

Application Number:	24/10590 Full Planning Permission
Site:	SS5 Land north of MILFORD ROAD, PENNINGTON, LYMINGTON
Development:	54 residential dwellings including affordable housing; change of use of land for public open space including Alternative Natural Recreational Greenspace (ANRG); new vehicular access onto Milford Road, new pedestrian and cycle links & other infrastructure, including connection to the strategic foul network, surface water management and associated ground works.
Applicant:	Colten Developments Ltd
Agent:	tor&co Limited
Target Date:	14/10/2024
Case Officer:	Sophie Tagg
Officer Recommendation:	Service Manager - Grant
Reason for Referral to Committee:	One of the Council's Strategic Sites

1 SUMMARY OF THE MAIN ISSUES

1. Principle of Development
2. Housing Mix and Affordable Housing
3. Highways and Access
4. Green Infrastructure: Public Open Space, Landscape, Trees
5. Residential Design and Density
6. Impact on residential amenities
7. Flood Risk and Drainage
8. Ecology
9. Heritage Assets and Archaeology
10. Infrastructure Contributions
11. Environmental Protection: Air Quality, Contaminated Land, Minerals, Noise, Residential Amenity, Sustainable Construction.
12. Other Matters
13. Planning Balance and Conclusions

2 SITE DESCRIPTION

The application site forms a portion of the Local Plan Strategic Site Allocation SS5 Land at Milford Road, Lymington.

The application site has a size of 3.5 hectares to the north of the A337 on the south-western edge of Pennington. The New Forest National Park boundary is adjacent to the site, to the west. The site does not form part of or lie adjacent to any

Conservation Areas. The site comprises of an inverted L' shape parcel of land, which is separated from surrounding parcels of land by existing mature hedgerows, trees and fence lines. The site is bounded to the west by a band of mature woodland broadly parallel to the top edge of the slope that leads down to the Avon Water.

The National Park boundary is situated adjacent to the public right of way adjacent to the western boundary of the site within 9 metres at its closest point in the north western corner.

The South West Hampshire Green Belt boundary is located to the south and the site is set partially within the Green Belt. The part of the site set within the Green Belt is highways land extending up to the northern edge of the Milford Road A337 highway verge.

In addition, the character of the area is defined by the trees and hedgerows that are present within and adjacent to the site and the trees that line Milford Road.

To the north is the allotments and public open space beyond. There are paddocks to the west and occasional buildings, and directly opposite the site to the south are isolated dwellings set between paddocks.

Haglance Copse and its associated cul-de-sac development lies to the east of the application site. This area comprises a low density character of detached bungalows in fairly spacious settings. Several of the bungalows have their rear gardens backing onto the tree belt on the eastern boundary of the site. To the north east of the site, in Deneside Copse, this comprises a more dense context with semi detached and terraced bungalows and houses.

Along the eastern boundary of the site, there is a narrow strip of trees and grassed area separating the site from an existing housing development to the east at Harford Close. For reference, the strip of land is in the ownership of NFDC and is outside the strategic site allocation.

There is a public right of way which runs along the western edge of the site boundary. A large residential property lies to the south west of the site (outside the strategic site allocation). The public right of way continues up to the north and along to the east adjacent to the open space and adjacent to Deneside Gardens.

To the north of the site comprises the allotments and its associated car parking, together with the recreation ground which includes a kickaround area and a children's play area, which is accessed from Deneside Copse. There is mature vegetation along the northern boundary of the application site.

The key highway serving the site is the A337 Milford Road, a single carriageway road which is a main arterial route through Pennington and Lymington. The speed of the road is 40mph from the west which reduces down to 30mph just past the site to the east on the approach into the settlement.

Opposite the site is the vehicular access to the Waste and Recycling Centre. Adjacent to this access road to the east is a separate parcel of land which also forms part of the Local Plan SS5 allocation on the southern side of the A337 Milford Road.

3 PROPOSED DEVELOPMENT

The proposal is for the provision of 54 residential dwellings including 27 affordable housing units; change of use of land for public open space including Alternative Natural Recreational Greenspace (ANRG); a new vehicular access onto Milford Road, new pedestrian and cycle links & other infrastructure, including connection to the strategic foul network, surface water management and associated ground works.

The proposed development comprises the built development to be located on the eastern and northern parts of the site and the ANRG and Open Space is shown to be provided along the western and southern boundary. It is also proposed to provide a narrow wedge of open space within the built development, in which a swale and connecting footpath is proposed to link to the north-east of the site.

The site is accessed via a proposed single vehicular access point from the A337 Milford Road proposed.

There is a proposed pedestrian and cycle access proposed into the site from the A337 Milford Road and also to the north of the site adjacent to the allotments.

The proposed public open space includes 1.21 hectares of Alternative Natural Recreational Greenspace (ANRG), formal public open space in the form of a grassed amenity area of 0.18ha and informal public open space of 0.49 hectares provided on site. There are play on the way type features proposed within the site and a contribution is also proposed for off-site improvements to the existing Deneside Copse children's play area.

It is proposed to retain the majority of the existing hedgerows and trees within the site and around the boundaries, although a few trees and a section of the hedgerow adjacent to Milford Road would need to be felled to facilitate the access and associated visibility splays.

An area of green space with SUDS basin is proposed immediate adjacent to Milford Road, in which the dwellings would be set back from the road.

4 PLANNING HISTORY

Local Plan Allocation Site SS5

20/11192

Land south of Milford Road (Bargate Homes - Northern parcel)–

- 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) (20/11192) Granted on the 29th March 2023.

23/10691

- 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) 23/10691 Granted on 6th December 2023.

20/10847

- Screening Opinion. Land South of Milford Road, Pennington. Decision made that proposed development was not an EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 on 7th September 2020

Land south of Milford Road (Pennyfarthing Homes- Southern parcel) –

- Outline application for up to 67 residential dwellings with associated access, parking, internal access roads, landscaping, open space (including Alternative Natural Recreational Greenspace), infrastructure and works (all matters reserved, except access) Submitted 25th October 2024 and pending decision.

5 PLANNING POLICY AND GUIDANCE

Core Strategy 2009 (Saved Policy)

CS7: Open Spaces, Sport and Recreation

Local Plan Part 2 2014 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 Review 2016-2036 Part One: Planning Strategy

STR1: Achieving Sustainable Development

STR2: Protection of the countryside, Cranborne Chase AONB & New Forest National Park

STR3: The Strategy for locating new development

STR4: The Settlement hierarchy

STR5: Meeting our housing needs

STR8: Community services, infrastructure, and facilities

STR9: Development within a mineral safeguard area

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

Policy ENV2: The South West Hampshire Green Belt

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 Mitigation Strategy for European Sites (2021)
- SPD Climate Change (2024)
- SPD Air quality in New Development (2022)
- Ecology and Biodiversity Net Gain Interim Advice Note
- NFDC First Homes Advice Note
- SPD Air quality in New Development (2022)
- SPD - Lymington Local Distinctiveness
- SPD - Housing Design, Density and Character
- SPD - Parking Standards
- Emerging Lymington and Pennington Neighbourhood Development Plan

Relevant Hampshire County Guidance

Hampshire Minerals and Waste Plan (2013)
Local Transport Plan Four (February 2024)

Relevant Legislation

Planning and Compulsory Purchase Act 2004
Environment Act 2021
Habitat Regulations 2017
Levelling Up and Regeneration Act 2023

Government Planning Guidance

National Planning Policy Framework (NPPF) December 2024
Planning Practice Guidance (PPG)
National Design Guide 2021
Manual For Streets 2007

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council
PAR1: Recommend Permission.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

The following comments have been received and summarised. The full comments of

each consultee can be found on the NFDC planning website. Comments listed below have been reviewed and updated following the most recent amended plans submission in February 2025.

Natural England - No objection providing the mitigation can be fully delivered, funded and secured in perpetuity. (updated response from second consultation)

As Competent Authority it is the Local Authority's responsibility to ensure that they are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

To offset the nutrient burden resulting from the proposed development, nutrient mitigation will be purchased from either Heatons Farm or Kings Farm for nutrient mitigation. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by the Local authority to ensure their strict and timely implementation for the full duration of the development. The Local authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Environment Agency- no comments

The EA have confirmed that they have no comments to make.

Local Highway Authority (Hampshire County Council) – no objection subject to conditions and obligations (updated response from second consultation)

The applicant has submitted a revised internal layout (drawing 5501/023 Rev A), which now allows for two-way vehicular movement throughout the site. This satisfies the Highway Authority previous concerns.

The Framework Travel Plan has been updated, (reference ITR/RK/5501/TP.6) following on from the Highway Authority previous comments. This is now acceptable to the Highway Authority and should be secured within the S106 agreement.

The Highway Authority are now satisfied that sufficient information has been submitted and raise no objections to this application subject to suggested obligations and condition.

Countryside Services (Hampshire County Council) - no objection subject to conditions and obligation (updated response from second consultation)

The revised connection now proposed from the northern side of the corner of the development (as per the Whole Site Plan and Planning Design Amendments, page 5, section 8) appears to be a satisfactory alternative, linking into local authority green space from which the PROW can be accessed.

A small amount of the financial obligation is requested for a short section of Footpath 57a. This approx. 20-metre section of unmade path is located where the open green

space narrows and funnels walkers between vegetation and property boundaries on the way to Deneside Copse. As a result of the concentration of footfall into this section it breaks up more easily in periods of wet weather, creating a nuisance and slip hazard for the public. While this PROW is unlikely to be as well used by occupants of the new development for reaching amenities in Pennington as other footways, it shall still likely form part of daily recreational and dog walking loops all year round.

The Countryside Service request a developer contribution of £2,330 to undertake surfacing improvements to this 20-metre section of Footpath 57, using the same or similar material as used by NFDC in their wider works. As with the previous contribution request, this is based on the standard £100 per metre costings for resurfacing of a public footpath, with a 16.5% project delivery fee added on.

Lead Local Flood Authority (Hampshire County Council) - No objection subject to conditions (updated response from second consultation)

The overall drainage strategy is considered appropriate.

The County Council has reviewed the additional documents submitted including Existing Exceedance Flow Routes ref: 5501/015 and Proposed Exceedance Flow Routes ref: 5501/013 B 2. The information addresses previous comments and there are no further queries.

Local Education Authority (Hampshire County Council) - no objection (updated response from second consultation)

No contribution towards education will be sought in relation to this development. Based on the most recent forecast data the school aged children from this development can be accommodated within the existing capacity of local schools.

Minerals and Waste Planning (Hampshire County Council) - no objection subject to condition

Agree with the conclusion of the Mineral Resource Assessment (MRA), that prior extraction is unsuitable, full consideration must be given to the opportunities for mineral extraction prior to and/or as part of the proposed development ('incidental extraction') it would be expected that high quality material, such as sand, gravel and soft sand would be processed and used for construction purposes, while lower quality material could be used for fill or similar. Request a condition to be included in any permission for this planning application, to be delivered through submitted construction management plans or similar, requiring a statement outlining: i. a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and ii. a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA

New Forest National Park Authority – No comment received

Active Travel England – no objection

NHS Hampshire and Isle of Wight – no objection

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate

Reserve right to reassess and respond to application at any time should there be any changes

Hampshire and Isle of Wight Fire and Rescue Service

Comment – Need to ensure that site can be accessed in accordance with Approved Document B5 of the current Building Regulations

Archaeologist – No objection subject to conditions (updated response from second consultation)

The applicant has submitted an Archaeological Desk Based Assessment, which includes the results of the magnetometer survey and the Evaluation Report. A Written Scheme of Investigation (WSI) for a Watching Brief (R15842) of ground works in the Southern end of the site has also been submitted.

This WSI is fit for planning purposes. Due to the potential for as yet undiscovered in situ archaeological deposits in the southern part of the proposed development site, it is recommended that ground works are subject to an archaeological Watching Brief for monitoring of ground works

Southern Water – No objection

There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.49 l/s for the above development at manhole reference SZ30947103, as connecting to manhole SZ30946201 would require the use of a pump.

Scottish and Southern Electric – Comment –

The developer should be aware of underground High Voltage cable to the south of the application site

NFDC Conservation - Comment

The Grade II listed Efford Mill and Efford Mill House lie in the NPA close to this site to the west. The impact of the development on the setting of the designated assets has not been addressed and as these lie in a neighbouring LPA it is important their conservation team are consulted

Proposed site plan Dwg. No. 6165-00-XX-DR-A-0010 shows open space to the west of the site, with built development to the eastern side. Landscaping and lighting need to be carefully considered to minimise the level of harm to the setting of the heritage assets

Limited impact to the non-designated heritage assets close to the site and any further harm that would be caused by the proposed development is considered negligible

NFDC Ecologist - No objection subject to conditions (updated response from second consultation)

No concerns on the updated BNG information provided

NFDC Environmental Design - Holding Objection (no response received from second consultation)

There is a lack of play provision on site, a request for design amendments to buildings and clarification regarding recreational mitigation space and how it will meet its dimensional and quality criteria. Conditions required for detail on hard and soft landscaping, SUDs features, boundary treatments, bridges, structures, furniture play facility and planting.

NFDC Environmental Health Protection – No objection subject to conditions

– Noise – no objection subject to conditions relating to noise levels

Noise Impact Assessment revised August 2024 is acceptable and conditions relating to noise levels are recommended.

– Air Quality – no objection subject to condition

Need for a site specific assessment and mitigation for construction dust condition applied to any granted permission for the site (detailed below) and not detailed within a wider CEMP condition. This is to ensure construction dust is appropriately considered in accordance with current guidance for a site of the proposed size.

NFDC – Environmental Health Contamination – No objection.

Radon gas risk identified – Class 3 site and therefore basic radon protection is required in all new dwellings

NFDC Housing Initiatives Manager – No objection subject to planning obligations

The provision of the affordable housing proposed will help address the affordable needs of the area.

It is recognised that there are number of site specific factors that cumulatively, have had an impact on the overall layout and design of the development and it is accepted that to achieve a policy compliant scheme delivering 50% of the dwellings as affordable housing with the preferred tenure split, a higher than typical proportion of smaller 1 and 2 bedroom units will be delivered, and that the affordable housing will be located within one area of the site. The 4 bedroom unit in the proposals is currently identified as for Affordable Rent, given the very high housing costs of the area the delivery of the unit as Social Rent would help address affordability issues of the area.

NFDC Open Spaces Officer – No objection subject to planning obligation relating to the off site play contribution and footpath connections (updated consultation response received 21/3/25)

Contributions toward the footpaths required outside the site boundary set out including the connection north east and the condition north west and contribution amounts set out. Suggested relocation of play on way feature adjacent to plot 53 to plot 40 or 16, maintenance suggestions relating to bollards and swale crossings, request an additional bench.

NFDC Trees – No objection subject to conditions

To support this application the Barrell Tree Consultancy Arboricultural Impact Assessment and Method Statement Ref 17005-AA3-PB dated 6th June 2024 and associated Tree Protection plan has been submitted. Within this document the trees have been identified and categorized for quality using the standards set out in BS5837:2012. The Tree Officer broadly agrees with assessment of the trees within this report.

The loss of the trees that have been identified for removal can be mitigated through landscaping and a comprehensive tree planting strategy.

The proposed layout shows that some footpaths and driveways will encroach the root protection areas of retained trees. However, the impact of these structures can be kept minimal if specialist non-dig engineered surfaces are used, as specified in the submitted tree report.

NFDC – Waste - comment

Comments relating to the internal road layout and ability to provide waste collection within the site (no response received from second consultation)

Lymington Society – objection

Welcomes 50% affordable housing delivery. Concerns relate to poor cycle routes and potentially dangerous traffic flows in Milford Road. Scale and detailing of buildings should remain domestic in scale particularly the statement building at the entrance. Concerns regarding the maintenance and management of NFDC strip on the eastern boundary in relation to anti social behaviour and encroachment from adjacent properties.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

2 comments and 11 letters of objection raising the following grounds:

Highways and footpaths:

- Impact on footpath to the west of the site
- Impact on the A337 – road safety - dangerous and busy road which will become worse with new development
- Reference to several accidents that have occurred on A337 in vicinity of the site
- Access to the site from A337 is ill-conceived
- Questioned accuracy of transport assessment submitted and when the assessment was undertaken
- Access concern in relation to the waste and recycling centre and New Milton Sand and Ballast
- Suggestion to continue the 30mph speed limit from the turning to the tip to turning where it forks onto the B3058 towards Milford on Sea and Keyhaven
- Inadequate provision for cycling and walking

- Full off-road cycleway should be extended to run the full length of Milford Road to schools and local services
- No pedestrian pathways
- Public footpath cannot be used to signify a definitive boundary as it is within, for the main part, the grounds of Efford Lodge
- Proposed relocation of bus stop on westbound carriageway opens up driveway and carriageway to loss of privacy for The Hillsman House

Infrastructure:

- Impact on GPs and schools

Residential Amenity:

- The development will back onto single storey bungalows – proposed development is out of character with surroundings
- Proposed 3 storey dwellings overlooking property on the Southern boundary adjoining the A337. These will be sited in an already elevated position compared to 3 storeys will result in overlooking to first floor windows
- Privacy, antisocial behaviour & crime issues
- Concern regarding disturbance from construction in terms of noise and dust
- Fencing proposed to rear boundaries – more detail requested
- Maintenance and management of the NFDC strip between the eastern site

boundary and the rear of adjacent properties on Harford Close – potential misuse, anti-social behaviour, and encroachment from adjacent properties.

- Buildings 14 to 20 are facing and close to The Hillsman House, so screening will be important for both parties. Concern regarding the Juliet balcony of the proposed 3 storey block 16-18 in terms of overlooking. Footpaths proposed are close to boundary of The Hillsman House – issues relating to privacy and security

Trees:

- Consideration should be given to protection of trees
- Plan for succession of the large existing trees

Housing:

- Empty properties within local council stock that could be renovated to meet the local need for affordable housing

Environmental:

- Lead to increase of the carbon footprint
- Limited consideration towards natural habitat to wildlife and vegetation and their loss
- Flooding issues in the area

Design

- Preference for affordable housing spread more widely over the site
- Layout offers a reasonable degree of integration and is well-designed
- Welcome the landscaped strip to the front of the large frontage building
- Scale and detailing of any frontage development should remain domestic in scale, consistent with the large residential villa type development that characterises the frontage to the A337 Milford Road on this important approach to Lymington.
- Would prefer the "statement building" at the entrance to the site to be more in scale with other buildings fronting Milford Road to avoid setting a precedent for future applications seeking to demolish family homes and build blocks of flats

For: 0

Against: 11

Comments: 2

10 PLANNING ASSESSMENT

A. Principle of Development

Local Plan Policy STR3 (The Strategy for locating new development) sets out that the strategy is to locate and direct new development to accessible locations that help to sustain the vitality and viability of the towns and villages of the Plan Area as the focal points of commercial activity and community life, and as safe, attractive and accessible locations to use and visit.

Local Plan Policy STR5 (Meeting our housing needs) sets out the strategy for delivering new homes in the District and that provision will comprise at least 6,000 new homes on Strategic Site Allocations in accordance with Strategic Site Allocation Policies SS1 to SS18.

The application site is part of a Local Plan Allocation Site (Local Plan 2016-2036 Strategic Site SS5). Local Plan Policy SS5 is reproduced in full below. The supporting text and concept masterplan for Policy SS5 is set out on pages 125 to 127 of the Local Plan. Policy SS5 forms part of the Development Plan and this is the starting point for consideration under Section 38(6) of the Planning and Compulsory Purchase Act as set out above. Policy SS5 should be read in conjunction with all policies in the Development Plan rather than in isolation.

NFDC Local Plan Strategic Site 5: Land at Milford Road, Lymington

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

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

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

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

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

iii. Site-specific Considerations to be addressed include:

a. Design or other appropriate measures to mitigate potential noise and odour impacts from Efford waste and recycling centre and Pennington Sewage Treatment Works.

b. Measures to manage watercourse flood risks south of Milford Road along the eastern perimeter and in the south west corner of the site, as part of an integrated site approach to sustainable urban drainage.

In terms of its geographical area, Strategic Site 5 is a single strategic allocated site, which includes land to the north and south of the A337. Local Plan Policy SS5 seeks to provide at least 185 homes and public open space on both parcels, in which the land to the south forms the larger part of the allocation where there is an expectation to provide the majority of the homes. This is highlighted in the supporting text, which states that about 140 homes is to be provided to the south of the A337 and 45 homes to the north.

Strategic Site 5 is in multiple ownership, and hence development has come forward in separate applications. The residual areas of Local Plan Strategic Site SS5, as set out in the Local Plan Concept Masterplan, not within this application site includes other permitted residential development and public open space suitable for Alternative Natural Recreational Greenspace (ANRG) and another live application yet to be determined.

Outline planning permission has been granted for a development of 110 dwellings on the land to the south of the A337, which forms the southern part of SS5. The Outline

permission comprised the main access being gained onto the A337 together with other highway works including crossing points, bus stop relocation and cycle path through to Harford Close.

The Reserved Matters application pursuant to the Outline application was granted at committee in October 2023 for a development of 90 dwellings including public open space, Alternative Natural Recreational Greenspace (ANRG) and associated infrastructure and in connection with matters of Appearance, Landscaping, Layout, and Scale.

The proposed development relates to the land to the north of Milford Road and the number of dwellings proposed broadly accords with the expectation in the supporting text (paragraph 9.82) which is for approximately 45 dwellings. The submitted proposed development seeks to provide its own on-site ANRG and Public Open Space, together with the necessary road and footpath infrastructure to connect across the A337 to the infrastructure approved as part of the permission on the land to the south of Milford Road.

As such, the principle of development is established by the SS5 site allocation in the New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy.

South West Hampshire Green Belt

The red-line Application Site, as set out in the Location Plan includes HCC Highway land within the South West Hampshire Green Belt.

Local Plan Policy ENV2 (The South-West Hampshire Green Belt) sets out that the openness and permanence of the South-West Hampshire Green Belt will be preserved with particular regard to its stated purposes and those of national policy for the Green Belt. Development proposals in the Green Belt will be determined in accordance with national planning policy.

NPPF (December 2024) Section 13 (Protecting Green Belt land) sets out national planning guidance on development and the green belt. NPPF paragraph 154 sets out development in the Green Belt is inappropriate unless one of the listed exceptions applies. This includes criterion (h) which sets out that other forms of development provided they preserve its openness and do not conflict with the purposes (as set out in NPPF paragraph 143) of including land within it. Criterion (h)(ii) sets out that this encompasses engineering operations which in this application includes the proposed site access.

The national Planning Practice Guidance (PPG) (Paragraph: 001 Reference ID: 64-001-20190722) sets out the factors which **could** be taken into account when assessing the potential impact of development on the openness of the Green Belt and confirms that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. In line with caselaw this includes, but is not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its 'remediability' - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation

The southernmost portion of the application site (beyond the Local Plan Allocation Site) is Highways Land that is within the South West Hampshire Green Belt (SWHGB). The proposed site access abuts this land. For reference, the residual area of the application site is not located with the South West Hampshire Green Belt.

In this case, the proposal would not have any built volumetric impacts nor would it generate any additional vehicular traffic in itself. The proposal would only include engineered landscape features supporting the delivery of the proposed site access. The proposed development is planned given it is a Local Plan Allocation Site and as such is permanent and not remediable.

Essentially, on balance of considerations, the proposal would preserve the openness of the green belt and would not conflict with the purposes of including land within it.

Therefore, the proposal accords with NPPF paragraph 154 and Local Plan Policy ENV2 (South West Hampshire Green Belt).

Environmental Impact Assessment (EIA) Development

Due to the site characteristics and environmental sensitivities, the size and scale of the proposed development site does not meet the thresholds for an Environmental Impact Assessment (EIA) set out in the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015, and as such a formal EIA Screening Request has not been submitted to NFDC. The applicants were advised at pre-application stage that this approach was acceptable.

The permitted scheme (20/11192) within Local Plan Allocation Site SS5 south of Milford Road undertook a Screening Opinion in 2020. The Local Planning Authority determined that that scheme was not EIA development.

Essentially, given the modest scale of this proposal it is considered that it would not have such environmental impacts alone, or in combination with the totality of both existing consented, and potential further, development planned for SS5, to be EIA development.

As such, it is considered that the proposal, both alone and in combination with other development, is not EIA development.

Housing Land Supply and NPPF Tilted Balance

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF (December 2024) Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

For reference, NPPF (p. 6) Footnote [8] above sets out:

This includes, for applications involving the provision of housing, situations where:

- the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or
- where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also NPPF paragraph 227.

The Council cannot demonstrate a five-year supply of deliverable housing land. The latest published housing land supply figure is 2.39 years.

Footnote 8 NPPF (December 2024) paragraph 11 is clear that in such circumstances where a five-year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11d is engaged.

As such, it is considered that in this case the development must be considered in accordance with the NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, for example habitat sites. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case

B. Housing Mix and Affordable Housing

Local Plan Policy STR5 (Meeting our housing needs) sets out the strategy for delivering new homes in the District and that provision will comprise at least 6,000 new homes on Strategic Site Allocations in accordance with Strategic Site Allocation Policies SS1 to SS18.

Local Plan Policies HOU1 (Housing type, size, tenure and choice) and HOU2 (Affordable Housing) 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 housing stock to be smaller-to-medium sized homes, particularly for affordable housing.

The supporting text to HOU1 (Paragraph 6.8) sets out that:

Strategic housing site allocations are large enough to accommodate areas of different character and density within them and are expected to include a broad mix of new homes closely corresponding to Figure 6.1 (p. 58). Large new developments of predominantly 3-4 bedroom homes would not meet the requirements of this policy.

Local Plan Policy HOU2 (Affordable Housing) sets out that there is a requirement of 11 or more dwellings to provide affordable housing in the rest of the Plan Area (which includes Lymington) where the target is for 50% of new homes to be affordable housing. The tenure mix target is to provide 70% of affordable homes for rent, split equally between social and affordable rent, and 30% intermediate or affordable home ownership tenures including shared ownership. Where developers cannot deliver the level of affordable housing set by Policy HOU2 they need to submit a Financial Viability Assessment (FVA) to demonstrate why they cannot make the development viable if the policy level of affordable housing is delivered.

The NPPF (December 2024) paragraph 66 sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures

iii. Market Housing Mix

The applicants have proposed a housing mix for the market housing (below) which deviates from the Local Plan Figure 6.1 (Indicative need for different sizes and tenures of homes) of the Local Plan.

1-bed	0	n/a
2-bed	0	n/a
3-bed	14	Detached houses
4+ bed	13	Detached houses

In terms of policy compliance in line with Local Plan Figure 6.1 this would not be compliant with this supporting information due to the overt bias towards larger 3 and 4 bedroom dwellings and the absence of any smaller (1 and 2 bedroom) market dwellings. However, as the proposal is only part of a larger Local Plan strategic site allocation there is an opportunity to take a wider view which accounts for existing permissions within SS5. In this example, the Bargate Homes development provided the following market dwellings: no. 6 one-bedroom units, 23 no. two-bedroom units, 11 no. three- bedroom units and 5 no. four-bedroom units.

Combined together, the permitted and proposed developments within SS5 would provide a total of 72 market homes with the following mix:

- 1-2 bedroom - 29 dwellings (40%)
- 3 bedroom – 25 dwellings (35%)
- 4 bedroom – 18 dwellings (25%)

As such, across both sites the provision of market housing has a slight under-provision of 3-bedroom houses but is otherwise broadly in line with Figure 6.1.

Policy HOU1 sets out that each development should contribute appropriately to improving housing diversity wherever possible taking material considerations (as set out) into account. In this instance, the application on its own fails to provide a suitable number of smaller (1 and/or 2 bedroom) homes and this will be addressed in the Planning Balance.

However, when considered in conjunction with the existing permission within SS5 there is a more balanced number of market dwellings broadly in line with the supporting text for HOU1. As such, this will be addressed in the Planning Balance.

iv. Affordable Housing

The proposal is for a policy compliant level of 50% affordable housing which equates to 27 affordable dwellings. The applicant has agreed to provide the affordable housing tenure at a different rate to that proposed in Local Plan Policy HOU2 with a greater emphasis on rented units. The proposal offers 75% for both social rent and affordable rent and 25% shared ownership. This is considered to be acceptable as a tenure mix as Policy HOU2 sets out the target tenure rate and this is balanced against the indicative need for different sizes and tenure of homes in Table 6.1 and supporting text for Policy HOU2. This will be secured in the s106 planning obligation.

Having regard to the tenure split, the table below identifies the development would provide the following mix of affordable housing across all tenures in line with Local Plan Policy HOU2:

Unit Size/ Tenure	Social Rented	Affordable Rent	Shared Ownership	Total	Residential typologies
One - bed	3	2	0	5	Flats
Two-bed	7	5	3	15	Mix of flats and houses
Three-bed	0	2	4	6	Houses
Four-bed	0	1	0	1	House
Total	10	10	7	27	

The NFDC Housing Strategy Manager has raised no objection to the application and has identified that the provision of affordable housing will help address the affordable needs of the area. It is recognised that although the current proposals will provide a mix of unit sizes, it is weighted more heavily towards the delivery of smaller 1 and 2 bedroom accommodation and the affordable housing is also located in one area of the site rather than distributed across the wider development.

In line with Policy HOU1, the development has sought to contribute appropriately to

improving housing diversity wherever possible, taking into account the location, size and characteristics of the site, the form of development proposed and the viability of the scheme. For example there a number of site specific factors that cumulatively, have had an impact on the overall layout and design of the development such as the size of the site which is a parcel of land within the wider SS5 allocation, the characteristics of the site specifically its close proximity to the New Forest National Park boundary and the need to retain a rural edge to the west of the site and the need to provide sufficient ANRG, POS and SUDs containing the built form to the eastern and northern parts of the site.

The affordable housing units are located in a cluster rather than distributed throughout the site.

However again factoring in the size of the site and that it forms a wider strategic site allocation it is considered that on balance of considerations including site constraints that this is an acceptable arrangement given that the proposal provides 50% affordable housing overall. The overall layout of the site with houses and flats following one spinal road with a series of separate courtyard spaces and the overall design of the dwellings proposed ensures that the affordable housing could be indistinguishable in appearance from the market housing on site.

The NFDC Housing Strategy Manager suggested that the 4 bed unit could be of a social rented tenure rather than affordable to address affordability issues however this amendment was not forthcoming from the Applicant and the scheme remains tenure compliant in line with policy HOU1 and supporting table 6.1.

For reference, No “First Homes” as defined in national planning guidance are proposed to be included in the Affordable Housing offer which is in line with the NFDC First Homes Advice Note (July 2022) and the recent changes in the December 2024 NPPF which removed the prior requirement for at least 25% First Homes in any affordable housing offer.

Essentially, the proposed affordable housing offer accords with Local Plan Policy HOU2 criterion (ii) and (iii). That the affordable housing is concentrated in one portion of the housing development area contrary to the direction of travel in HOU2 criterion iv. is noted but that is very clearly outweighed by the overall benefit of policy compliant provision.

C. Highways and Access

Local Plan Policy CCC2 (Safe and Sustainable Travel) sets out that new development will be required to:

1. Prioritise the provision of safe and convenient pedestrian access within developments, by linking to and enabling the provision of more extensive walking networks wherever possible, and where needed by providing new pedestrian connections to local facilities;
2. Provide or contribute to the provision of dedicated cycle routes and cycle lanes, linking to and enabling the provision of more extensive cycle networks and providing safe cycle routes to local schools wherever possible;
3. Consider and wherever possible minimise the impact of development on bridleways and horse riders;
4. Provide sufficient car and cycle parking, including secure cycle parking in schools

and colleges, work places, bus and rail stations, and in shopping areas in accordance with the adopted Parking Standards Supplementary Planning Document;

5. Incorporate infrastructure to support the use of electric vehicles; and

6. Provide, or contribute proportionately to the provision of, any highways or public transport measures necessary to enable the development to be accommodated in a safe and sustainable manner, including the requirements identified in any applicable Strategic Site Allocation Policies.

The Hampshire Local Transport Plan Four (LTP4) sets out the Local Highway Authority (Hampshire County Council) vision for future transport and travel infrastructure. LTP4 is not part of the Councils Development Plan but it proposes transformational changes which include the following:

- shift away from planning for vehicles, towards planning for people and places;
- meet national priorities to decarbonise the transport system;
- reduce reliance on private car travel;
- gives people a choice of high quality travel options;
- support sustainable economic development and regeneration and promote active lifestyles.

The NPPF (December 2024) sets out in paragraph 116 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.

The application is supported by a Transport Assessment (Bellamy Roberts June 2024), a Walking Cycling and Horseriding Assessment WCHAR (Bellamy Roberts June 2024), a Travel Plan (Bellamy Roberts February 2025) and number of supporting plans relating to the access arrangements within the site.

The Local Highway Authority (LHA) (Hampshire County Council) has been consulted extensively on the application and they have confirmed in their response of 3 March 2025 that they have no objection subject to a s106 planning obligation and suitable conditions. Any works within the highway must be approved by S278 Agreement.

i. Housing Site Vehicular Access

The Local Plan Concept Masterplan suggests that the primary access position onto Milford Road be approximately between Hillmans House and Robins Copse.

The site access arrangement and pedestrian infrastructure on Milford Road is as shown in principle on the submitted plan 'Proposed Site Access & Offsite Highway Works Combined Solution' drawing 5501/001 Rev L. The proposed site access is contiguous with HCC Highways extents.

The proposed development will provide vehicular access via a new junction from Milford Road, which broadly accords with the position shown on the Local Plan Concept Masterplan.

The access proposal also includes crossing points, the widening and realignment of Milford Road, the provision of a footpath to connect with the existing footpath along Milford Road and creation of a larger turning/ waiting space for the Haul Road

(access for recycling centre). Visibility splays are provided in line with observed speeds recorded along Milford Road. Swept path analysis of the proposed access has been undertaken to demonstrate to the satisfaction of the Highway Authority that vehicles will be able to manoeuvre safely into and out of the residential area.

The proposed access is a T-junction with a right-turn ghost lane to serve the site. The supporting documentation with the application includes an assessment to determine whether the proposed access has sufficient capacity to accommodate the expected level of traffic generation. The assessment demonstrates minimal queueing and delay at the site access and the access falls within its theoretical capacity. The proposed access is located approximately 45m west of the 'Haul Road' access serving the Council Household Waste Centre and junction modelling of a staggered junction has also been conducted albeit the junction would not act as a stagger as waste centre traffic is unlikely to use the site access and vice versa in the peak hour periods. The final detailed design of the junction will be determined in a subsequent s278 agreement.

The trip assignment and distribution presented in the submitted Transport Assessment (TA) (Bellamy Roberts June 2024) utilised data from the National Travel Survey to allocate traffic generated by commuting/business, education, and other trips during the morning and evening peak hour periods. The assessment work as also factored in accident data.

The TA's analysis provides a comprehensive breakdown of trip distributions for commuting/business, education, and other trips, with separate assessments for the morning and evening peak periods. In this case the site access junction is forecast to operate comfortably within capacity and the Highway Authority are comfortable that this junction will operate satisfactorily.

The proposed access has been designed to be connected and integrated with the approved access proposal on Land to the South of Milford Road and the submitted plan entitled "Standalone Access for Colten' produced by Bellamy Roberts reference 5501-019 dated September 2024 shows the specific highway alterations and access arrangements that will be delivered by this scheme

Visibility splays for the existing properties along Milford Road including The Hillsman House, Robins Copse and shared access to Havenhurst House to the northern side of Milford Road and Southern Wood and The Crest to the south of Milford Road have been provided. These visibility splays demonstrate that the proposed works would not adversely affect the existing visibility for the existing properties. The visibility at both The Hillsman House and Robins Copse have been shown to be improved as a result of the development due to the introduction of the pedestrian islands along Milford Road. Revised tracking has been provided, for a range of vehicle movements at both the proposed site access and at Southern Wood, The Crest and the Haul Road along the southern side of Milford Road.

The tracking at the proposed access has been revised demonstrating that a refuse vehicle (11.2m in length) can enter and exit the site whilst a car is waiting at the access junction in a suitable position. This proposed arrangement is considered acceptable by the Highway Authority.

In summary, the LHA confirmed in their response of 16 January 2025 that following design revision the proposed residential site access is acceptable in principle.

To the east of the application site, a highway contribution of £17,653 towards capacity improvements at the Milford Road (A337)/North Street/Ridgeway Lane Roundabout is sought. This contribution is due to the roundabout already operating above capacity and will do so in forecast year scenarios when development traffic is added to the network. The contribution will be secured within a s106 planning obligation which is in line with requests made for the Bargate Homes site to the south of Milford Road and the live applications for Local Plan Strategic Site 6 (Lower Pennington Lane).

Therefore, subject to a s106 planning obligation and suitable conditions, the proposed vehicular access accords with Local Plan Policy CCC2 criterion (vi).

ii. Footpath Connections

A footpath will be provided that connects the proposed development to the existing footpath along Milford Road (to the east of the site), to ensure that people living on this site can safely access the facilities and amenities in Lymington Town Centre and elsewhere. The proposed site layout plan also shows a footpath in the south east corner of the site, which will also link to the wider footpath connection along Milford Road.

The Walking Cycling and Horseriding Assessment (WCHAR) has been amended to include a plan drawing number 5501/029 depicting the footway crossing points that are not up to standard currently. If these crossing points are not improved/upgraded by the Bargate Scheme by the time this application is permitted and in a position to carry out the works then they will be undertaken by Colten under a S278 Agreement with the Highway Authority. The plan identifies several crossing points that are to be upgraded to include dropped kerbs with tactile paving, providing mitigation to the deficiencies within the existing network on routes to key facilities within the vicinity of the site. This is acceptable to the Highway Authority. These improvements should be secured within the S106 agreement, for the developer to deliver via S278 agreement if not already delivered by neighbouring schemes.

Part of the proposed footpath in the south eastern corner is sited on NFDC owned land, and the applicant has access rights over this land. The footpath connection from the site to the existing footpath in Milford Road is on Highways land and would be a tarmac surface which would be delivered and secured prior to first occupation and would be set out within the s106 agreement.

These proposals are acceptable to the LHA and should be secured through the s106 planning obligation and subsequent s278 agreement.

There are no Public Rights of Way on the site. There is a Public Right of Way along the western boundary, (Lymington and Pennington 56) which extends up to the north, Lymington and Pennington 57a. The proposal provides a footpath link within the site, which would connect up to the site boundary. It is proposed that a contribution to create a footpath connection from the site boundary to the PROW approximately 40 metres in length would be provided outside the site joining the public right of way footpath and this obligation would be set out within the S106 Agreement.

Additionally it is proposed that the site is connected to the north east to Deneside Copse over the allotment access road linking the site to the existing adopted cycleway/pavement to form a continuous north-south link. It is proposed that a contribution would be provided and this obligation would be set out within the S106 Agreement.

HCC Countryside Services has no objection subject to a s106 contribution. The applicant has agreed a contribution towards re-surfacing that part of the existing Public Right of Way to the north of the application site. A Public Rights of Way Improvements and Maintenance contribution of £2,330 Index Linked to improve 20 metre section of Footpath 57A has been agreed and will be secured through a s106 planning obligation.

Therefore, subject to a s106 planning obligation, the proposed pedestrian and cycle accesses and improvements accord with Local Plan Policies CCC2 criteria (i), (ii) and (vi), and SS5 criterion (ii)(c) in principle.

iii. Internal Access Arrangements

The proposed internal vehicular access arrangements would be primarily formed by a single primary road that broadly runs north from the proposed site access. The built development would be sited along the east side of perimeter of the road before it then curves around with built form then located both to the north and the west of the internal road.

The intention is for the internal road to remain as private and not be formally adopted by the LHA. The internal road layout has been subject to a Stage 1 Road Safety Audit (RSA). A revised internal layout (drawing 5501/023 Rev A), swept path/analysis and tracking plans have been submitted to show how all vehicle types could satisfactorily use the proposed internal roads. The revised plans now allow for two-way vehicular movement throughout the entire route of the internal access road. The LHA has confirmed that this is acceptable, the revised internal layout (widening it) satisfied the previous safety concerns raised within the RSA and were in line with the RSA auditors recommendations.

iv. Car Parking

Local Plan Policy CCC2: 'Safe and sustainable travel' requires new development to provide sufficient car and cycle parking.

The NFDC Car Parking Standards Supplementary Planning Document (SPD) sets out standards for car parking spaces and car space sizes.

Based upon the Parking Standards SPD the development should provide 132 car parking spaces. The submitted Parking Strategy Plan Rev, E produced by Williams Lester Associates dated 12 February 2025 shows that the development has proposed a total of 137 car parking spaces, including 17 visitor and 2 unallocated street spaces with EV charging points available. Each house has its own EV charging point and 11 EV charging points are proposed to serve the visitor and unallocated parking. 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

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 the national guidance Manual for Streets and the Parking Standards SPD advice makes them more likely to be used for parking. The car parking for the flats is served by courtyard parking which means each one and two bedroom flat will have one parking space, which broadly meets the car parking Standards

Car parking spaces in front of garages are shown to have 6 metres depth which is acceptable. Tandem parking (one vehicle behind another) is provided within the development together with parking side by side. The council's adopted Car Parking Standards states that tandem parking will be acceptable in principle 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 Site Plan Williams Lester Associates 12 February 2025 shows car parking spaces will be 3 metres wide which accords with the SPD.

Cycle parking will be provided in accordance with the LPAs minimum standards. Safe and secure cycle storage areas will be provided for all dwellings and the locations are shown on the Parking Strategy Plan Rev, E Williams Lester Associates 12 February 2025. This will be secured by a suitable condition. The plan identifies that cycle parking will be provided within private garages where houses have a private garage or a separate cycle storage shed where dwellinghouses do not have a private garage shown on the Parking Strategy. Cycle parking for the flatted development proposed will be provided within a shared cycle storage area which is identified on the Parking Strategy plan.

Therefore, subject to suitable conditions and a s106 planning obligation, the proposed parking arrangements and cycle storage accords with Local Plan Policy CCC2 criterion (vi) and the NFDC Parking SPD.

v. Construction Traffic and Access

The LHA has requested that a condition is applied to ensure that prior to development taking place a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for:

- The parking of site operatives and visitors' vehicles.
- Loading and unloading of plant and materials.
- Management of construction traffic and access routes.
- Storage of plant and materials used in constructing the development.
- Wheel washing facilities

As such, the proposal, subject to the above and a suitable Construction Traffic Management Plan condition, will address safe construction traffic and access.

Travel Plan

A revised framework Travel Plan produced by Bellamy Roberts dated 21 February 2025 has been agreed with the LHA and will be secured, along with associated fees, within the s106 planning obligation. This seeks to ensure that residents are encouraged to use sustainable modes of transport

Public Transport

The nearest bus stops are located on Milford Road, approximately 60m and 150m east of the proposed site for westbound and eastbound journeys respectively. The site adjacent to this proposal for the land south of Milford Road (Bargate scheme) will relocate the bus stop for eastbound travel approximately 150m west. Therefore, this bus stop will be adjacent to the site.

Lymington is served by 6 bus routes ('More' Bus) which connects the site to Pennington, Lymington, New Milton and wider and hence provides a connection from

their services and facilities and the national rail network. The potential additional trips arising from the proposed development could help support the retention of this existing bus service.

Essentially, the proposal is in broad accordance with the aims of HCC Local Transport Plan 4 specifically policy HP3 which seeks to widen participation and broaden the appeal of using public transport as a natural travel choice.

Summary

The proposal, subject to suitable conditions and a s106 planning obligation, would provide a suitable vehicular access for the proposed housing, investment in footpaths to support suitable pedestrian access and modal shift, safely designed changes to the highway on Milford Road and suitable construction access and traffic management.

The Highway Authority are satisfied that this development will not impact the safety or operation of the highway within the vicinity of the site.

The impact of the proposal on the local highway network is not severe in line with NPPF paragraph 116. The proposal could help support the existing bus service through potential additional customers and foster modal shift in line with the aims of Local Transport Plan 4.

As such, subject to suitable conditions and a s106 planning obligation, the proposal accords with Local Plan Policies CCC2 and SS5 criterion (ii)(c), and Hampshire Local Transport Plan 4 Policies HP3 and PT1-3

D. Green Infrastructure: Public Open Space, Landscape and Trees

The Levelling Up and Regeneration Act ('LURA') (2023) section 245 (Local Plan Policy STR2 (Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park) sets out that development should not have an unacceptable impact on the special qualities and purposes of the adjoining New Forest National Park and its settings. In the determination and implementation of development proposals including planned growth, great weight will be given to ensuring that the character, quality and scenic beauty of adjoining New Forest National Park are protected and enhanced.

Local Plan Policy ENV1 (Mitigating the impacts of development on International Nature Conservation sites) sets out that for residential development, inter alia, adverse effects can be adequately mitigated by implementing approved measures relevant to the site location, including as set out in the Mitigation for Recreational Impacts SPD. Policy criterion 4(ii) sets out that for developments of 50 or more net additional residential dwellings direct provision by the developer of at least eight hectares of natural recreational greenspace per 1,000 population located on the development site or directly adjoining and well connected to it is required in addition to management and monitoring contributions.

Local Plan Policy ENV4 (Landscape character and quality) sets out that where development is proposed there is a requirement to retain and/or enhance the following landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context:

1. Features that contribute to a green infrastructure and distinctive character within

settlements including the locally distinctive pattern and species composition of natural and historic features such as trees, hedgerows, woodlands, meadows, field boundaries, coastal margins, water courses and water bodies;

2. Features that screen existing development that would otherwise have an unacceptable visual impact;
3. Existing or potential wildlife corridors, footpath connections and other green links that do, or could, connect the site to form part of an integrated green infrastructure network;
4. The landscape setting of the settlement and the transition between the settlement fringe and open countryside or coast;
5. Important or locally distinctive views, topographical features and skylines; and
6. Areas of tranquillity and areas of intrinsically dark skies

Local Plan Policy CS7 (Open spaces, sport and recreation) sets out that the aim is to provide as a minimum standard the equivalent of 3.5 hectares of public open space per 1000 population to serve the district's towns and larger villages. The improvement of play, sports and other public open spaces provision will be implemented in various ways.

The Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document (SPD) (May 2021) gives detailed guidance on the implementation of Policy ENV1 with regard to ANRG.

The Site Plan (WLA Rev Z) and Whole Site Plan (Terrafirma), set out the proposed green infrastructure within the application site.

The application is also supported by the following documents:

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Appraisal and Method Statement
- Landscape Visual Impact Assessment (LVIA)

Impact on the New Forest National Park

The proposed development is sited adjacent to the nationally designated New Forest National Park, which lies to the western boundary beyond the public right of way.

There is a statutory duty for the Local Planning Authority to further 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.

The impact on the New Forest National Park has been considered as part of the submitted Landscape Impact Visual Assessment (LVIA).

It is considered that the proposal has adopted a sensitive design response as illustrated on the Site Plan Rev Z Williams Lester 12 February 2025 which includes

the main public open space, together with the retention and enhancement of trees and hedgerows on the western boundary. This limits the effects of built development near the National Park designation and introduces elements that enhance the area. Given the distance of the residential development at least 68 metres from the boundary and the significant quantity of public open space proposed, it is considered that the proposal would not diminish the visual appreciation of the New Forest National Park from key viewpoints as set out within the LVIA, and hence nor would it be to the detriment of the special qualities of the National Park. The New Forest National Park Authority has been consulted during the course of the application but no response has been received.

As such, the proposal would not result in an adverse impact upon the New Forest National Park taking consideration of paragraph 189 of the NPPF and as a protected landscape defined within the Levelling up and Regeneration Act 2023.

Landscape Character and Quality

Policy Strategic Site 5 is accompanied by an illustrative Concept Masterplan that illustrates how the allocation might be developed. It identifies, in broad terms, the areas where residential development could be provided, as well as areas where Alternative Natural Recreational Greenspace (ANRG) and Public Open Space could be delivered.

The submitted Site Plan Rev Z by Williams Lester 12 February 2025 identifies how development within the allocated area can fit its landscape context, identifies the vegetation of local landscape value and provides a landscape led framework for the site.

The illustrative Concept Masterplan illustrates the requirement for there to be a green buffer along the north-west and south west boundary of the site, green space along part of the southern boundary immediately adjacent to Milford Road and a narrow strip of green space along the eastern boundary. The residential development would be largely concentrated in the central and eastern part of the site. The Masterplan also identifies existing vegetation of Landscape Value to be retained around the boundaries of the site. Vehicular access is shown to be from Milford Road. Non-vehicular access points/ connections are shown to the north west and north east corner and the west boundary.

The Site Plan shows the residential development is concentrated on the eastern part of the site and the Green Infrastructure shown to the west, south, north-west part of the site, which broadly reflects the illustrative Concept Masterplan accompanying Policy Strategic Site 5. An area of Green Infrastructure is shown on the north east of the site with a footpath connection to the existing road that serves the allotments. This broadly accords with the illustrative Policy Concept Masterplan.

The SUDS (Sustainable Urban Drainage System) basin and swales features have been designed as positive features, which form an integral part of the landscape and provide both visual and ecological benefits.

The supporting LVIA concludes that the visibility of the application site in the surrounding landscape is very limited primarily due to the topography of the local area and the screening provided by existing vegetation. The LVIA also concludes that the proposed scheme will include valuable landscape features within the application site including within the proposed ANRG and will improve the transition between the settlement and the countryside along the newly proposed edge of the

settlement. Whilst the change within the application site will be apparent, the perception of change to landscape character outside the application site will be minimal and limited.

In summary, subject to suitable conditions, in principle the proposed landscape strategy would successfully integrate the new development into the local landscape context through contributing to the local green infrastructure network and providing a suitable transition between the development edge and the open countryside to the west. In line with the LVIA, the proposed landscape strategy would not have an unacceptable impact on the New Forest National Park and broadly accords with the illustrative Local Plan Concept Masterplan.

As such, the proposal accords in principle with Local Plan Policies STR2 and ENV4 criteria (i) and (iv).

Public Open Space Size Requirements and management

Local Plan Policy CS7 requires that new residential development makes provision towards public open space, with the expectation for larger developments being that this public open space should be on site. Public Open Space provision is additional to the requirement for ANRG provision and should be provided at a rate of 3.5 hectares of public open space per 1000 population, including all of the following elements:

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

The local plan policy objectives for the site, as illustrated in the Concept Masterplan seek to create a broad area of green recreational space along part of the west, south and east boundary of the site.

Using the Council's ANRG calculator, the proposal for 54 dwellings at the specified size set out above would generate an informal open space requirement of 0.3 hectares, a formal open space requirement of 0.19 hectares and an ANRG minimum requirement of 1.19 hectares.

There is a policy compliant amount of ANRG and informal public open space provided for on site. Sustainable drainage features will be incorporated with the proposed public open space which is acceptable in principle. The provision proposed accounts for seasonality landscape and ecology dependant on rainfall and ground conditions of the swale.

In relation to formal public open space, there is sufficient space on the site to provide a grassed amenity area which can be used as an informal kick around, recreational area. In this instance, it has been agreed that instead of a contribution towards an off-site formal open space project additional land will be provided within the application site which is consistent with the approach taken on Milford Road southern parcel.

Through the use of a landscape management plan secured by condition, this can set out a maintenance regime that this area is regularly cut (compared to the wild flower or meadows which require less cutting), this will ensure that this space is used for multiuse recreation.

Using the Council's calculator, the proposal for 54 dwellings would generate a children's play area requirement of 0.04 hectares.

The play area provision will be split between two on-site "play on the way" type features within the site and an off-site financial contribution towards additional inclusive play equipment at the Lymington and Pennington Town Council owned Haglane Copse recreation ground located approximately 100 metres from the northern edge of the site. Given the scale of the development and the close proximity of the maintained play area to the north of the site, it is considered that an off-site contribution to extend the existing play area would be a better approach than further play provision provided onsite. It is noted that new play facilities will be provided on the SS5 parcels to the south of Milford Road. The specifications for the on-site play area will be secured through a suitable condition attached to the permission. The contribution towards off-site play provision will be secured through a s106 planning obligation.

NFDC Officers and the applicants have agreed an off-site play provision contribution of £112,483.34 plus a future maintenance contribution of £67,490.00. The Council will liaise with Lymington and Pennington Town Council to ensure that a suitably inclusive scheme is provided for the local community. This could include additional play spaces for girls in line with the national "Make Space for Girls" campaign that aims to create safer and more appealing play spaces for older and teenage girls.

The long-term management of all of the onsite public open space will be undertaken by either the applicants or an appointed management company. This will be secured through suitable conditions and a s106 planning obligation.

As such, the proposal, subject to suitable conditions and a s106 planning obligation, meets the public open space size requirements of Local Plan Policies CS7 and ENV1 criterion 4 (ii)(a).

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

The ANRG land is shown to be located across the western parts of the site. The ANRG and landscaping strategy is to provide multi-functional areas of green infrastructure. The Environmental Design comments requested clarification regarding how the recreational space will meet dimensional and quality criteria and connect to the footpath network on the western edge. In line with the Council's adopted Mitigation for Recreation Impacts SPD the appropriate amount of mitigation land has been provided and the largest area within the site provides a 120m radius area with other areas combined which maximises the breadth of the space.

The ANRG is both well connected to and in proximity to the proposed housing area in line with the Local Plan Concept Masterplan. The site would connect, as set out above, with the existing public right of way by way of a footpath with the contribution for works to be provided via a planning obligation. The proposed ANRG is generally open and level and should be accessible to all. The ANRG would have some surveillance from the proposed housing.

Essentially, the ANRG proposed strikes a suitable balance between footpaths, planting areas, space dimensions and open areas for recreation in line with the detailed guidance in the NFDC Mitigation SPD.

The Landscape Whole Site Plan (Terraforma February 2025) sets out the ANRG and public open space management and mitigation operations for the establishment and subsequent aftercare of the proposed landscape elements, biodiversity planting and amenity elements. The long-term management and monitoring of the proposed ANRG will be secured through suitable conditions and a s106 planning obligation.

The public open space and the ANRG would also be subject to detailed hard and soft landscaping conditions which would secure suitable boundary treatments, tree and planting schedules and detailed specifications for the proposed site furniture such as information boards, seating, gates and bins.

As such, subject to suitable conditions and a s106 planning obligation, the proposed ANRG is a potentially attractive and safe open space and appropriately scaled and thus should be effective in diverting potential visits away from the New Forest designated European sites in accordance with Local Plan Policy ENV1 criterion 4 (ii)(a) and the detailed guidance set out in the NFDC Mitigation SPD.

Management and Maintenance of Public Open Spaces

The proposed public open space including the ANRG, informal open space, sustainable drainage features and play features are to be managed by the applicant or an appointed management company in perpetuity. As such, it will be necessary to secure through a s106 planning obligation and suitable conditions the ongoing management, monitoring and maintenance regime for these areas in line with the advice from Natural England, the NFDC Ecologist and other relevant consultees.

The Council will also seek to ensure that provision is made for the scenario whereby management is not undertaken properly, or the management company ceases to operate if ongoing future management of the public open spaces is not of a satisfactory standard.

Trees

The site benefits from mature trees and hedgerows growing around the perimeter of the site that contribute to the rural character of the site. There are no Tree Preservation Orders on the site.

To support this application the Barrell Tree Consultancy Arboricultural Impact Assessment and Method Statement Ref 17005-AA3-PB dated 6th June 2024 and associated Tree Protection plan has been submitted. Within this document the trees have been identified and categorized for quality using national standards. The NFDC Tree Officer has been consulted and agrees with the assessment set out in the Barrell assessment.

The trees grouped as G18 is located in the southeast corner of the site and its removal is required to facilitate the construction of pedestrian path from Milford Road into the site. This group has been categorised as C grade (low quality) being small size and ash die back present in the ash trees. Overall, the long-term retention of these trees is limited due to their declining condition, and they are not considered significant in the overall context of the landscape character of the site. Tree G6 the eastern part of this group will be removed to create a footpath link to the land to the north of the site. This group consists of mainly small trees/shrubs. Groups G18 and

the part of group G6 have been identified for removal.

In summary, the loss of the trees that have been identified for removal can be mitigated through landscaping and a comprehensive tree planting strategy.

The Tree Protection Plan (Barrell Consultancy) Drawing no. 17005-3 shows that some footpaths, driveways and garages of plots 34, 35, 36, 37, 38, 39, 40, 45 and 46 will encroach the root protection areas of retained trees. The plan shows precautionary areas in the parking area for the flatted development, seven garages serving proposed properties along the eastern boundary and two garages serving proposed properties along the northern boundary and parts of the proposed footpaths in which the impact of these works and structures can be kept minimal if specialist non-dig engineered surfaces are used, as specified in the submitted tree protection plan and tree report and a suitable worded condition will be applied to ensure that the trees are protected during construction and the works are carried out in accordance with the Tree Protection Plans and Tree Report.

The Bellamy Roberts Foul and Surface Water Drainage Strategy Drawing no. 5501/007 Rev G plan has been reviewed and there are no conflicts between the proposed drainage and the root protection areas of retained trees.

As such, subject to suitable arboricultural conditions, the proposal accords with Local Plan Policy ENV4 criterion (i).

Summary

The proposal includes a suitable framework, to be secured through suitable conditions and a s106 planning obligation, for the delivery and future management of the proposed public open space including the ANRG . The scheme has specifically considered the need to include the design of recreational greenspace to define a new rural edge and to soften the transition between the development and the open countryside and satisfies SS5 criteria (ii) (a).

As such, subject to suitable conditions and a s106 planning obligation, the proposal accords with paragraph 189 of the NPPF and as a protected landscape defined within the Levelling up and Regeneration Act 2023 in relation to the impact on the National Park and Local Plan Policies STR2, ENV1, ENV4, CS7 and SS5 criteria (ii)(a).

E. Residential Design and Density

Local Plan Policy ENV3 (Design quality and local distinctiveness) sets out that development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate and attractive. New development will be required to meet supporting design criteria (as set out).

The NPPF (December 2024) (Section 11, paragraphs 124 to 130) sets out national planning policy guidance on making effective use of land. The NPPF (December 2024) (Section 12, paragraphs 131 to 141) sets out national planning policy guidance on design. Further national design guidance is set out in the Planning Practice Guidance website.

Residential Development Area

The application site lies just on the edge of Character Area 9 'South Pennington' of

the Lymington Local Distinctiveness Document SPD. Characteristics of the application site and surrounding area are highlighted in the document. Paragraph 4.9.3 and figure 9.4 of the document states that Milford Road stands out as being different from the regular pattern of estates with large suburban houses and bungalows set in large garden settings and frontages comprising trees and hedges with wide green verges. Figure 9.2 identifies that there are pockets of similar bungalows or houses set in courtyard layouts with their own characteristics and Figures 9.8 and 9.9 identifies that dwellings are characterised by low front walls and garden settings with similar design features such as identical ridge heights, flat dormers set evenly in the roof plane and single gable to the front.

Essentially, it is considered that the proposal carefully takes into account the context of the local area as set out in in the Lymington Distinctiveness SPD. The proposal is considered to be a high quality and sympathetic rural edge development that suitably reflects the key built characteristics of the local area.

As set out earlier in the Planning Assessment, the proposed access is sited centrally on the site, and as the proposed internal road extends north into the site, the road tapers to the west, in which the built development would be located on the east and the green space on the west. It is considered that the design approach to create an area of green space to the front part of the site is acceptable including a native hedgerow and tree planting along the sites frontage to mitigate against the loss of hedgerow/ trees to facilitate the new access onto Milford Road.

NFDC Environmental Design have set out that the Site Plan shows a well-designed layout of perimeter block with some courtyard style parking areas. The layout arrangements of the buildings, courtyards, green space and streets offers interesting places good natural surveillance, legibility and pedestrian friendly streets and convenient links.

The street designs have appropriately considered the needs of pedestrians, creating areas where it's clear to the car driver that care is needed and speeds should be low. There is a good mix of less formal alignments for curbs and parking spaces which encourage slow speeds and are not over engineered.

A single two and a half storey apartment building and pair of semi- detached houses is proposed at the front of the site (plots 4-11). The proposal seeks to create a strong 'Gateway' building to respond to the distinctive character of the A337, which comprises larger detached buildings set in fairly spacious settings. Whilst the proposed building is large in scale, the front of the building is partly recessed to add articulation, and the rear of the building is set inwards, which helps break up the mass, scale and bulk.

Plots 12 – 15 comprise two pairs of semi – detached dwellings which front the access and spinal road into the site. There is good visual variation between these two blocks to create visual interest.

Overall, it is considered that the apartment building and 2 pairs of houses to the front of the site are well designed and articulated building forms with decorative detailing that would create positive 'gateway' buildings to the development and visually appropriate along the A337 and reflect the form of development along Milford Road.

A courtyard layout is proposed behind the buildings fronting onto Milford Road, in which dwellings (plots 21-31) are arranged around a central car parking area.

It is considered that development located here is acceptable and the submitted elevational plans show that the dwellings are well designed to create a good sense of place. The site plan indicates the use of good quality hard surfacing materials area used for the courtyard and parking areas, brick walls used around the courtyard and soft landscaping including new trees incorporated within the public realm to create a high-quality space and environment.

Further north into the site, the main internal access road continues to be a winding street layout in which the road width narrows and widens in places providing a village street style form with dwellings having small front gardens bound by low walls or metal railings to give an irregular rural edge type character.

Plots 21 – 27 are set around a shared surface courtyard area with parking provided within this area. The layout becomes more spacious towards plots 28-34 which are set around a central courtyard and the frontage to the spinal road.

At the most northern end within a cul-de-sac form and another shared space surfaced courtyard, there is a change in the character in which all the dwellings are detached and the development becomes more spacious. Detached dwellings are proposed along the eastern boundary (plots 35-40), in which their rear gardens back onto the existing tree belt.

The proposed dwellings to the north east of the site (plots 41-52) are set in larger plot sizes and arranged around the green space and a shared surface street. Within this part of the development, the proposed dwellings are orientated and arranged at different angles to the streets and each other, which creates a more distinctive character. The proposed houses in this part of the site are of a very high quality design.

The design of the proposed dwellings broadly reflects the variety found in Lymington vernacular in terms of height, materials, colour and roof forms.

Decorative detailing is shown to be used throughout the development which will add to the overall design quality of the development. It is clear from the plans submitted that the dwellings and buildings are designed and detailed to a high quality and are rich in detail and attractive.

The internal layout functions in terms of waste collection. The 'Waste Collection Strategy Plan' William Lester 12 February 2025 shows that for the apartments, bin storage will be provided within a dedicated internal bin storage area sited within the Apartment Block 4-11 and an external bin storage area adjacent to block 1-3. For other dwellings, wheelie bins will be set within bin storage to the front and rear where most appropriate. The refuse vehicle tracking and acceptable access via paths to bin collection points have been shown on this plan with dropped kerbs at each bin storage location as they are set within the courtyard spaces or parking area serving each dwelling.

Overall in accordance with paragraph 135 of the NPPF and policy ENV3, the development seeks to meet the criteria identified in that it would function well and add to the overall quality of the area, it would be visually attractive, it would be sympathetic to local character drawing upon the Lymington Local Distinctiveness SPD, and it would maintain a strong sense of place, providing safe inclusive and accessible principles.

It is considered appropriate to remove the permitted development rights for upward extensions and outbuildings to all the proposed properties which would seek to

ensure that any future development proposals to the dwellings do not adversely affect the visual amenities of the area given the site is on the rural edge of the settlement or the amenities of neighbouring properties.

Built Density

The Local Plan (Paragraph 6.8) sets out that strategic housing site allocations are large enough to accommodate areas of different character and density within them and are expected to include a broad mix of new homes more closely corresponding to Figure 6.1 of the local plan. Large new developments of predominantly 3-4 bedroom homes would not meet the requirements of Policy HOU1.

The NPPF (December 2024) paragraph 129 sets out that planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and the availability of land suitable accommodating it. Paragraph 130 sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Paragraph 135 sets out planning decisions should ensure development optimises the potential of sites to accommodate development amongst other things.

The built density of the residential area proposed (1.62 hectares) is 33 dwellings per hectare. As such, the proposal, when taking housing need and the proposed housing mix into account, has sought to make efficient and optimal use of the potential of the proposed residential land in the application site with an appropriate overall built density in accordance with NPPF paragraph 130.

The proposed built density appropriately takes account of the need to address the need for different types of housing, the restrictions of housing land supply in the District, and the need to make optimal use of each development site.

It is considered that the residential design and scale of buildings across the site is appropriate, the streets and buildings are well designed, and the built density fosters effective use of land in accordance with Local Plan Policy ENV3 and NPPF paragraph 129, 130 and 135.

As such, subject to suitable conditions and a s106 planning obligation, the proposed residential design and density is acceptable and in accordance with Local Plan Policies HOU1, ENV3 and SS5 criterion (i) and NPPF paragraphs 129, 130 and 135 criterion (e).

F. Impact on Residential Amenity

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 proposed dwellings

Impacts during construction can be mitigated through a Construction Environment Management Plan (CEMP) which will form a condition as set out in the report.

There are several residential properties that will be impacted by the proposed development. On the eastern boundary, the residential properties in Harford Close

have their rear gardens backing onto an existing tree belt and the site beyond. The distance from most of the proposed dwellings on the eastern boundary to the rear boundaries of these neighbours measures more than 20 metres and more than 40 metres to their rear elevations, which is considered an acceptable distance not to result in any adverse impact on the light, outlook of privacy.

The proposed apartment block on Plots 1-3 would be located a distance of approximately 15 metres to the rear boundary of 'Mildura' and more than 35 metres to its rear elevation, which is an acceptable distance not to result in any adverse impact on the light, outlook of privacy.

The proposed apartment block on Plots 4-11 would have main windows facing east towards 'Robins Nest' serving bedrooms on the first floor and an obscurely glazed bathroom window on the second floor. The distance would be approximately 17.4 metres to the boundary and within approximately 23.2 metres to the dwelling. This is considered to be an acceptable distance not to result in any adverse impact on the light, outlook of privacy.

In relation to the impact on the property to the south on the other side of Milford Road 'Southern Wood' the proposed apartment block on Plots 4-11 would have main windows facing south. The distance would be approximately 37 metres to the boundary of 'Southern Wood' and within approximate 62 metres of the dwelling. With this degree of separation with amenity space, footpaths and the highway, this is considered to be an acceptable distance not to result in any adverse impact on the light, outlook of privacy.

With regard to the property known as The Hillsman House, the proposed dwellings would be separated from the boundary of this property by a road and green space. Given the degree of separation, approximately 20 metres from plot 20 to the edge of the boundary of the Hillsman House and approximately 42 metres from the closest part of the dwelling, it is considered that this neighbouring property would not be adversely affected by the proposal in terms of loss of light outlook or privacy in relation to overlooking.

Privacy, antisocial behaviour & crime issues have been considered in respect of the proposal in respect of the footpaths proposed within the area of ANRG. There is a proposed bridge and footpath which links the development site to the ANRG which is set approximately 3 metres from the corner boundary of the Hillsman house. The main hoggin pathway has been brought out into the ANRG away from the boundary with The Hillsman House. A mown grassed path is proposed closer to the boundary to ensure ANRG compliance however in the summer months when this will be dry and more well used the existing trees and vegetation will also provide extensive screening.

the footpath connections to connect the wider site are important and on balance given the distance of the footpath from the corner of the Hillsman House and the alterations made to the footpath within the ANRG that this relationship is acceptable.

Policy ENV3 of the Local Plan requires the impact of development proposals upon the amenity of future occupiers to be taken into consideration, in relation to residential amenity. The proposal is supported by a Noise Impact Assessment Version 2 (Hawkins Environmental, 19 August 2024). NFDC Environmental Protection has reviewed the Noise Impact Assessment and found the methodology and findings to be reliable and as such recommends suitable conditions relating to details of a scheme for protecting the proposed dwellings from external noise, in accordance with glazing and ventilation criteria detailed in Hawkins Environmental

report and limits to the cumulative sound emitted from Building Services Plant.

Each house has its own private garden which is considered to be of a suitable size.

Flats 1-9 have their own terrace or balcony. Flats 3, 10 and 11 do not have a terrace or balcony but will have access to external communal spaces. Each dwelling would have unfettered access to the public open space and ANRG provided by the site. Having regard to the rear garden spaces and level of sunlight to the amenity areas for future occupiers of properties along the eastern boundary, 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 east. 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 set within the ownership of NFDC, the local planning authority will have control of any works.

Overall it is considered, subject to suitable conditions relating to landscaping, trees and noise, the development satisfactorily addresses the residential amenities of existing and future occupiers and as such accords with Local Plan Policy ENV3 and SS5 criterion iii (a).

G. Flood Risk, Surface Water Drainage and Foul Drainage

Local Plan Policy CCC1 (Safe and Healthy Communities) criterion (iv)(b) sets out that in the interests of public safety, vulnerable developments will not be permitted, inter alia, in areas at risk of flooding unless in accordance with the sequential and exception tests.

The NPPF (December 2024) paragraphs 170 to 182 and Annex 3 (Flood risk vulnerability classification) sets out national guidance on planning and flood risk.

The application is supported by a site-specific Flood Risk Assessment (Bellamy Roberts June 2021). The proposed housing development is located entirely within fluvial flood zone 1 (the area of lowest flood risk) as set out in the Partnership for South Hampshire (PFSH) Strategic Flood Risk Assessment (SFRA) (2024) and as such the proposal accords with Local Plan Policy CCC1 criterion (iv)(b) and NPPF paragraph 174.

The Environment Agency has raised no objection to the proposal. The Lead Local Flood Authority (LLFA) (Hampshire County Council) confirmed in their consultation response that they are satisfied with the principle of the proposed surface water drainage strategy for the application area and have no objection subject to suitable conditions.

The provision of a sustainable surface water drainage strategy, incorporating SuDS features such as attenuation basins and swales is requirement of new major development. The submitted application has provided sections, profiles and design details of the swales and SUD'S so that they are designed as part of the overall landscape strategy. The proposed SuDS will form a suitable part of the landscape structure of the open space and will ensure that surface water will be attenuated on site and suitably discharged at a restricted rate.

The submitted Foul and Surface Water Drainage strategy (Plan ref. 5501/007 Rev H)

and Existing Exceedance Flow Routes ref: 5501/015 and Proposed Exceedance Flow Routes ref: 5501/013 B identifies the depth and permanent water levels required to the satisfaction of the Lead Local Flood Authority (LLFA) (Hampshire County Council). Details of the planting and headwall details of any SUDS basin can be conditioned. The exceedance plans provided at the request of Lead Local Flood Authority (LLFA) (Hampshire County Council) indicate flows travelling to areas where it can be safely managed towards the swale and they have raised no objection to the proposal. Ordinary Watercourse Consent will be required for any works to the outfall ditch including outfall and ditch diversion. It is noted within the report that the outfall ditch is a highway ditch. While it is adjacent to the highway, this is likely to be under riparian responsibilities and the relevant permissions would need to be obtained for any works to this feature.

The local service provider Southern Water has confirmed that they can facilitate foul sewerage disposal to service the proposed development.

Therefore, the proposal, subject to suitable conditions, satisfactorily addresses flood risk, surface water flooding and foul drainage needs and as such accords with Local Plan Policies CCC1 criterion (iv)(b) and NPPF (December 2024) paragraphs 173, 174 and 181.

H. Ecology

Local Plan Policy ENV1 (Mitigating the impacts of development on International Nature Conservation Sites) sets out that development will only be permitted where the Council is satisfied that any necessary mitigation, management or monitoring measures are secured in perpetuity as part of the proposal and will be implemented in a timely manner, such that, in combination with other plans and development proposals, there will not be adverse effects on the integrity of International Nature Conservation Sites ('Habitat Sites') in line with Local Plan Policy ENV1. For residential development adverse effects should be adequately mitigated by implementing measures relevant to the site location including as set out in the Mitigation for Recreational Impacts SPD, Solent Recreation Mitigation Strategy and nutrient management guidance.

Local Plan Policy DM2 (Nature Conservation, Biodiversity and Geodiversity) sets out how development proposals should address international, national and local designed sites. Development proposals should encourage biodiversity and not adversely affect protected flora and fauna.

The applicants have provided the following ecological reports:

- Ecological Impact Assessment Report (abbas ecology, June 2024)
- Development-specific nutrient budget and nutrient management strategy (Ecosupport Ltd 'Nutrient Neutrality', 10th February 2025)
- Air Quality Assessment (Hawkins Environmental, 11 September 2024)
- Development-specific nutrient budget and nutrient management strategy

(Ecosupport Ltd 'Nutrient Neutrality', 10th February 2025)

- Revised Nitrogen Budget Calculation (NBA) (Rev B dated 10 February 2025) and supporting Nutrient Neutrality Budget Calculator
- Biodiversity Net Gain (BNG) Assessment (Ecosupport Ltd 'BNG Habitat Management & Monitoring Plan' dated 10th February 2025) and Statutory BNG Metric (received 25 February 2025).
- Air Quality Assessment (Hawkins Environmental 11 September 2024)
- Whole Site Plan Rev 12 (Terraforma, 11 February 2025)
- Structural Planting Plan Rev 9 (Terraforma, 13 February 2025)

Habitat Mitigation, Nitrates mitigation, Air Quality mitigation and impact on European designated nature conservation sites

The site is within 0.75 km of the New Forest Ramsar, Special Protection Area (SPA) and The New Forest Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC). The Hurst Castle and Lymington river estuary SSSI is within 0.95 km of the site. The Ecological Assessment Report (abbas ecology June 2024) confirms that no habitat suitable to support citation features for these protected sites are present within the site boundary.

ANRG provision

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

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.

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

This proposal is shown to provide 1.21 ha of ANRG which exceeds the minimum requirement of 1.19ha. The ANRG land is shown to be located across the western parts of the site.

The revised Terraforma Whole Site Plan and Terraforma Structural Planting Plan provides a suitable framework for the long-term management and monitoring of the ANRG. Natural England have confirmed that where the necessary avoidance and

mitigation measures include the agreed collection of funding contributions in line with the strategic approach for the mitigation of impacts on Habitats Sites, and agreed bespoke ANRG mitigation in line with the latest strategy and Council requirements, then, provided no other adverse impacts are identified by the Local authority's appropriate assessment, Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites.

The ANRG will be subject to management by the applicants or an appointed management company.

Local Plan Policy ENV1 (Mitigating the impacts of development on International Nature Conservation sites) also requires that all development involving additional dwellings makes a contribution towards New Forest Access Management and Visitor Management Costs (the New Forest People and Wildlife Ranger service). This will be secured through a planning obligation. Additionally, within the Access Management and Visitor Management costs there is an element which requires that all additional dwellings make a contribution towards monitoring the recreational impacts of development on the New Forest European sites.

As such, the proposed Alternative Natural Recreational Greenspace (ANRG) will be secured in perpetuity through suitable conditions and a s106 planning obligation in accordance with Local Plan Policy ENV1.

Nitrates and Achieving Nutrient Neutrality

Natural England have provided guidance to the Council that increased development is resulting in higher levels of nitrogen input into the water environment of the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites, thereby potentially adversely affecting the integrity of these sites. Natural England's guidance is reflected in the policies of the Council's Local Plan, which stipulates that where new residential development involving additional dwellings would drain or discharge wastewater into the Solent and Southampton Water, then such development must achieve nutrient neutrality in respect of nitrogen / nitrates.

The site lies within the catchment of the Lymington and Beaulieu Rivers which drains into the Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC. Recent studies have identified that an increase in nitrogen discharge as a result of new wastewater generated from new residential development has an in-combination effect upon the SPA/Ramsar site and SAC.

A development-specific nutrient budget and nutrient management strategy has been submitted (Ecosupport Ltd 'Nutrient Neutrality' dated 10th February 2025) which demonstrates how the development will achieve nitrate neutrality in relation to wastewater discharge and drainage run-off, to avoid the potential for adverse impacts on Nature Conservation sites.

The applicants have submitted a revised Nitrogen Budget Calculation (NBA) (Rev B dated 10 February 2025) and supporting Nutrient Neutrality Budget Calculator. The NBA confirms that for this calculation, an assumed occupancy rate of 2.8. The calculations show that the development would result in an increased Total Nitrogen (TN) budget of 41.45kg TN/yr and mitigation will be required (as set out above) against adverse effects on the integrity of the Solent European sites. The NBA sets out that the approach to mitigation is likely to require an offset solution for the increase of TN using nutrient credits provided by a suitable identified mitigation site to provide a net decrease in TN output. Provided this is secured this will result in a

net decrease in TN and avoid an adverse effect on the integrity of the Solent Maritime Habitat sites. As such, in line with the consultation responses received from both Natural England and the NFDC Ecologist, the excess nutrient budget of 41.45 kg TN per year will be mitigated through the purchase of credits from a suitable identified mitigation site and secured by a suitable Grampian condition.

Air Quality

The proposal is supported by an Air Quality Assessment (Hawkins Environmental, 11 September 2024) which states that the site is considered to be a medium risk site in respect of earthworks construction and trackout. For all sites that are a “Medium Risk Site” or higher, a separate Dust Management Plan is recommended and should incorporate the mitigation measures recommended based on the site risk. A Condition in this regard is therefore recommended. This is also addressed in the report in relation to human health and air quality.

To ensure that impacts on international nature conservation sites are suitably 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.

The proposal will also support sustainable forms of travel and installation of electric vehicle charging equipment to minimise any further impact on air quality.

Subject to conditions and obligations secured by a s106 planning obligation, the scheme would mitigate impacts on sensitive protected habitats off-site in the New Forest and Solent and as such would accord with Local Plan Policies CCC1 and ENV1.

A contribution towards monitoring and mitigating air quality impacts on the New Forest European sites is also required. This contribution is sought at a rate of £103 per dwelling, and would generate a total contribution of £5,886.

This contribution will be secured within a Section 106 legal agreement.

As the development is within 5.6km of the Solent and Southampton Water European Sites, policy requires that mitigation contributions be paid towards the Solent Recreation Mitigation Partnership (SRMP) Mitigation Strategy (Bird Aware). The development is immediately adjacent to the Solent and Southampton Water European sites, this contribution requirement evidently applies.

Appropriate Assessment

The HRA has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent European Sites. The results from the Stage 1 Screening Assessment found that the following comprised likely significant effects (LSE):

- Disturbance and Recreational Pressure during occupation (alone)
- Nutrient Outputs during occupation (alone)
- Air pollution from traffic emissions (in combination with other schemes)

These potential pathways were therefore taken forward to Stage 2 Appropriate Assessment (AA). The results from the Stage 2 AA found that with the application of mitigation, there would be no adverse effect on the integrity of any Habitat Site (HS). The mitigation comprises:

- Recreational disturbance effects during occupation: To deflect recreational trips to protected areas and in accordance with Local Plan policy ENV1 the applicants have proposed a 1.21 ha Alternative Natural Recreational Greenspace (ANRG) located within the application site. As set out, the proposal meets the minimum necessary ANRG size requirement taking into account the housing mix and can be secured through a s106 planning obligation.
- Water Quality Effects: The impact of additional nitrates will cause harm to the local environment but that a scheme of mitigation can be brought forward to neutralise such harm. This can be secured through a suitable Grampian condition.
- Air pollution from traffic emissions during construction and occupation: An Air Quality mitigation contribution can be secured through a s106 planning obligation.

On Site Biodiversity

The planning application is accompanied by a full Ecological Impact Assessment Report Abbas Ecology June 2024.

The NFDC Ecologist has advised that the ecological baseline is adequately captured to make an informed planning decision with respect to ecology. Where necessary, the need for updated surveys should be incorporated into the CEMP to be conditioned.

Flora

The Ecological Assessment states that site consists of a semi improved/improved land, which is of low ecological value. The survey concludes that the open areas of the field are of low conservation concern and have limited value to wildlife. The boundary features are composed mainly of common native species of tree and shrub, with some planting but may be important as wildlife corridors and as bird breeding sites.

Due to the limited species diversity, limited ground cover and extent of the habitat, the grassland on the site is considered to be of low value. The proposals will result in the loss of the grassland, but the majority of the hedgerows and trees will remain.

Fauna

Detailed protected species surveys have been completed for the following species: badgers, bats, Breeding birds, great crested newts, hazel dormice, and reptiles. The Councils Ecologist considers that the methodology used, and the survey work carried out is acceptable.

Bats

The bat assemblage identified includes the light adverse Annex II listed barbastelle. The surveys identified bats commuting and foraging along the eastern and western boundaries of the site. The NFDC Ecologist agrees with the recommendations within the Ecological Impact Assessment for minimum 10m dark corridor along the east, north and western boundaries of the site.

A sensitive lighting strategy for bats (and wider biodiversity) has been developed for the site in line with BCT / ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' (or any subsequent updated guidance). This identifies those areas/features on site that are particularly sensitive for bats and that are likely to be impacted, in this case on important commuting routes. It also shows how and where external lighting will be installed (through the provision of appropriate lighting contour (lux) plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places and that dark corridors will be maintained.

The Ecological Impact Assessment proposes bat boxes be installed within 25 of the newly built homes. The locations and specifications are included in the LEMP / BNG Report. The locations and final specifications of these will be included in the Ecological Enhancement Schedule which is to be conditioned.

Badger

No badger setts have been identified. the NFDC Ecologist recommends securing a pre-construction badger survey to establish the current status of badgers on-site at the time of construction and inform mitigation necessary at that time.

Great Crested Newts, Hazel Dormice, Otter, Water Vole

The submitted Ecological report states that there is no suitable aquatic habitat for Otters and water voles on the site, although the report says it is possible that a foraging otter could cross the site but otherwise these species can be regarded as absent.

Dormice are assumed likely absent, however, due to historical records within 3km, a precautionary method of work for dormice is proposed with respect to the removal of a 50m section of hedgerow on the southern boundary which should be incorporated into the CEMP to be conditioned.

In relation to Great Crested Newt, the Ecological report states that no suitable aquatic habitat and given that the site is partly isolated by roads; no records were returned from the data search. GCN are not likely to occur here. A pond to the SW, on the far side of the A337 was checked and assessed as unfavourable, with some use by waterfowl and heavy shade

Birds

The Councils Ecologist is satisfied with proposals made in the ECIA to manage construction impacts on nesting birds. These measures should be incorporated within the CEMP which should be secured by condition.

Management of the habitats on site in the operational phase will need to take account of the presence of nesting birds. This is seen to be included in the EcoSupport BNG Assessment and Habitat Management & Monitoring Plan. It is proposed that every one of the newly built dwellings will have a swift brick integrated within the external brick work. This is welcomed although it is preferred that that an average of one per dwelling would be acceptable, with the bricks clustered on the most suitable elevations where appropriate (some plots may not be as suitable). Five open fronted nest boxes are also proposed elsewhere on site. The locations and final specifications of these will be included in the Ecological Enhancement Schedule which is to be conditioned.

Reptiles

The Ecological Report states that the site has been found to have moderate value for reptile biodiversity with a small population of reptiles of two species. The NFDC Ecologist considers that the proposed approach to mitigation i.e. habitat manipulation/degradation works is appropriate given the existing land use. This will be included in the CEMP to be conditioned.

Hedgehog

The proposed inclusion of hedgehog-friendly gravel boards are proposed with a minimum 13cm by 13cm gap to maintain permeability for hedgehogs across the development and associated gardens. The routes of the 'hedgehog highways' should be included in the Ecological Enhancement Schedule to be secured by condition.

Invertebrates

The site is assessed to offer limited suitability for invertebrate species. The Councils Ecologist supports this conclusion. The incorporation of a bee brick into the external wall of at least 10 of the new buildings as an enhancement is welcomed and agreed.

Biodiversity Net gain

Both local and national planning policies make it clear that planning decisions should contribute to enhancing the natural environment by protecting and enhancing sites of biodiversity value, and also by providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The development should not only acceptably mitigate the impact there may be on existing ecological features, but that it delivers significant net gains for biodiversity through the creation of an enhanced ecological network.

The application has been supported by a comprehensive Biodiversity Net Gain (BNG) Assessment (Ecosupport Ltd 'BNG Habitat Management & Monitoring Plan' dated 10th February 2025) and Statutory BNG Metric (received 25 February 2025).

The Biodiversity Monitoring and Management Plan is critical to the successful delivery and long-term (covering a minimum 30 years) provision of BNG.

The EcoSupport BNG assessment concludes that the development would result in a net gain of +11.29% in area habitats (or +0.80 habitat units) and a net gain of 11.60% in linear habitats/ hedgerows (or +0.52 hedgerow units) and the trading rules are satisfied. The NFDC Ecologist raised no objection subject to suitable conditions.

Summary

In line with the above, subject to necessary mitigation secured through suitable conditions and a planning obligation, the proposal has addressed the material ecological considerations of habitats mitigation and European designated nature conservation sites, nitrate neutrality, biodiversity net gain, protected species and invasive species mitigation.

Therefore, subject to a planning obligation and suitable conditions, the proposal accords with Local Plan Policies ENV1 and DM2

I. Heritage Assets and Archaeology

Local Plan policy DM1 sets the policy approach to assessing the impact of development on heritage assets, seeking to conserve or seek to enhance the historic environment and heritage assets. A proportionate approach to the scale of harm should be considered, based on the significance of the asset and public benefits of a scheme may be considered to outweigh less than substantial harm. The presence of archaeological remains need to be considered and where appropriate mitigation measures included to reduce or avoid any impact.

The applicant has submitted an Archaeological Desk Based Heritage Assessment (ToR dated June 2024), which includes the results of survey work and the Evaluation Report. A Written Scheme of Investigation (WSI) for a Watching Brief (Pre-Construct Archaeology Limited dated May 2024) (R15842) of ground works in the Southern end of the site has also been submitted and is acceptable. Due to the potential for as yet undiscovered in situ archaeological deposits in the southern part of the proposed development site, the Archaeologist recommends that ground works are subject to an archaeological Watching Brief secured through a suitable condition.

As such suitable conditions will be attached to ensure that development is carried out in accordance with the approved Written Scheme of Investigation (R15842) and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the submitted and approved Written Scheme of Investigation (R15842) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Listed Buildings and Conservation Areas Act 1990

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.

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.

The application is accompanied by an Archaeological Desk Based Heritage Assessment (ToR dated June 2024), and an LVIA which identifies the heritage assets in relatively proximity to the application site, whose setting could be affected by the proposed development in line with Paragraph 207 of the NPPF.

There are no designated or undesignated assets within the site. Those designated heritage assets potentially impacted by the proposed development are identified in the submitted desk-based heritage assessment (DBHA). The DBHA identifies that in most instances the proposed development will have no impact on the surrounding designated assets as the site has no physical, or visual relationship with them, and it does not form part of their setting.

Set within the New Forest National Park Authority boundary, Efford Mill is a Grade II listed 18th century water mill which is set 240 metres west of the site. Whilst the steep scarp slope of the eastern valley side means there is no direct visibility from the mill to the development site, the band of mature woodland that runs along the top of the valley side and the western edge of the development site forms the eastern backdrop to the setting of the mill and associated buildings. These trees act to enhance the historic rural setting of the mill when viewed from the south and west, and in more distant elevated views act to isolate the setting of the mill from the built-up edge of Pennington. The band of mature trees are proposed to be retained and protected within the development.

The New Forest National Park Authority have been consulted and a response has not been received. Having regard to paragraph 215 of the NPPF, the built form of the proposed development will be set sufficiently back from the western boundary of the site that there will be no inter visibility between the immediate setting of the mill and the built form of the development and therefore the proposal would be unlikely to lead to less than substantial harm to the significance of the designated heritage asset whilst also being weighed against the public benefits of the proposal for the provision of 54 new dwellings and associated POS and ANRG.

Within the surrounding existing development there are two older buildings which the Conservation Officer considers has potential to be considered non-designated heritage assets that have also been considered within the desk-based assessment:

- The Hillsman House, 74 Milford Road.
- Mildura, Milford Road. This late- 19th/early- 20th century Tudor Revival villa located on the eastern edge of the development site

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. In summary, it is considered that there will be no harm or loss to the significance of the heritage assets in line with Policy DM1. There will also be no harm to the setting of the non-designated Heritage Assets in line with Policy DM1.

J. Infrastructure and Developer Contributions

Local Plan Policy IMPL1 (Developer Contributions) sets out that all developments must provide or contribute proportionately to the provision of local infrastructure.

Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and Infrastructure Development Plan the following are the proposed Heads of Terms for a Section 106 Agreement. The s106 will need to be completed prior to the issue of any planning permission and would seek to deliver the following benefits with contributions based on current rates as of 1 April 2024 (or as of 1 April 2025 where index linked).

New Forest District Council Provisions

Affordable Housing – provision of 50% affordable housing units providing the following tenure and typology mix:

Unit Size/ Tenure	Social Rented	Affordable Rent	Shared Ownership	Total	Residential typologies
One - bed	3	2	0	5	Flats
Two-bed	7	5	3	15	Mix of flats and houses
Three-bed	0	2	4	6	Houses
Four-bed	0	1	0	1	House
Total	10	10	7	27	

Air Quality Monitoring Contribution - £109 per dwelling.

Alternative Natural Recreational Greenspace (ANRG)

1.21ha provided within the site. The ANRG is to be delivered by the applicant and subsequently managed in perpetuity by the applicant through a management company with a long-term management and maintenance plan. The s106 will include provisions to safeguard against a scenario whereby management is not undertaken properly, or the management company ceases to operate and setting up monitoring arrangements.

Biodiversity Net Gain (BNG) – Long-term management and maintenance plan setting up of management company and provisions to safeguard against failure and setting up monitoring arrangements. Monitoring charges. 30-year minimum time span for BNG on-site. BNG to cover whole of development site with all trees and soft and hard landscaping maintained for minimum period of 30 years. This will be secured through a combination of suitable conditions and a s106 planning obligation and be managed under the management company appointed for the public open space less potentially the allotments.

District Council Monitoring Charges

- Recreational Habitat Mitigation commencement - £847
- Recreational Habitat Mitigation on-site monitoring and/or inspections - £12,178
- Affordable Housing Monitoring - £847
- Biodiversity Net Gain on-site monitoring - £5,225
- Public Open Space (informal, play areas and landscaping) - £6,863.

Formal Public Open Space (playing pitches and infrastructure) -0.18ha proposed to be provided on site as a grassed amenity area.

Off-Site Children's Play - 0.04ha equivalent contribution for provision of play area equipment of £112,483.34 + future maintenance charge of £67,490.00 Index Linked to be transferred to Lymington and Pennington Town Council.

Footpath connections – Requirement for provision of a hoggin path link to PROW from north-western corner pedestrian access and path link from north eastern corner so that site is connected to surrounding footpaths (as per Policy SS5) The S106 contribution required for this work to be undertaken on NFDC owned land is £28,976.

Habitat Mitigation: Access Management and Monitoring - Non-Infrastructure contribution based on housing mix with the following rates (as of February 2025): one-bed (£489 per dwelling), two-bed (£693 per dwelling), three-bed (£956 per dwelling) and four-bed plus (£1174 per dwelling). Please note figures may be subject RPI indexation in March 2025.

Habitat Mitigation: Bird Aware Solent – Contribution based on housing mix with the following rates (as of February 2025): one-bed (£465 per dwelling), two-bed (£671 per dwelling), three-bed (£875 per dwelling) and four-bed plus (£1029 per dwelling). Please note figures may be subject RPI indexation in March 2025.

Hampshire County Council Provisions

The following contributions and provision to be included with contributions/fee amounts and triggers:

Countryside Services – Public Rights of Way Improvements and Maintenance contribution of £2,330 Index Linked to improve 20m section of Footpath 57A

Local Highways Authority (LHA) – the LHA and the applicants have agreed a contribution to be secured by a s106 planning obligation towards the following highways and access Pennington improvements:

- Improvements to the Pennington Cross roundabout – contribution of £17,653

Access to be provided by Applicant in conjunction with Bargate Scheme opposite:

- On Milford Road, a pedestrian refuge island is proposed to the west of the main vehicular access to provide a safe crossing point to the footway and bus stops on the southern side of Milford Road
- Vehicular access will be provided from Milford Road via a right turn lane with ghost island junction access arrangement

Additionally, the provision of a Travel Plan and associated approval and monitoring fees and bond to be secured in the s106 planning obligation.

Travel Plan Coordinator (TPC): £14,727
Residents Travel Information Pack: £2,800
Initial travel survey: £1,100
Subsequent travel surveys: £3,300
Survey prize incentive: £100
Sustainable travel vouchers: £2,700
Security: £1,500

Total cost/cash deposit value of the travel plan: £26,227

Additionally, the development will be subject to the Community Infrastructure Levy. The development should raise £802,223 subject to an Affordable Housing discount.

Impact on local infrastructure

There have been several representations from the local community setting out objections in relation to the potential impact of the proposal on local infrastructure including healthcare facilities and schools.

The NPPF (Paragraph 30) sets out that development plans should set out the contributions expected from development including, amongst other things, health infrastructure. However, there is no Policy in the NFDC Local Plan which sets out an explicit expectation that a contribution should be made to local health facilities. Nonetheless, health service providers do have the option of bidding for Community Infrastructure Levy (CIL) funds where projects can be assessed against other proposed infrastructure projects for limited funds.

There is no primary education contribution required by the Local Education Authority (as set out above).

NHS Hampshire and Isle of Wight has confirmed that the GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate. Therefore, there is no definitive evidence that the scheme needs to actively make provision for further primary health facilities, or that existing facilities cannot accommodate the population increase. Likewise no evidence has been provided that the proposal would have a significant impact on sub-regional health facilities such as hospitals.

Prior to the occupation of each dwelling in the proposed development the necessary infrastructure required to enable high speed fibre broadband connections shall be provided within the site up to property thresholds in line with Local Plan IMPL2 criterion (v). This shall be secured through a suitable condition.

It is generally not feasible for all additional infrastructure to be put in place before the housing is built. Obligations must meet the necessary tests as set out in the NPPF and CIL Regulation 122. Consequentially the delivery of works secured by planning obligation are often phased relative to the scheme delivery to ensure that the mitigation is in place at the right time.

K. Environmental Protection: Air Quality, Contaminated Land, Minerals, Noise and Lighting, Residential Amenity, Sustainable Construction

Local Plan Policy ENV3 (Design quality and local distinctiveness) criterion (ii) sets out that new development will be required to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

Local Plan Policy CCC1 (Safe and healthy communities) criterion (i) sets out that development should not result in pollution or hazards which prejudice the health and safety of communities and their environments including air quality and the water environment. Criterion (iv)(c) sets out that on contaminated, polluted or unstable land unless it is first adequately remediated or otherwise made safe for the proposed use and for the local community prior to occupation. The Council has also adopted an Air Quality in New Development SPD.

Local Plan Policies STR1 and STR9 both advocate sustainable development, and the re-use of minerals that might be found on the site will be part of that requirement. The Hampshire Minerals and Waste Plan (HMWP) (October 2013) is part of the New Forest development plan. HMWP Policy 15 (Safeguarding Mineral Resources) sets out that Hampshire's mineral resources are safeguarded against needless sterilisation by non-minerals development, unless 'prior extraction' takes place.

Local Plan Policy DM5 sets out that where development is proposed on a site that is known or suspected to be contaminated, a detailed site assessment will be required

to establish the nature and extent of the contamination.

Contaminated Land

NFDC Environmental Protection confirmed on 11th March 2025 that the site lies within Radon Class 3 and basic radon protection is required in all new dwellings.

Radon is a natural radioactive gas, which enters buildings from the ground and persists or accumulates where ventilation is poor. The maps which identify the designation have been developed by the British Geological Survey (BGS) and UK Health Security Agency (UKHSA, formerly Public Health England (PHE)), the radon potential data informs about the likelihood of a property having a radon level being at or above the Action Level for dwellings in Great Britain. The data provides information about ground conditions relating to health protection of the occupants (dwellings).

Although this is a requirement of Building Regulations, it is considered appropriate to apply a relevant condition ensuring that radon protection measures are provided to each dwelling to ensure the safety of occupants.

NFDC Environmental Protection have no objection to the proposed scheme and raised no further comments or requirements for other planning conditions. With the imposition of the radon condition proposed, the proposal accords with Local Plan Policies CCC1 and DM5.

Minerals

The proposal is supported by a Mineral Safeguarding Assessment (Ridge, June 2021) and subsequently submitted Mineral Resource Assessment (Carter Jonas, August 2024)

HCC Minerals and Waste Planning has agreed that the site is not a viable option for prior extraction of mineral reserves.

However, recovered minerals could be re-used on site, which could encourage a reduction of excavation waste removed from site as well as inbound materials for construction uses associated with reduced costs. Suitable conditions (as set out) are recommended to be added.

As such, subject to suitable minerals conditions, the proposal accords with Local Plan Policies STR1 and STR9 and Hampshire Minerals and Waste Policy 15.

Noise and Lighting

The proposal is supported by a Noise Impact Assessment Version 2 (Hawkins Environmental, 19 August 2024) and Lighting Strategy (DFL, March 2024). NFDC Environmental Protection has reviewed the Noise Impact Assessment and Lighting Strategy and found the methodology and findings to be reliable and as such recommends suitable conditions relating to details of a scheme for protecting the proposed dwellings from external noise, in accordance with glazing and ventilation criteria detailed in Hawkins Environmental report and limits to the cumulative sound emitted from Building Services Plant.

As such, subject to suitable noise and lighting conditions, the proposal accords with Local Plan Policies CCC1 criteria (i) and (ii), ENV criterion (ii) and NPPF paragraph 198 criterion (c).

Air Quality

The proposal is supported by a site-specific Air Quality Assessment (Hawkins Environmental, 11 September 2024), with the requested updates and considerations which were set out by the Environmental Health consultation, including the annual average daily traffic number (AADT) of 290 and consideration of the in-combination impacts from other proposed / granted planning permissions and New Forest District Council's Air Quality SPD. The updates provided are accepted including the proposed operational mitigation measures which would positively impact on local air quality.

It is recommended that a specific condition with regards to site specific assessment and mitigation for construction dust is applied and not detailed within a wider CEMP condition. This is to ensure construction dust is appropriately considered in accordance with current guidance for a site of the proposed size.

As such, subject to a suitable dust management plan condition, the proposal accords with Local Plan Policies CCC1 criteria (i) and (ii) and New Forest District Council's Air Quality SPD.

Residential Amenity

During the construction phase the development will be subject to a Construction Environmental Management Plan (CEMP), a Construction Traffic Management Plan (CTMP) and an hours of operation condition.

As such, whilst it is accepted that the construction process may cause some minor disruption to the local community, it is considered that subject to these conditions no significant impact on local general amenity should arise during the construction phase.

As such, subject to suitable construction period conditions, the proposal accords with Local Plan Policy ENV3 criterion (ii).

Sustainable Construction

The proposal is supported by a Sustainability Statement (Tor and Co. Supporting Statement June 2024). The Sustainability Statement provides details on energy efficiency, water efficiency, material selection and waste management measures.

The proposed measures include:

- Buildings designed to be thermally efficient in line with the latest building regulations
- Lower carbon building processes and materials used throughout the construction process
- The use of solar panels
- Low carbon heating in the form of air source heat pumps will be included in each home.
-

The dwellings will achieve a low internal water consumption rate of less than 110 litres per person per day.

The principal objective of the NFDC Climate Change SPD is to encourage

developers to take reasonable steps to minimise expected carbon emissions when designing and constructing new buildings. The above proposed measures can be secured through a suitable condition.

The proposal has had adequate regard to the NFDC Climate Change SPD, and there are potential opportunities to incorporate various sustainable construction and design features into the development in line with the submitted Sustainability Statement.

Summary

As such, subject to suitable conditions, the proposal addresses the material considerations of air quality, noise, lighting, contaminated land, mineral safeguarding, residential amenity in the construction period and sustainable construction and therefore satisfies Local Plan policies CCC1, ENV3, STR1, STR9 and HMWP Policy 15.

The proposal broadly accords with the direction of travel in the recently adopted NFDC Climate Change SPD in terms of sustainable construction and design.

L. Other Matters

Community Engagement

The application is supported by a Statement of Community Involvement (Planning Supporting Statement June 2024) which sets out how the applicants undertook community consultation. This satisfies the NFDC application validation requirement for a Community Involvement Statement.

Local Economy

The scheme could likely have positive local economic benefits during construction, involving new employment in the construction industry. Construction workers could then bring additional spending into local services and as would future occupiers of the scheme in due course.

11. PLANNING BALANCE AND CONCLUSIONS

The application site is part of a strategic site allocated in the Local Plan for housing and public open space. The proposed new housing and public open space is in the urban area as defined in the Local Plan.

Recent changes to the National Planning Policy Framework and Written Government Ministerial Statements do not undermine or in any way change the allocated status of the site and do not change the legislative requirement that development is approved in accordance with the Development Plan unless other material considerations indicate otherwise.

This site is allocated for residential development within the adopted New Forest Local Plan (Strategic Site 5) and as such it is planned to make an important contribution to the District's housing supply.

As set out, NPPF paragraph 11 clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

The lack of a demonstrable five-year housing land supply means, however, that the presumption in favour of sustainable development - 'the tilted balance' - in NPPF paragraph 11(d) is engaged for this application.

The new NPPF (December 2024) has expanded the scope of material considerations in paragraph 11(d) to make explicit reference to the need to consider key policies (emphasis below). For decision-taking this means:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

In considering the benefits, there is a clear identified need for both open market and affordable housing of all sizes in the District. The proposal will clearly make an important contribution to the District's housing land supply in line with Policy STR5 (Meeting our housing needs). The development will deliver 27 affordable dwellings of a broadly policy compliant tenure.

The proposal, subject to suitable conditions and a s106 planning obligation, satisfies site-specific Local Plan Policy SS5 criteria (ii)(a)(b)(c)(d) and (f) and (iii)(a) and (b) through environmental improvements, ecological protection and enhancement, access improvements and suitable design.

The proposal will be subject to a s106 planning and suitable conditions such that the proposal is acceptable in terms of highways, access, public transport, construction traffic management, vehicular parking, public rights of way and pedestrian and cycle routes, cycle storage and refuse collection.

The proposal will contribute towards the provision of public open space and provide a financial contribution towards the improvement of the children's play area at the adjacent Deneside Copse site. This is an acceptable arrangement and reflects feedback given to NFDC Officers by Lyminster and Pennington Town Council.

The proposal will be acceptable in terms of fluvial flood risk, surface water drainage and foul drainage, subject to suitable conditions. The Lead Local Flood Authority (Hampshire County Council) has agreed the proposed surface water strategy subject to conditions. The foul water service provider confirmed that there is sufficient capacity within the local network.

The proposal will, as set out in the Planning Assessment, be acceptable subject to a s106 planning obligation agreement and suitable conditions in terms of habitat mitigation and European designated nature conservation sites, nitrates neutrality, biodiversity enhancement and protected species.

Appropriate Assessment (AA) under the Habitat Regulations (as amended) has been undertaken and concluded that the impact of additional nitrates entering the local environment will cause harm but that a scheme of mitigation can be brought forward to neutralise such harm.

As set out in detail in the Planning Assessment, the proposal, subject to suitable conditions, will not have a harmful impact on heritage assets, archaeological remains, the setting of the New Forest National Park and the special qualities and purposes of the National Park, trees, land contamination, mineral extraction, air quality, noise and lighting, and residential amenity. The proposal has also addressed community engagement and could have a positive impact on the local economy.

The provision of 50% affordable housing will positively help address the affordable needs of the area and the development has sought to contribute appropriately to improving housing diversity wherever possible, taking into account the location, size and characteristics of the site, the form of development proposed and the viability of the scheme.

As such, in line with key NPPF policies and the positive contribution towards the District's housing land supply, the balance is clearly in favour of permission and will meet the priority of meeting housing needs set out in the NFDC Corporate Plan 2024 to 2028. No substantive alternative evidence has been provided in the representations received to set aside the views of the statutory consultees.

When considering the harms in the 'tilted balance' the proposal does not meet some Local Plan Policy criteria and hence some harms are identified. The market housing mix is overtly biased towards larger units and does not provide any smaller dwellings. However, when reviewed in conjunction with other existing permissions within the Local Plan SS5 Allocation Site this weighting placed on this matter is slightly reduced as overall the market housing mix is more balanced and in line with Figure 6.1 in the Local Plan.

However, it is considered that the harm of no smaller (1 and 2 beds) market dwellings, on balance of considerations, do not significantly and demonstrably outweigh the identified benefits, which specifically include the Affordable Housing, that the application will bring as set out in the above detailed report. Moreover, the collective weight of identified harm does not equate to an identifiable level of adverse impact whereby that impact would significantly and demonstrably outweigh the identified benefits that the application will bring as set out in the above detailed report.

Overall, given the significant public benefits including the delivery of needed market housing and affordable housing and the provision of substantial new public open space, the proposal is acceptable in line with relevant NFDC Local Plan Policies and the NPPF subject to suitable conditions and a s106 planning obligation.

As such, in accordance with paragraph 11(d) of the NPPF, on the balance of all material considerations, with significant weight placed on the fact that the proposal seeks to deliver new housing on an allocated site within the development plan. The level of market and affordable housing being brought forward results in the proposal comprising sustainable development in line with Local Plan Policy STR1 (Achieving Sustainable Development) and satisfies the site-specific criteria of Local Plan Policy SS5.

Therefore, subject to suitable conditions and a s106 planning obligation, the proposal accords with Local Plan Policies SS5, STR1, STR2, STR5 criterion (i), STR8, STR9,

ENV1, ENV2, ENV3, ENV4, HOU1, HOU2, CCC1 criteria (i) and (ii), CCC2, IMPL1, IMPL2 (i)(ii)(v) and (vi), CS7, DM1, DM2 and DM5, and National Planning Policy Framework (December 2024) paragraphs 11, 61, 63, 116, 117, 118, 124, 125 criterion (a), 129, 135, 142, 153, 181, 182, 187, 193, 196, 198, 224 and 231.

12. RECOMMENDATION

Delegated Authority be given to the Service Manager (Development Management) to reconsult Natural England on the Appropriate Assessment and have regard to their advice and to GRANT PERMISSION subject to

- i. the prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:
 - Affordable housing provision (50%) with a tenure split of 10 Social Rented, 10 Affordable Rented, 7 Shared Ownership;
 - Air quality monitoring contribution;
 - Delivery of Alternative Natural Recreational Greenspace (ANRG), Public Open Space (POS) including management and maintenance framework
 - Footpath connections
 - Biodiversity Net Gain management and monitoring;
 - District Council Monitoring charges (recreational habitat mitigation commencement and on-site monitoring and/or inspections, affordable housing monitoring, biodiversity net gain monitoring, public open space);
 - Non-Infrastructure Habitat Mitigation (Access Management and Monitoring);
 - Habitats Mitigation: Birds Aware (Solent) Contribution;
 - Off-site Children's Play Space contribution;
 - Hampshire County Council:-
 - Delivery of site access
 - Countryside Services (Public Rights of Way) contribution;
 - Local Highway Authority contribution for offsite works
 - Framework Travel Plan and supporting charges.

the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the advice from Natural England and the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

Proposed Conditions:

1. Condition 1 Time Condition

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

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

2. **Condition 2 - Approved Plans**

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

Site Location Plan reference 6165 0009 Revision A

Parameter Plan Land budget reference 6165 0021 Revision I

Site Plan reference 6165 0010 Revision Z

Site Roof Plan reference 6165 0011 Revision C

Tenure Plan reference 6165 0045 Revision E

Street Elevations – Front of Site reference 6165 0301 revision E

Site Contextual Plan reference 6165 0012 Revision B

Fire Access Plan 6165 0046

Plots 12-13 Floor Plans reference 6165 0245

Plots 12-13 - Floor Plans – Elevations reference 6165 0246 Revision C

2 and 3 Bed Semi-detached - Floor Plans reference 6165 0250 Revision D

Plots 21 & 22 Elevations reference 6165 0253 Revision E

Parameter Plan – Access reference 6165 0020 revision E

Housetype 3A – Hipped – Elevations 6165 0213 Revision A

Housetype 3A – Painted Brick – Elevations - 6165 Revision C

Housetype 3A – Floorplans 6165 0215 Revision D

Housetype 3A – Elevations 6165 0216 Revision E

Housetype 3B – Floorplans 6165 0217 Revision D

Housetype 3B – Elevations 6165 0218 Revision E

Housetype 3B – Elevations 6165 0219 Revision D

Housetype 4 – Floor Plans 6165 0220 Revision D

Housetype 4 – Elevations 6165 0221 Revision D

Housetype 5 – Floor Plans 6165 0225 Revision C

Housetype 5 – Elevations 6165 0226 Revision D

Housetype 6 – Floor Plans 6165 0230 Revision F

Housetype 6 – Elevations 6165 0231 Revision G

Housetype 6 – Painted Elevations 6165 0236 Revision D

Flats 4-11 – Floor Plans 6165 0240 Revision I

Flats 4-11 – Elevations 6165 0241 Revision J

Plots 12-13 - Floor Plans 6165 0245 Revision C

Plots 12-13 - Elevations 6165 0246 Revision C

Housetypes A2 and A3 - Elevations 6165 0251 Revision E

Plots 21 & 22 Floor Plans 6165 0252 Revision E

Plots 21 & 22 Elevations 6165 0253 Revision F
Flats 16-18 - Floor Plans 6165 0255 Revision F
Flats 16-18 – Elevations 6165 0256 Revision E
Housetype A5 - Floor Plans 6165 0270 Revision D
Housetype A5 – Elevations 6165 0271 Revision E
Flats 1-3 - Floor Plans 6165 0275 Revision F
Flats 1-3 – Elevations 6165 0276 Revision G
Single garage - 6165 0290 Revision B
Double Garage - Plans and Elevations 6165 0291 Revision C
Twin garage - Plans and Elevations 6165 0292 Revision B
Twin garage - Plans and Elevations 6165 0293 Revision B
Single link garage - Plans and Elevations 6165 0294 Revision B
Twin Garage Type 2 - Plans and Elevations 6165 0295 Revision A
Foul and Surface Water Drainage Strategy 5501-007 Rev H
Proposed Site Access and Offsite Highways Works Combined Solutions
reference 5501/001 Rev J
Site Layout Dimensions 5501/023 Revision A
Forward Visibility 5501/024 Revision A
WCHAR Improvements Plan 5501/029
Site Changes 5501/034 Revision A
Car and van internal tracking 5501/253-1 Revision B
Car and van internal tracking 5501-253-2 Revision B
Refuse Access Tracking 5501/ 218 Revision E
Refuse Internal Tracking 5501/219 Revision J
Fire Tender Access Tracking 5501/226
Fire Tender Internal Tracking 5501/227
Standalone Access for Colten 5501/019
Colten and Bargate accesses 5501/001 Revision L
Parking Strategy Plan 6165 0040 Revision E
Waste Collection Strategy Plan 6165 0041 Revision C
Whole Site Plan – Landscape 2208-TFC-00-00-DR-L-1006 Revision P 12
Structural planting plan 2208-TFC-00-00-DR-L-3001 Revision P09
Typical Cycle Store 6165 0296
Exceedance Flow Routes reference 5501-013 Revision B
Tree Protection plan (Barrell Consultancy) Drawing no. 17005-3
Foul and Surface Water Drainage Strategy 5501/007 Rev H

Supporting Material:

Transport Assessment (Bellamy Roberts June 2024)

Walking Cycling and Horseriding Assessment WCHAR (Bellamy Roberts June 2024)

Travel Plan (Bellamy Roberts 21 February 2025)

Barrell Tree Consultancy Arboricultural Impact Assessment and Method Statement Ref 17005-AA3-PB dated 6th June 2024

Flood Risk Assessment (Bellamy Roberts June 2021)

Ecological Impact Assessment Report (abbas ecology, June 2024)

Development-specific nutrient budget and nutrient management strategy (Ecosupport Ltd 'Nutrient Neutrality', 10th February 2025)

Air Quality Assessment (Hawkins Environmental, 11 September 2024)

Development-specific nutrient budget and nutrient management strategy (Ecosupport Ltd 'Nutrient Neutrality', 10th February 2025)

Revised Nitrogen Budget Calculation (NBA) (Rev B dated 10 February 2025) and supporting Nutrient Neutrality Budget Calculator

Biodiversity Net Gain (BNG) Assessment (Ecosupport Ltd 'BNG Habitat Management & Monitoring Plan' dated 10th February 2025) and Statutory BNG Metric (received 25 February 2025).

Air Quality Assessment (Hawkins Environmental 11 September 2024)

Archaeological Desk Based Heritage Assessment (ToR dated June 2024)

Written Scheme of Investigation (WSI) for a Watching Brief (Pre-Construct Archaeology Limited dated May 2024) (R15842)

Mineral Safeguarding Assessment (Ridge, June 2021)

Mineral Resource Assessment (Carter Jonas, August 2024)

Noise Impact Assessment Version 2 (Hawkins Environmental, 19 August 2024)

Lighting Strategy (DFL, March 2024)

Air Quality Assessment (Hawkins Environmental, 11 September 2024)

Sustainability Statement (Tor and Co. Supporting Statement June 2024)

Reason: To ensure satisfactory provision of the development.

3. **Condition 3 - Finished floor levels**

Prior to the commencement of development, the exact finished ground floor level and ridge heights of the buildings in relation to the existing site and road levels shall be submitted to and agreed in writing with the Local Planning Authority. The development shall not be carried out other than in

strict accordance with the existing and proposed levels as may be agreed.

Reason: In the interests of ensuring the impact of the building on adjoining protected landscapes is minimised

4. **Condition 4 - Building materials and details**

Prior to the commencement of any development a full schedule of proposed materials for the buildings including details of all external building materials, colours and finishes of the brick and painted brick, roof tiles, windows and doors, soil and vent pipes, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall not be carried out other than in accordance with any written schedule of materials as may be agreed.

Reason: In the interests of the appearance and character of the building hereby approved

5. **Condition 5 - Details of boundary Treatment**

Before development progresses above damp proof level of the first dwelling hereby approved, the full details for all the treatment of the boundaries of the site and within the site (fencing, walls and railings) as indicated on Drawing No 2208-TFC-00-00-DR-L-1006 REV 12 (with typical elevation sections), shall be submitted to and approved in writing by the Local Planning Authority.

The means of enclosure and boundary treatments 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.

6. **Condition 6 - Details of the landscaping**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted, a detailed landscape framework and final landscaping plan, based on Drawing No 2208-TFC-00-00-DR-L-1006 REV 12 and Drawing No 2208-TFC-00-00-DR-L-3001 REV 9 to include an implementation plan and long term landscape management and maintenance plan, shall be submitted to and agreed in writing with the LPA. Such plan shall include the following:

- the existing trees and shrubs which have been agreed to be retained;
- all new planting of shrubs, hedgerows, trees, turf, lawns, bulb and meadow (species, size, spacing and location) including any necessary tree pits or other root barrier systems where in proximity to highway and drainage works. The plan shall show all pipe ways and other underground drainage details in proximity to tree planting;
- areas for hard surfacing and the exact details of the materials to be

used;

- a detailed specification for all soft and hard landscape works and features to be carried out / provided within the ANRG land and Public Open Space;
- the details of the on-site children's play features;
- detailed specification of the proposed bridges;
- the detailed specification design and details of the attenuation features to include any headwalls and outflow details
- a long-term method and (in perpetuity) management and maintenance programme for implementation of the landscape scheme and the means to provide for its future maintenance.

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

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

7. Condition 7 - Car parking and Garaging

All car parking spaces and garages shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any new re-enactment, the garages hereby approved shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

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

8. Condition 8 -Visitor Car parking

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

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

9. **Condition 9. Archaeological investigation**

Part A) No demolition/development shall take place other than in accordance with the submitted and approved Written Scheme of Investigation (R15842).

Part B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the submitted and approved Written Scheme of Investigation (R15842) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site has potentially significant archaeological remains. To ensure the archaeological investigation is carried out appropriately and any finds are properly stored, documented and a written record is made.

10. **Condition 10. - Protection of Trees: Adherence to Approved Arboricultural Statement**

No development (including site preparation, clearance and demolition) shall take place until the tree protection measures as set out in the submitted Barrell Tree Consultancy Arboricultural Impact Assessment and Method Statement Ref 17005-AA3-PB dated 6th June 2024 and associated Tree Protection plan 17005-3 have been fully implemented and installed on site. The tree protection shall be maintained and retained on site in accordance with the approved details throughout the development unless otherwise agreed with the local planning authority.

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

11. **Condition 11 – Protection of trees : Method Statement**

No development, demolition or site clearance shall take place until a method statement and engineering drawings for the pathways, driveways and any other structure within the root protection areas of retained trees of the approved development has been submitted to and approved in writing by the Local Planning Authority. 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.

12. **Condition 12 - Protection of Trees: Pre-commencement Site Meeting**

Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as specified within the submitted Barrell Tree Consultancy Manual for Managing Trees on Development Sites: SGN 1 Monitoring tree protection (<https://www.barrelltreecare/SGN-1-Monitoring-V3.pdf>)

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

13. **Condition 13- Construction Traffic Management Plan**

No development shall take place, (including any works of demolition), until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for

- 1) The parking of site operatives and visitors' vehicles.
- 2) Loading and unloading of plant and materials.
- 3) Management of construction traffic and access routes.
- 4) Storage of plant and materials used in constructing the development.
- 5) Wheel washing facilities.

Reason: In the interests of highway safety in accordance with Local Plan Policy CCC1.

14. **Condition 14 - Highway requirements**

Prior to the first occupation of the development hereby permitted or on completion of the final road surface (whichever happens sooner) a verification report confirming that all unadopted roads, footways and 3 cycleways have been built to the nationally recognised design construction standards shall first be submitted to and approved in writing by the Local Planning Authority. The report shall include the relevant construction details that the roads, footways and cycleways have been built to and confirmation that this is in accordance with the agreed internal layout drawing (5501/023 Rev A).

Reason: To ensure that the development is provided to an appropriate standard.

15. **Condition 15 - Environmental protection – Noise levels**

No development shall take place until a scheme for sound attenuation in respect of the dwellings and their amenity space has been submitted to and approved in writing by the Local Planning Authority. The scheme shall assess the impact of external noise to the site and shall identify the measures necessary to attenuate against noise nuisance to future occupants, with a view to achieving the recommendations outlined in BS8233, taking into account both indoor

and outdoor living areas and bedrooms. Attenuation of the buildings shall be undertaken in accordance with the approved details before the development is brought into use

Reason: To protect the amenity of residents in accordance with Local Plan Policy CCC1

16. Condition 16 - Plant noise level limits.

The cumulative sound emitted from Building Services Plant during the construction phase of the development shall not exceed a noise rating level (L_{Ar}, Tr) of 54dB during any day-time period and 31dB during any night-time period when assessed at any residential property. The assessment methodology shall be in accordance with BS4142:2014. R

Reason: To protect the amenity of residents in accordance with Local Plan Policy CCC1.

17. Condition 17 - Environmental protection – radon gas

No development shall take place until a risk assessment incorporating the details of associated monitoring at the site for the presence of radon gas has first been submitted to and approved in writing by the Local Planning Authority. If the presence of radon gas above 200 Bq/m³ is confirmed during the development all work shall cease in the affected area. Details of a comprehensive scheme of radon gas protection measures shall then be submitted and approved in writing by the Local Planning Authority. Development shall only re-commence in the affected area once the gas protection measures have been approved in writing and the development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from ground gases and 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 to safeguard the amenity of adjoining neighbouring properties in accordance with Local Plan Policy CCC1 .

18. Condition 18 - Environmental protection – noise from air source heat pumps

Prior to the installation of any air source heat pump on the site for any of the dwellings hereby permitted details of an assessment, in accordance with MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises, for that air source heat pump shall first be submitted to and approved in writing by the Local Planning Authority to determine the potential noise impact from the proposed Air Source Heat Pump(s) to neighbouring residential properties both on the site and to off site receptors. A scheme for any noise attenuation (where needed) shall be submitted to the Local Planning Authority alongside

any assessment and approved in writing prior to installation of the air source heat pump(s) to which the assessment refers. The development shall be carried out in accordance with the approved details and any mitigation measures shall be in place prior to the first use of the air source heat pump to which the mitigation relates.

Reason: To protect the amenity of residents and neighbouring residential premises

19. **Condition 19. Environmental Protection - Lighting Strategy**

The lighting scheme hereby approved within the submitted Lighting Strategy (DFL, March 2024) shall be fully implemented, relative to each dwelling, prior to the first occupation of the dwelling to which the lighting services and shall be maintained thereafter. There shall be no other external lighting standards, bollards or security lighting installed on the site other than that approved without the further prior written permission of the Local Planning Authority.

Reason: To protect the amenity of existing and future residents, and to protect protected wildlife and landscapes, in accordance with Local Plan Policies STR2, ENV3, CCC1 and DM2

20. **Condition 20 - Hours of construction working on site**

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To protect the amenity of residents and neighbouring residential properties.

21. **Condition 21 - Dust Management Plan (DMP) including suppression, mitigation and avoidance**

Prior to the commencement of development, a site-specific Dust Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition and construction' (2023 v2.1)', and the approved scheme shall be implemented, maintained and retained for the full duration of the construction of the development.

Reason: To protect the amenity of residents and neighbouring residential properties, and to ensure that protected wildlife is not harmed during the construction phase of the development in accordance with Local Plan Policies CCC1 and DM2

22. **Condition 22 - Construction Environmental and Management Plan**

Prior to the commencement of development including any site clearance or site set up works a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the following details:

- Development contacts, roles and responsibilities
- A site layout plan with locations of the site office, welfare facilities, areas for material storage and waste storage and areas set aside for the parking of vehicles.
- Public communication strategy, including a complaints procedure.
- Details of the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Statement outlining a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use;
- Statement outlining a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA.
- Measures to control light spill and glare from any construction floodlighting and security lighting installed

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

Reason: To protect the amenity of residents and neighbouring residential properties, and to ensure that protected wildlife is not harmed during the construction phase of the development in accordance with Local Plan Policies CCC1 and DM2

23. **Condition 23 - Construction Ecological Management Plan (CEcMP)**

Prior to the commencement of development including any site clearance or site set up works a Construction Ecological Management Plan (CEcMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEcMP shall include the following details:

- Updated ecological surveys, where necessary, to identify shifts in the ecological baseline condition as required in order that revised impact avoidance and mitigation measures can be adopted as required

- Measures to protect and mitigate against harmful construction impacts on protected wildlife species including (but not limited to):
 - avoidance of works during bird nesting (March to August inclusive) or only in accordance with an agreed mitigation plan to reduce any impact
 - details of lighting during construction to minimise any impact upon protected species;
 - an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist, and a Method Statement for Badgers during Construction

The development shall be carried out in accordance with the approved CEcMP

Reason: In accordance with Local Plan Policy DM2 to protect local biodiversity and protected species during the course of development.

24. Condition 24 - On site ecological enhancement

Prior to the commencement of the development hereby approved, the Councils Ecological Enhancement Schedule or a schedule prepared by the applicant which sets out the same details shall be completed, submitted to and approved in writing by the Local Planning Authority (LPA). The schedule shall be accompanied by an appropriately detailed plan (or series of plans) showing the locations of the enhancement measures (site plans and elevation drawings with appropriate suitable siting locations for each enhancement feature on elevation drawings shall be provided.

Prior to occupation of each residential unit hereby permitted, evidence shall be submitted to the LPA to confirm the agreed features have been installed for that residential unit in their correct locations, for example, a photographic record and/or a signed statement by a suitably qualified ecologist.

The approved details shall be thereafter retained.

Reason: To enhance biodiversity in accordance with Local Plan policy DM2

25. Condition 25 - Footpath link detail

There shall be no occupation of any more than 25% of the dwellings hereby approved, until the above non-vehicular access (pedestrian and cycle provision) to connect the residential area of the site to Milford Road as shown in principle on Site Layout Plan 6165-WLA-00-XX-DR- A-0010 Revision Z has been carried out, constructed and made available for use at all times in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to achieve sustainable connections and in accordance

26. **Condition 26 - Water efficiency and nitrates mitigation**

The development hereby approved shall not be occupied unless

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

ii) 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.

27. **Condition 27 - Foul water and Surface water drainage**

The development shall be implemented in accordance with the submitted Foul and Surface Water Drainage Strategy 5501-007 Rev H and Exceedance Flow Routes reference 5501-013 Revision B which demonstrate the flow paths and areas of ponding in the event of blockages

or storms exceeding design criteria.

The development shall be carried out and maintained in accordance with the approved Drainage Strategy.

Reason: To ensure proper and adequate surface water drainage is in place to serve the development in accordance with the requirements of Local Plan Policies CCC1 and DM1

28. Condition 28 - Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no development otherwise approved by Classes AA, A, or 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 an express planning permission first having been granted.

Reason: In view of the physical characteristics, 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.

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

The development shall be implemented in accordance with the submitted BNG Habitat Management & Monitoring Plan (ecosupport dated 10th February 2025) The report requires the submission of a BNG monitoring report produced by a suitably qualified ecologist to be submitted to the LPA annually for the first five years after completion and at 5-year intervals thereafter until year 30. The development shall be completed in accordance with the BNG Habitat Management & Monitoring Plan prior to the occupation of the last dwelling on the site.

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

30. Condition 30 - Cycle Parking

Prior to the first occupation of each residential unit hereby permitted, the cycle parking facilities shown on Parking Strategy Plan 6165-WLA-00-XX-DR-A-0040 Revision E and Typical Cycle Store 6165-WLA-ZZ-XX-DR-A-0296 relative to that dwelling shall be provided and available for use as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable modes of travel.

31. **Condition 31 – Solar Panels**

No development shall take place above slab level until the details of the solar panels for each building in relation to specification, size and position have first been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme with the installation of the solar panels being completed prior to the first occupation of each building on which they are installed.

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

Further Information:

Sophie Tagg

Telephone: 023 8028 5439

