).
10. The roof voids / spaces of the approved dwelling shall not be used for or converted to habitable accommodation and at no time shall access to them be facilitated by way of a staircase or other permanent arrangement.
- Reason: The creation of additional habitable accommodation / floor space would be contrary to Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).
11. The works hereby approved shall be undertaken in strict accordance with the Phase II Bat Survey and Mitigation Strategy Ecological Survey methodology and details (Ref EcoSupport dated 19th July 2023) unless otherwise first agreed in writing with the Local Planning Authority. The ecological enhancement measures identified in Section 5 of this report shall be provided prior to first occupation of the dwelling hereby approved and thereafter retained in perpetuity.
- Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

Further Information:

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NFDC

Townend Gate



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**PLANNING
COMMITTEE**

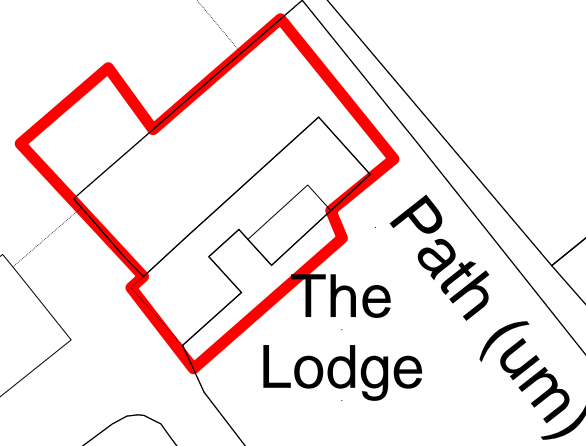
October 2023

The Lodge
Mushroom Farm
Rockbourne
23/10820

Scale 1:500

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the internet, it will not be to
scale.

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