

Application Number: 22/10862 Full Planning Permission

Site: 101 WAINSFORD ROAD, PENNINGTON, LYMINGTON SO41 8GG
Development: Demolition of existing dwelling; erection of three dwellings
Applicant: AJ Developments Limited
Agent: Chapman Lily Planning Ltd
Target Date: 27/09/2022
Case Officer: Sophie Tagg
Extension Date: 18/01/2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development including Housing Land Supply.
- 2) Design, site layout and impact on local character and appearance of area, including the adjacent New Forest National Park.
- 3) Impact on trees, including trees subject to Tree Preservation Order.
- 4) Impact on Highway safety, including matters relevant to car parking, access and public right of way.
- 5) Impact of development on drainage, the existing foul sewage and proposed disposal of foul sewage.
- 6) Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy.
- 7) Impact on ecology and the adjacent SSSI, on-site biodiversity and protected species Habitat Mitigation and Air Quality

This application is to be considered by Committee because the recommendation is contrary to the view of Lymington and Pennington Town Council.

2 SITE DESCRIPTION

The application site is located within the built-up area of Lymington and Pennington and is set adjacent to the New Forest National Park Authority boundary.

The site is accessed via a track from Wainsford Road. A Public Right of Way (No. 56) runs along a section of the track and then branches southwards alongside the site's boundary with the edge of the National Park and which also forms the edge of the built-up area of Pennington. The right of way also continues northwards across Wainsford Road onto Pennington Common.

The site contains the remains of a fire damaged dwellinghouse. The former dwellinghouse suffered a serious fire in 2016 and has since remained unoccupied, having been reduced to a condition that is no longer fit for habitation. In 2017, planning permission was granted for 10 dwellinghouses to the south of the site which have all been constructed. This development is known as Nursery Grove. Additionally, access improvements were granted in 2017 by the New Forest National Park Authority, which included improvements to the visibility onto Wainsford Road and widening the access into the site, retaining the gravel surface.

3 PROPOSED DEVELOPMENT

This planning application proposes to demolish the existing dwelling and replace it with three 3-bedroom detached dwellings with open sided car ports. The proposed dwellings are slightly varied in their design and appearance. The existing access to no.101 would be stopped up, with individual access points being provided to each plot from the access track into Nursery Grove.

During the course of the application, Officers have negotiated with the Applicants, and amendments have been received, with an additional consultation being undertaken. The amended plans have sought to reduce the overall scale of the buildings by reducing the overall footprint and massing with the introduction of more traditional roof forms. The scheme originally sought 3no. 4-bedroom properties, and the revised scheme has reduced the level of first floor accommodation to provide 3 bedrooms in each dwelling. The properties have been brought forward within the plots in line with the existing building line of Nursery Grove, which has sought to increase the level of rear amenity space and increase the gaps between the proposed dwellings to provide additional soft landscaping. The enclosed garages have been removed and replaced with more lightweight open sided car ports.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
17/10906 10 houses; access; Public Open Space, parking and landscaping	21/12/2017	Granted Subject to Conditions	Decided
16/10463 Demolish house damaged by fire (Demolition Prior Notification Application)	21/07/2017	Case Cancelled	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities Policy

Policy CCC2: Safe and sustainable travel

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 IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

SPD - Parking Standards

Relevant Advice

Chap 12: Achieving well designed places

Relevant Constraints

Planning Agreement

SSSI IRZ All Consultations

Site of Special Scientific Interest

Tree Preservation Order: TPO/0013/17/G3

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

Second consultation on amended plans :

Recommend Refusal.

- The existing made-up track is inadequate to support the current level of use and will not withstand additional traffic.
- The foul drainage issue has not been resolved.
- The agent's correspondence of 26th October 2022 is entirely contradictory to all other consultees.

First consultation on submitted plans :

Recommend Refusal

- Concerns re overdevelopment
- There are no proposals for dealing with sewage disposal in this application, which is a concern given the ongoing problems with the pumping station.
- Ten houses are already being accessed by an unmade track. Councillors consider that using it to access more houses is unacceptable given that this application does not appear to contain any proposals to improve the track.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways

No comments as outside of remit – refer to HCC Standing Advice

HCC Countryside Service

No objection subject to condition

- Access to and from the site, both during construction and once in operation, will be along part of footpath 56. Vehicle operatives should be vigilant for walkers when entering and leaving the access drive to ensure no conflict is created between parties; should that arise, the Applicant may be liable for any accident or injury arising. Further, in the event this access damages the surface of footpath 56, the Applicant will be liable for repair of the path surface to the satisfaction of the Service
- Recommended condition - 1. No vehicles, machinery, equipment, materials, spoil, scaffolding or anything associated with the works should be left on or near Lymington and Pennington Public Footpath 56 - these could create a hazard to users, for which the Applicant may be liable, and amount to an offence of highway obstruction.

HCC Surface Water

No comments as outside of remit – refer Applicant to online advice

Southern Water

The Technical Team have advised that as there are no DG5 and SIRF incidents (Sewer flooding) near the development, there is no specific reason to oppose connecting to Manhole 5002. Also, the capacity check is not required for three dwellings as this would not be a significant increase in flow.

The submitted drainage layout is satisfactory. However, the indicated final foul connection into nearby sewer followed by pumping station and rising main are not shown on public records. The applicant should ensure they have adequate rights to utilise the intervening private drainage systems.

The Technical team advise that the Operations Team have undertaken some investigation work and are looking into ways the odour issue can be resolved, which will require help from Environmental Health as a joint investigation.

The Network Manager of the Operations Team has been directly consulted in relation to the odour issue and, to date, no comments have been received.

Environmental Health (Pollution)

Re-consultation:

No objection

- Environmental Health withdraws the formal objection as there is no ongoing case and any odour problem would be beyond the remit of statutory nuisance.
- However, Environmental Health would submit advisory comments that there has been an odour issue in the past which appears to remain unresolved and would recommend the matter is resolved before the development commences.
- Recommend conditions relating to noise, construction and electric vehicle charging points.

Details are provided of the foul odour complaint below :

Residents of Wainsford Road complained of foul odours with the completion of Nursery Grove. The pumping station was found to be working effectively and the problem appears to relate to the connection to the head of the sewer which did not have sufficient length to provide an adequate flow. The consequence of this was when effluent was released, odours were 'pushed' down the pipe venting at the earliest opportunity through the residents' soil vent pipes.

Environmental Health are satisfied that no fault/defect was found with the pumping station and note that Southern Water were to take action to resolve the foul odour complaint/s. Whilst Southern Water maintain that they are not responsible for the odour as they believe that it results from a private pumping station, Environmental Health are of the view that the odour is emitted from the sewer. Therefore, even if the source was a private station, as no odour is being emitted from the private drains/pumping station, Southern Water are still responsible.

Environmental Health have dealt with a similar case in the past where Southern Water resolved the matter by dosing the effluent in the sewer with odour treatment. The addition of more dwellings being connected to the sewer may increase the flow, which is likely to either resolve the matter, or push the odour further along. Southern Water are in a better position to advise how the additional dwellings shall impact the flow and where the connection should be made to optimise the flow rate, and increase the likelihood of flushing the effluent through more effectively.

New Forest National Park Authority

First consultation – Objection

Whilst the trees along the western boundary of the site, which also run along the boundary of the National Park, are shown to be retained, the proposed development would result in dwellings being located in close proximity to them.

The potential for the shading of the limited garden areas, together with the issue of tree debris, could result in future pressure for works to lop or remove the trees, which could be difficult to resist. The loss of, or extensive works to, these trees would have a significant impact on the character and appearance of the National Park, to its detriment.

No comments received at re-consultation stage

NFDC Urban Design

First consultation (see Landscape comments which relate to amended plans at re-consultation)

Objection:

- Buildings are too large in setting – deep footprints and swollen massing
- Tandem parking will result in more manoeuvring of vehicles on the lane and the front gardens will be lost to parking in the future
- Good quality design of dwellings in styling and detailing
- 3 smaller dwellings would be more appropriate with greenery between them.

NFDC Tree Team

First consultation and reconsultation:

No Objection Subject to Condition(s) relating to landscaping and tree protection

- Situated along the northern and western boundary of this site are groups of mature trees consisting of Oak and Beech that are protected by Tree Preservation Order TPO/0013/17. These trees contribute the verdant setting of the site and are considered a constraint to development.
- To support this application the Richard Nicholson Arboricultural Impact Assessment and Tree Protection Plan Ref 308/AIA/a dated 17 June 2022 has been submitted. 5 trees have been identified for removal on site, of which none are protected. With T01, a Monterey Cypress, has already been removed. The remaining trees shown to be lost are of low public amenity value and are not considered a constraint to development; nor are they covered in the Tree Preservation Order on site.
- The adjacent land looks to have been developed in recent years with good quality landscaping and tree planting along the access drive to this development. A number of these just establishing young trees may be lost to the proposal (these have not been identified in the submitted tree report). These trees are still protected by the landscaping condition for the adjacent site application 17/10906. Therefore, any removal of these trees will need to be replaced with suitable replanting.

- The proposed dwellings are far enough from the mature trees, shown to be retained within the tree report, and is considered to be acceptable in tree terms. Provided the tree protection measures specified in the submitted Tree Protection Plan and associated tree report are followed there should not be a detrimental impact on protected trees. The applicant will need to provide a landscaping plan that includes trees to be planted as a replacement for the adjacent landscaping scheme.

NFDC Landscape Team

Re-consultation:

Comment

- The proposed buildings have been brought forward
- Tandem parking still remains
- Linear planting between the dwellings, particularly between plot 1 and 2, is unlikely to be successful
- Concerns remain regarding shading of rear gardens

First consultation:

Comment

- Sensitive location framed by large species trees protected by TPO and open countryside beyond the western boundary.
- Represents an extension to Nursery Grove and proposal results in breaking through new planting to provide off-road parking on private drives.
- Not clear why proposed buildings are set back beyond established building line. Diminishing the depths of gardens that are constrained by the existing trees on the boundary and that will be shaded for much of the day due to their orientation and existing features.
- Submission of shade/sunlight plan would be helpful to ensure that proposed gardens are capable of providing sufficient amenity for occupants
- Any young trees will need to be replaced/replanted elsewhere.
- Apply landscaping condition

NFDC Ecology

No objection subject to conditions

- A low population of slow worm have been recorded on-site. Should seek additional information on the precautionary method of working or recommend a planning condition to secure that a precautionary reptile method statement is produced and submitted to NFDC for approval. In line with the recommendations of the Phlorum Reptile Survey Report this should detail all precautionary working methods along with continued management plans. Details of post works mitigation should also be included to ensure the habitat remain optimal for widespread reptiles.
- Necessary to impose a pre-commencement planning condition to undertake an updated walkover survey for badger prior to construction start.
- PEA makes recommendations and suggestions for ecological enhancements, including planting, wildlife corridors and bird/bat boxes. Necessary to impose a planning condition to provide details of the specifics of all the ecological enhancements to be provided, building upon the recommendations made in the PEA i.e. which boxes are proposed, elevation drawings showing where they will be mounted / incorporated into the building fabric, locations of wildlife corridors.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

5 letters of objection from local residents:

- Additional pressure on the gravel track and access from Wainsford Road – not suitable for additional dwellings as it is poorly maintained and noisy when entering Nursery Grove to nearby occupiers. A tarmac road surface should be considered.
- Unacceptable drainage system that is causing odour problems within nearby properties along Wainsford Road – Southern Water and Environmental Heath have been involved and to date there has been no solution. The additional dwellings could make this problem worse
- Biodiversity measures and renewable energy features should be incorporated into the new dwellings/site

10 PLANNING ASSESSMENT

Principle of Development including Housing Land Supply

The application site lies within Lymington's built-up area, where there is a presumption in favour of new housing. However, the benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections.

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council's Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. When published, this will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances, the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development, even greater weight should be accorded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and a balance will need to be applied having regard to any identifiable harm.

Design, site layout and impact on local character and appearance of area including the adjacent New Forest National Park

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.

Policy ENV4 of the Local Plan seeks to ensure that all new development is appropriate and sympathetic to its setting and landscape. Specifically, it needs to be considered whether the design, materials, layout, vehicular access, parking and turning arrangements proposed would preserve or enhance the quality of the area, including making allowance for meaningful landscaping.

In assessing the effect on the character of the area, the site lies within Character Area 8 - Pennington Village of the Lymington Local Distinctiveness SPD. The illustrative map shows the application site and highlights the important tree groups around the perimeter of the site. The document also states that 'Rural workers' cottages and former agricultural buildings scattered along the southern edge of the Common (Wainsford Road), all the way down North Street to Pennington Cross still define the significant character of the village today, despite the many alterations and infill developments that have occurred in recent years.

The site is accessed from Wainsford Road, which is a narrow semi-rural lane with no pavements or footpaths, in which traditional cottage-style detached and semi-detached dwellings front close up to the highway edge, with views onto Pennington Common. The dwellings which front onto Wainsford Road are tightly grouped together with short front and rear garden areas. Several larger detached dwellings on more spacious plots lie to the rear of Wainsford Road, including the application site no.101 as well as no. 99 and 89a. Nursery Grove comprises 10 additional detached and semi-detached properties accessed from Wainsford Road, which are set behind no. 99 and 101.

Along the western boundary of the site there is a 'tree lined' gravel track which is a Public Right of Way, with fields and paddocks immediately adjacent which form part of the New Forest National Park. It is a sensitive location and the importance of the protected trees in maintaining the buffer between the built form and the open countryside to the west is important to retain.

The 3 proposed houses would be sited off the internal road which services Nursery Grove, and would be set well back from Wainsford Road and would effectively form an extension to this development. There is landscaping that has been planted along the track adjacent to 101 Wainsford Road which will need to be moved and or/replaced to accommodate the dwellings and the access. Further details of the landscaping within the site will be sought through the imposition of a landscaping planning condition.

The main views into the site would be from the adjoining neighbouring properties, as the significant belt of protected trees to the west provides extensive screening into the site. As such, when viewed from the countryside to the west which is set within the New Forest National Park, there is not considered to be a harmful impact on the character and setting of the National Park. The New Forest National Park Authority responded to the first consultation and were concerned about the potential for the shading of the limited garden areas and future pressure for works to lop or remove the trees which would have a significant detrimental impact on the character and appearance of the National Park. A revised response to the re-consultation on amended plans has not been received. However, given the dwellings have been brought forward within the plot, with built form reduced at first floor level, the form of the buildings is considered acceptable. The majority of trees are protected, and therefore the Local Planning Authority will have control over any future pressure for works.

The overall design seeks to have the dwellings fronting onto the access, set behind hedges, which would accord with the Lymington Local Distinctiveness SPD. The proposed development has been designed so that the dwellings would retain space around the buildings, with opportunities to provide soft landscaping throughout the site to respond to the more spacious and verdant character of the area. The comments from Environmental design/Landscaping have been considered, and further details of the linear planting between the dwellings can be secured as part of the landscaping condition. The open-sided car ports remain lightweight in nature to ensure that the gaps remain open.

Visually, the proposed dwellings have been designed in a traditional manner using sympathetic materials which would reflect the more traditional character of Wainsford Road. An element of variety has been added in the design, to avoid repetition.

Overall, the dwellings have been designed to a high standard and would make a positive contribution to the character of the area, and given the existing tree coverage and limited public vantage points into the site the proposed development would be a good use of the land and would be contextually appropriate in this area.

Impact on trees including trees subject to TPO

Situated along the northern and western boundary of the site are groups of mature trees consisting of Oak and Beech that are protected by Tree Preservation Order TPO/0013/17 which contribute to the verdant setting of the site.

To support this application the Richard Nicholson Arboricultural Impact Assessment and Tree Protection Plan has been submitted. None of the 5 trees that have been identified for removal on site are protected. T01, a Monterey Cypress, has already been removed and the remaining trees shown to be removed are of low public amenity value.

A number of young trees that were planted as part of the Nursery Grove development will need to be moved and/or replaced. These are protected under the landscaping condition for Nursery Grove and therefore the landscaping condition imposed under this application will ensure that trees will be planted as replacements.

The Tree Officer considers that the proposed development will not have any adverse impact on the protected trees subject to conditions.

Impact on Highway safety, including matters relevant to car parking, access and public right of way

The application has been assessed against policy CCC2 of the Local Plan, which seeks to ensure that there is sufficient car and cycle parking and the provision of infrastructure to support the use of electric car charging. Additionally, Policy IMPL2 relating to development standards places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, details of which can be secured by condition.

The development seeks to provide a total of 9 car parking spaces on the driveway or within the car ports set within each plot. Based upon the Council's adopted car parking standards, the proposed number of car parking spaces, including the use of open sided car ports, would exceed the recommended level of car parking spaces which recommends for three 3-bedroom dwellings that a recommended average of 7.5 on plot spaces be provided. The comments from the design team in relation to the use of tandem parking have been noted. However, the Council's Parking Standards SPD (adopted in April 2022) specifically states within paragraph 5.5 that tandem parking (one vehicle behind another) will be acceptable for individual properties. In this case, the driveways are over 6 metres in length and the developer has demonstrated that the driveway can reasonably accommodate more than one vehicle, with access to the car ports.

The access is privately managed and does not form part of the adopted highway. Therefore, Hampshire County Council have not commented on the proposal as the development will not be directly accessed from a classified road. Officers are

satisfied that the application is in accordance with the Standing Advice. The Highway Authority requires any development of between 2 and 5 dwellings using a shared vehicular access from the highway to be designed so as to enable vehicles to enter and exit onto the highway in a forward gear, and this will be possible in this case. It is considered that the proposed access is appropriate to serve the proposed development, with adequate visibility splays being available. The site would provide sufficient space for manoeuvring to allow larger vehicles to access and egress the site appropriately and in a forward gear.

In 2017, consent was granted by the New Forest National Park Authority under application reference 17/00836 for works to the vehicular access from Wainsford Road into the site (which now serves Nursery Grove) and 101 Wainsford Road. This involved widening the track (which also serves as the Public Right of Way) by removing some vegetation along the edge of the track and on the access. The works also provided increased visibility but retained the existing gravel surfacing. The works have enabled two-way vehicle movements in and out of the site concurrently. The works that were undertaken to the access are located outside the red line boundary for this site. The access improvements were undertaken in association with the Nursery Grove residential development (reference 17/10906) of 10 houses. The splay to the east falls wholly within the remit of New Forest District Council, and Condition 11 of the permitted housing scheme secured the implementation and retention of the required visibility splays. In terms of the access road into the development, it is 5 metres wide and allows two vehicles to pass.

Concerning the impact on the users of the Public Right of Way, the proposed development would share access with Lymington and Pennington Footpath 56 near Wainsford Road. The public footpath currently crosses approximately 20 metres of the gravel track linking Pennington Common to Pennington. The Public Right of Way team have raised no objection to the works to the access and do not object to this application for 3no houses subject to a condition relating to there being no obstruction of the footpath during construction works. A condition requiring the submission of a Construction Environmental Management Plan has been included to ensure that the construction phase is managed. It is not considered appropriate to impose a specific condition relating to the public right of way. It is considered that the additional net 2 dwellings would not create a significantly detrimental impact upon the access arrangement which currently exist, on the Public Right of Way, or on the existing part of the gravel track which leads up to Nursery Grove, and therefore in this respect the proposal is acceptable.

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. In this case, the Highway Authority were consulted under the application and refer to their Standing Advice in this case. 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, and sufficient car parking would be provided to serve the development.

Impact of development on drainage, the existing foul sewage and proposed disposal of foul sewage

As part of the application Southern Water have been consulted in relation to the connection to the sewer and the drainage plan that was submitted by the Applicant.

Southern Water's Technical Team have advised that as there are no DG5 and SIRF incidents (Sewer flooding) near the development, there is no specific reason to oppose connecting to Manhole 5002. Also, the capacity check is not required for three dwellings, as this would not be a significant increase in flow. There is therefore no objection to the proposal in relation to the capacity for foul drainage and connection.

A number of comments from local residents have been received during the course of the application process and further information has been sought from Environmental Health and Southern Water in relation to foul odours to understand the issue and how this is being investigated.

Environmental Health have advised that the odour problem would be beyond the remit of statutory nuisance. However, they have submitted advisory comments that there has been an odour issue reported in the past which appears to remain unresolved and recommend the matter is resolved before the development commences. Details have been sought from Environmental Health about the original complaint. Residents of Wainsford Road complained of foul odours with the completion of Nursery Grove in 2020. Southern Water's Operations Team carried out an investigation and the pumping station was found to be working effectively, and the problem appeared to relate to the connection to the head of the sewer which did not have sufficient length to provide an adequate flow. The consequence of this was when effluent was released, odours were 'pushed' down the pipe venting at the earliest opportunity through the residents' soil vent pipes. Environmental Health understand that Southern Water were to investigate further, with there being a potential need to install carbon filters. Environmental Health have not received further confirmation on the actions taken by Southern Water.

Environmental Health are satisfied that no fault/defect was found with the pumping station and Southern Water were to take action to resolve the foul odour complaint/s. Whilst Southern Water apparently maintained that they are not responsible for the odour as they believe that it results from a private pumping station, Environmental Health are of the view that the odour is emitted from the sewer. Therefore, even if the source was a private station, as no odour is being emitted from the private drains/pumping station, Southern Water are still responsible. The addition of more dwellings being connected to the sewer may increase the flow, which is likely to either resolve the matter, or push the odour further along. Environmental Health have advised that Southern Water are in a better position to suggest how the additional dwellings shall impact upon the flow and where the connection should be made to optimise the flow rate, and increase the likelihood of flushing the effluent through more effectively.

The Network Manager of Southern Water's Operations Team has been directly consulted in relation to the odour issue and, to date, no comments have been received.

In the absence of a response or indeed an objection from Southern Water on the odour issue, and given the lack of any clear evidence that the additional 3 dwellings would materially exacerbate the existing odour issue, Officers do not consider that the Local Planning Authority can reasonably object to the proposal for this reason. Ultimately, the existing odour issue is one that needs to be dealt with by the relevant bodies (i.e. Southern Water) outside of the scope of any planning application.

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

Policy ENV3 of the Local Plan requires the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to residential amenity. It therefore needs to be considered whether the relationship of the development would be acceptable in respect of loss of privacy, loss of light and overbearing impact; and also whether the proposed development would provide sufficient private open space for occupiers of the existing and proposed dwellings.

With regard to residential amenity, concerning the closest dwelling to the north-east (99 Wainsford Road), its distance from the closest proposed dwelling (Plot 1) would be approximately 35 metres away, which would be acceptable and is broadly the same separation distance as to the property which existed on the site. The garage building serving 99 Wainsford Road does not appear to contain habitable accommodation.

Plot 3 is located approximately 8 metres from No. 10 Nursery Grove, which is considered to be a sufficient degree of separation, and there are no first floor side windows proposed in the southern elevation. Given the orientation, it would not result in any loss of sunlight to this property. Plot 3 is located approximately 12 metres from No.1 Nursery Grove, and again would not result in any loss of outlook or sunlight to this property.

Having regard to the rear garden spaces and level of sunlight to the amenity areas for future occupiers, this has been considered by Officers. It is noted that the gardens will be relatively shaded, particularly in the winter, due to the orientation of the houses and the belt of mature trees to the west. However, when gardens are most likely to be used in the summer, during the middle of the day, the gardens would have natural light from the south. It is recognised that there may be increased pressure to undertake tree works from future occupiers, but given that the trees are protected by Tree Preservation Order TPO/0013/17, the local planning authority will have control of any works.

Impact on ecology and the adjacent SSSI, on site biodiversity and protected species

The track serving the site (but outside the application site) falls wholly within the New Forest Site of Special Scientific Interest (SSSI). The Council's Ecologist has been consulted on the application and raises no objection subject to planning conditions, as set out below.

A low population of slow worms have been recorded on the site, and therefore a planning condition will be applied to secure that a precautionary reptile method statement is produced and submitted to the Local Planning Authority for approval. In line with the recommendations of the Phlorum Reptile Survey Report, this should detail all precautionary working methods along with continued management plans. Details of post works mitigation should also be included to ensure the habitat remains optimal for widespread reptiles.

Additionally, evidence of badgers using the site has been found. The submitted survey has stated that a single hole likely to have been created by a badger was found adjacent to the site boundary. However, there was no evidence that this was in active use by the survey camera work undertaken and the hole was considered to be inactive. The surrounding habitats are highly suitable for badgers and it is likely that they pass through the site, but this site is considered to be sub-optimal and unlikely to be important habitat. As a precautionary approach, a pre-commencement

planning condition should be applied, requiring an updated walkover survey for badgers prior to the start of construction and, where necessary, a method statement and updated mitigation strategy should be submitted should there be evidence of a new sett or use of a previously disused one.

The Preliminary Ecological Appraisal (PEA) makes recommendations and suggestions for ecological enhancements, including planting, wildlife corridors and bird/bat boxes. A planning condition has been applied which requires that the Applicant provide details of the specifics of all the ecological enhancements to be provided, building upon the recommendations made in the PEA - i.e. which boxes are proposed, elevation drawings showing where they will be mounted / incorporated into the building fabric, locations of wildlife corridors, 'hedgehog highways' and a planting scheme of value to wildlife. A construction method statement would reduce any impacts upon the SSSI and the immediately adjacent Upper Pennington Common, while enhancements for the site would result in increased biodiversity on the site.

Biodiversity Net Gain

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy 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 in-built ecological enhancements are provided to demonstrate Biodiversity Net Gain in line with the NPPF and the Local Plan.

Habitat Mitigation and Air Quality

a) Recreational Impacts

The site lies in close proximity to the New Forest SAC, SPA and Ramsar site and the Solent and Southampton Water SPA, Ramsar site and Solent Maritime SAC. The proposals would result in additional residential dwellings. There is a likely cumulative impact on the New Forest European Sites from recreational disturbance.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest SAC, SPA and Ramsar site, and the Solent and Southampton Water SPA, Ramsar site and Solent Maritime SAC, in view of those sites' conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The contributions towards the Council's mitigation package is expected to be paid up front via a Unilateral Undertaking.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring

strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes), managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. The contribution is expected to be paid up front via a Unilateral Undertaking.

c) Nitrate neutrality and impact on Solent SAC and SPAs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment, with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its new Local Plan which seeks to safeguard against any adverse impact and to ensure that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, the Council considers that there needs to be a mitigation project to provide this development with a nitrate budget. For this reason, a Grampian Condition will be imposed and a further Appropriate Assessment carried out on discharge of this condition.

Developer Contributions

As part of the development, the following is expected to be secured via a Unilateral agreement:

- Air quality monitoring contribution is £273
- The Habitat Mitigation (Access Management and Monitoring) Contribution is £2,439
- The Habitat Mitigation (Bird Aware Solent) Contribution is £2,205
- The Habitat Mitigation (Infrastructure) Contribution is £16,791

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	393.3		393.3	393.3	£80/sqm	£40,177.11 *

Subtotal:	£40,177.11
Relief:	£0.00
Total Payable:	£40,177.11

11 CONCLUSION

Overall, on balance, it is considered that the proposal would not have a harmful impact upon the rural character of the area, highway safety, trees, drainage, ecological interests, neighbouring amenity, or protected habitats, subject to conditions as set out in the report above, in accordance with policies of the development plan. As the appropriate recreation and air quality monitoring mitigation is expected to be secured by a Unilateral Undertaking it is therefore recommended that the Head of Planning, Regeneration and the Economy be authorised to grant planning permission subject to conditions.

12 RECOMMENDATION

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

- i) the completion of a Unilateral Undertaking or a planning obligation entered into by way of a Section 106 Agreement to secure contributions to mitigate the development's recreational and air quality impacts on designated European sites
- 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 and reports:

9601/100 Rev L;
9601/101 Rev G;
9601/102 Rev H;
9601/103 Rev F;
9601/104 Rev F;
9601/105;
9601/106 Rev A;
RNacp/308/TCP/1;
RNacp/308/TPP/1;
DR-D-0100 REV P1.

Reason: To ensure satisfactory provision of the development.

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

Reason: To ensure an acceptable appearance of the buildings in accordance with Policy ENV3 of the Local Plan Part 1.

4. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753 and Step 3 under Section 26.7.1 of the SuDS Manual in relation to drinking water supply or a similar approved method. In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before 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 the works are done in a manner which safeguards the character of the area in accordance with Policy ENV 3 of the Local Plan.

6. Prior to first occupation of any dwelling on the site, provision for car parking shall have been made within the site in accordance with the approved plans and shall be permanently retained thereafter to serve the development hereby approved.

Reason: In the interests of highway safety in accordance with Policy ENV3 (iv) of the Local Plan Part 1.

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

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

The hard and soft landscaping scheme including all tree and shrub planting as may be approved shall be fully implemented prior to first occupation or in accordance with any phasing submitted to and agreed in writing with the Local Planning Authority. Any trees or shrubs which die, become damaged or diseased within 5 years of the full completion of the development, or planting whichever is the later, shall be replaced with the same species in the first available planting season (November to March) unless the Local Planning Authority has agreed in writing to a change of species beforehand.

Reason: To ensure that the development takes place in an appropriate way and to safeguard trees and natural features which are important to the visual amenities of the area in compliance with Policies ENV3 and ENV4 of the Local Plan Part 1.

8. Specific details of the ecological enhancements to be incorporated into the development shall be provided to the Local Planning Authority prior to commencement of the development based upon the recommendations outlined in the Preliminary Ecological Appraisal by Phlorum Ltd (dated July 2022). This shall include details of the type of boxes to be incorporated, a plan showing where they will be mounted and incorporated into the building fabric, locations of wildlife corridors, 'hedgehog highways' and a planting scheme of value to wildlife. The identified ecological enhancements identified shall be installed prior to first occupation of the dwellings hereby approved and shall thereafter be retained in perpetuity.

Reason: To safeguard protected species and to deliver Biodiversity Net Gain in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

9. Prior to commencement of development, a precautionary reptile method statement shall be undertaken and submitted to and approved by the Local Planning Authority in writing. In line with the recommendations of the submitted Phlorum Reptile Survey Report (dated 19 October 2022), this shall detail all precautionary working methods and mitigation measures to be implemented during the course of the development, and the development shall be carried out in full accordance with the approved method statement and mitigation measures.

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management) and in line with the recommendations set out within the Ecology Reptile Survey Report by Phlorum Ltd (dated 19 October 2022).

10. Prior to the commencement of development, an updated badger survey/walkover shall be undertaken by a suitably qualified and experienced ecologist and, where necessary, a Method Statement and updated Mitigation Strategy for badgers during construction (to reflect the findings of the survey) shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in full accordance with the approved Method Statement.

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management) and in line with the recommendations set out within the Ecology Badger Survey Report by Phlorum Ltd (dated 19 October 2022).

11. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided before the approved dwellings have been occupied and shall thereafter be retained in accordance with the approved details.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

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

Reason: 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.

13. The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

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

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

14. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement reference 308/AIA/1 (dated 17 June 2022), Tree Protection Plan reference RNapc/308/TPP/1 and Tree Constraints Plan reference RNapc/308/TCP/1 or as may otherwise be agreed in writing with the Local Planning Authority.

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

15. Prior to the commencement of any works (including site clearance, demolition and construction works), 3 working days notice shall be given to the Local Planning Authority to attend a pre-commencement site meeting to inspect all tree protection measures as detailed in the RNapc/308/TPP/1 Tree Protection Plan.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

16. Before development commences, details of cycle storage for each dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. The approved cycle storage shall be provided prior to first occupation and shall thereafter be retained and maintained at all times.

Reason: To ensure cycle storage provision is provided in accordance with the Councils adopted standards to ensure the proposals offer appropriate alternatives to the motor car in the interests of sustainable development.

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

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- A Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Measures to control light spill and glare from any floodlighting and security lighting installed.
- All works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, which shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.
- Details of the storage of materials and machinery during construction, which shall be stored outside the SSSI, unless otherwise agreed in writing by the Local Planning Authority.

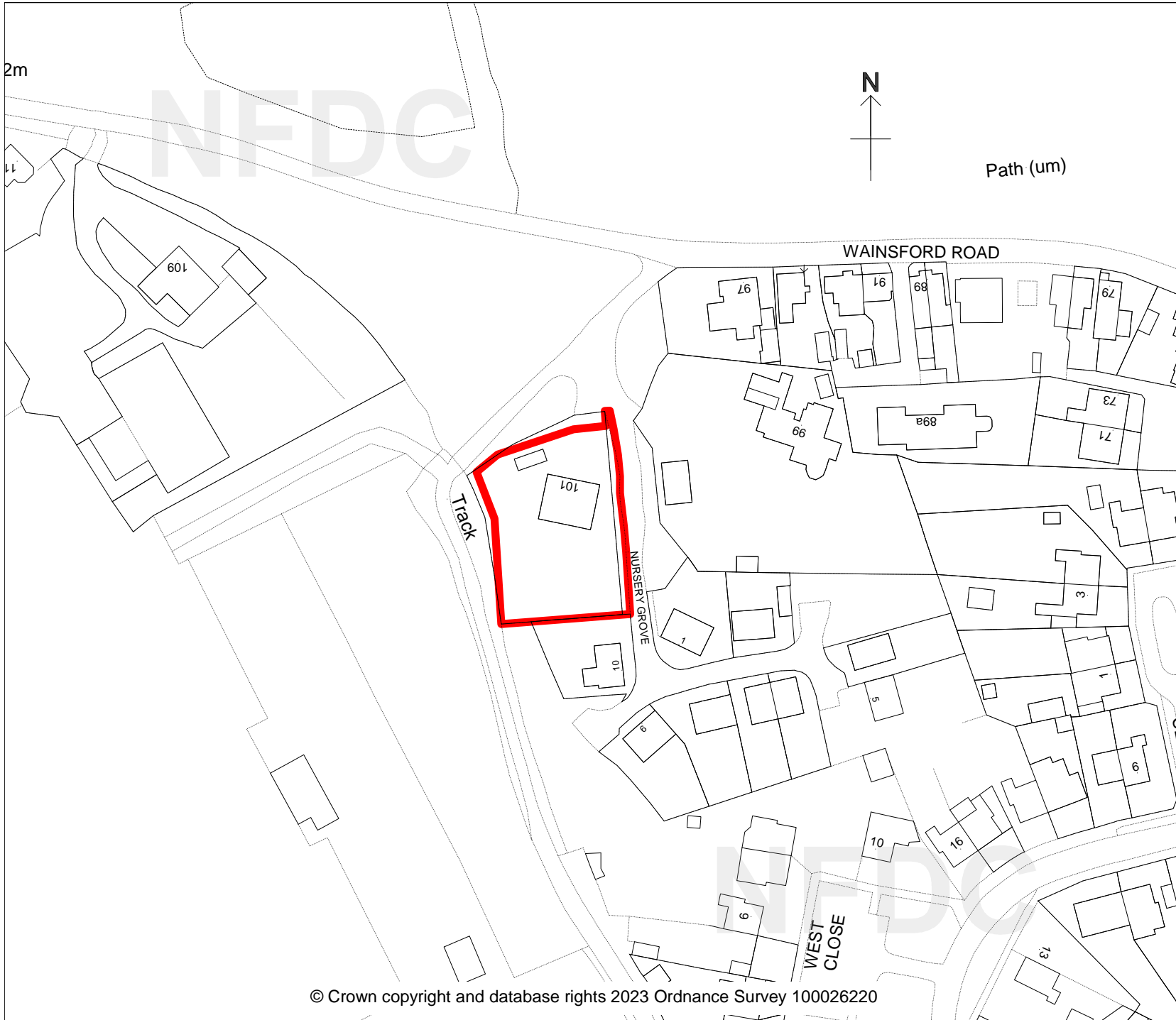
The approved details shall be implemented before the development hereby permitted commences and shall be adhered to throughout the period of construction. The development shall only be carried out in accordance with the CEMP as approved.

Reason: To protect the amenity of residents and to safeguard protected species in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

Further Information:

Sophie Tagg

Telephone: 023 8028 5439



New Forest

DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

March 2023

101 Wainsford Road
Pennington
Lymington
22/10862

Scale 1:1250

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