

Planning Committee 09 April 2025

Application Number: 22/11424 Outline Planning Permission

Site: SS6 LAND EAST OF, LOWER PENNINGTON LANE,
PENNINGTON, LYMINGTON SO41 8AL

Development: Erection of up to 82 No. Dwellings, including Access,
Highways Works, Public Open Space (POS), Alternative
Natural Recreational Greenspace (ANRG), Landscaping and
Drainage Attenuation (Outline Application with details of
Access and Layout only)

Applicant: Cicero Estates

Agent: Ken Parke Planning Consultants

Target Date: 15/03/2023

Case Officer: Robert Thain

Reason for Committee referral This site is one of the Councils strategic sites

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SUMMARY OF THE MAIN ISSUES

This is a development proposal which relates to one of the Council's Local Plan Strategic Site Allocations.

The key issues are:

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

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SITE DESCRIPTION

The Application Site

The application site is allocated in the New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (6 July 2020) through policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington for at least 100 homes and public open space. The submitted Application Form confirms the site is 5.58 hectares. The application site description set out below is for land only within the administration of New Forest District Council.

The application site is located between Pennington Lane and Ridgeway Lane to the south of Pennington which itself is to the south-west of the centre of Lymington. The application site is currently used for agriculture and horticulture ('Northfield Nursery') and comprises two distinct fields with an irregular shape in the centre of the site, which are divided by a mature planted belt which itself includes some protected trees, and an area of greenhouses and polytunnels in the south-west corner of the site. There is an existing access road which connects the nursery to Pennington Lane and serves both the adjacent Oakhaven Hospice and an existing detached dwelling to the south in the New Forest National Park authority area. In the south-east corner of the application site is a roughly triangular shaped area of paddock. On the eastern boundary of the application is an existing unmade pedestrian access which connects onto Ridgeway Lane between the existing properties 'The Buccaneer' and 'Brocklands Cottage'.

The northern, eastern and southern boundaries of the application site are predominantly defined by mature planting and trees. The boundary of the application site along the existing access from Pennington Lane is characterised by mature trees on the boundary with the hospice but is open to south. The southern boundary of the application site is contiguous with the boundary of the New Forest National Park Authority (NFNPA) to the south. There is also a Public Right of Way (PROW) between Ridgeway Lane and Pennington Lane which crosses between the land administrated by both NFDC and the NFNPA. The southern boundary is well-treed

of the application site is contiguous with the boundary of the New Forest National Park Authority (NFNPA) to the south. There is also a Public Right of Way (PROW) between Ridgeway Lane and Pennington Lane which crosses between the land administrated by both NFDC and the NFNPA. The southern boundary is well-treed as far as the access to the nursery and existing detached house to the south and has a high degree of enclosure particularly during the spring and summer. Beyond this, towards Pennington Lane, there are open views across the large field to the south. The ridgelines on the western part of the Isle of Wight can be seen from here on a clear day. The south-western boundary of the application site, between the nursery and the adjacent hospice is more open. The application site only abuts Lower Pennington Lane at the existing vehicular access.

The topography around the site is generally flat, rising gently from lower ground at the coast to the south of the site, up to higher ground at Lymington to the north: the site forms part of this wider landform. The contours are smooth without any pronounced changes in levels, falling from a high point of approximately 12.85m AOD along the north-western site boundary, to 4.66m AOD in the far south-east of the site. The application site is entirely within the Environment Agency (EA) fluvial flood zone 1. However, there is an existing ditch which crosses the site on a north-south axis to the east of the existing nursery site.

The majority of the application site was previously within the Southwest Hampshire Green Belt (SWHGB), which now adjoins the eastern boundaries, and the access to Ridgeway Lane (within the NFNPA area) but was removed through the Local Plan process.

However, the proposed revised access which connects to Pennington Lane, which includes land within both the NFDC and NFNPA administration areas, remains within the SWHGB.

Areas surrounding the Application Site

To the immediate west of the application site is Oakhaven Hospice which is a large campus centred on an older property in spacious gardens. The site includes several outbuildings and a number of vehicular parking spaces. The hospice is generally well-screened from Pennington Lane and the existing access to the south within the application site by virtue of mature trees and planting.

The Local Plan Allocation Site SS6 extends to the north of the hospice and west of the application site. It is subject to a separate development proposal. The site comprises one existing dwelling, and two separate paddocks with significant mature trees and planting, some of which is protected, on the site boundaries. To the north of this area is the current edge of established residential development in Pennington.

To the north of the application site are two existing detached residential dwellings 4 Longford Place and 'Longford'. To the east of these properties is a modern housing estate Forest Gate Gardens which mostly comprises detached houses. There is a small open area and a protected tree belt between this area and the application site. To the east of the application site are fourteen existing detached residential dwellings on Ridgeway Lane ('Moonbeams' to 'Greencroft' inclusive) which are all within generously sized curtilages.

Ridgeway Lane east and south of the NFDC application site is within the New Forest

District Council area until the boundary with the New Forest National Park at Poles Lane. This part of the District is within the countryside as defined as in the NFDC Local Plan and the South West Hampshire Green Belt and is proposed to be host to off-site highways and access works around the junction of Ridgeway Lane and Poles Lane.

The area to the south of the application site is open countryside within the New Forest National Park. Residential development is generally confined to cottages and larger detached houses accessed from either Pennington Lane or Ridgeway Lane. There is a public house 'Chequers Inn' on Ridgeway Lane, and some commercial development and a large established campsite. Beyond this is Keyhaven Marshes and the Solent.

To the north-west of the application site the route of the Public Right of Way (PROW) Footpath 83 connects through to Lower Pennington Lane. This PROW is on land currently subject to the other live application (Ref: 24/10401) within Local Plan Site Allocation SS6. The PROW currently provides an unmade pedestrian route.

3 PROPOSED DEVELOPMENT

NFDC Application Ref: 22/11424

The application is seeking planning permission for the erection of up to 82 No. dwellings, including access, highway works, public open space (POS), alternative natural recreational greenspace (ANRG), landscaping and drainage attenuation. All other matters relating to appearance, landscaping and scale are reserved.

The application is supported by a **Site Layout Plan** (NFDC) (Bright Space, 24/6/2022, Ref: 15060-P013 Rev. J) and four Parameter Plans and a Housing Tenure Plan:

- Access and Streets Framework, Bright Space Architects, Ref: 15060-P030-Rev. A, 21/3/2025
- Built Framework, Bright Space Architects, Ref: 15060-P031-Rev. A, 21/3/2025
- Scale Framework, Bright Space Architects, Ref: 15060-P032-Rev. A, 21/3/2025
- Landscape Framework Plan, Pegasus, Ref: P22-1239-0006 Rev. E, 22/10/2024
- Site Layout Tenure Plan, Bright Space Architects, Ref: PO27 Rev. F, 21/7/2023.

Any subsequent Reserved Matters application would have to be in substantial conformity with the Parameter Plans.

The **Access and Street Framework Parameter Plan** sets out the primary and secondary vehicular routes, internal pedestrian routes, public rights of way, and off-site pedestrian access and crossing points. The proposed enlarged vehicular access from Lower Pennington Lane which is partly within the New Forest District Council area and partly within the New Forest National Park Authority area is set out. The proposed new vehicular access from Ridgeway Lane, which is wholly within the New Forest National Park Authority area, is also set out.

The proposed development would be served from two vehicle access points: one each from Lower Pennington Lane (to the west) and Ridgeway Lane (to the east). The Lower Pennington Lane vehicular access would utilise and expand the existing access serving Northfield Nursery and Oakhaven Hospice. The Ridgeway Lane vehicular access would be located in the position of the existing field access. The proposed vehicular access points would be reformed to provide T-junctions with priority arrangements. The proposed site primary access road would provide an east-west vehicular link between Ridgeway Lane and Lower Pennington Lane and would comprise the proposal's cycle access offer.

The proposed development includes the following pedestrian improvements:

- New footways flanking each of the vehicle access points.
- The retained but enhanced and re-routed Public Rights of Way 82 and 83 between Lower Pennington Lane to the north-west and Ridgeway Lane to the south-east.
- Pedestrian only access on the eastern boundary (between existing dwellings *Brocklands Cottage* and *The Buccaneer*) onto Ridgeway Lane.
- Off-site pedestrian-only access between the application site and Forest Gate Gardens.
- Off-site pedestrian-only access improvements in Woodside Gardens (opposite Forest Gate Gardens).
- Off-site pedestrian-only (non-DDA compliant) access from Ridgeway Lane into Woodside Gardens connecting to the recently made hoggin footpath.
- Off-site highways works on Lower Pennington Lane including a new footpath connecting north to Fox Pond Lane and a build-out in the road.

The **Built Framework Parameter Plan** sets out the Layout of the application site building on the skeleton of the Access and Street Framework. The Built Framework Parameter Plan sets out the distribution of the main land uses including residential development, open spaces, vehicular and non-vehicular routes and vehicular parking spaces within the NFDC application site.

The **Landscape Framework Plan** sets out the distribution and siting of public open space including the proposed ANRG, informal open space, play areas, existing vegetation, new trees including street trees, proposed planting and grassed areas and fenced areas. The supporting Landscape Principles Document sets out in comprehensive detail the landscape strategy and forms the basis for detailed landscape design in a future Reserved Matters application.

The proposal sets out 82 new dwellings in the **Site Layout Tenure Plan** with the following size mix:

Dwelling Size	Nos. of Units
2-bed	33
3-bed	41
4-bed	8
Total	<u>82</u>

The houses comprise a mix of residential typologies including detached, semi-detached and terraced houses and a likely chalet bungalow. No flatted development is proposed. This includes the delivery of 41 affordable houses

comprising a mix of social rented, affordable rented and shared ownership tenures forming 50% of the overall housing offer. All the proposed houses have rear gardens and front amenity spaces and either on-plot or courtyard vehicular parking. The **Scale Parameter Plan** sets out the building scale of the dwellings in terms of storeys which will be either 1.5, 2 or 2.5 stories.

The Proposed Drainage Schematic (Vectos, Rev. P07, 25/07/22) sets out the broad principles of the proposed surface water drainage and foul water drainage strategies. The proposed surface water strategy depends on a proposed large attenuation basin located to the south of the application site within the New Forest National Park.

NFNPA Application Ref: 22/01024OUT

In line with the details set out above for the NFDC Application Reference 22/11424 a parallel application has been submitted to the New Forest National Park Authority (NFNPA).

It is currently understood that this application will be taken to NFNPA Planning Committee after the NFDC application has been taken to its respective Planning Committee.

The NFNPA application has the following description of development:

Access; attenuation basin; associated works and landscaping relating to New Forest District Council Strategic Housing Allocation reference SS6.

4 PLANNING HISTORY

No relevant planning history on the application site.

Recent Planning History on adjacent sites

There are two live and one recent planning applications on adjacent sites relevant to this proposal.

- i. New Forest National Park Authority (NFNPA) reference: 22/01024OUT

Land between Lower Pennington Lane and Ridgeway Lane, Lymington SO41 8AN

Proposal: Access; attenuation basin; associated works and landscaping relating to New Forest District Council Strategic Housing Allocation reference SS6

Status: Live application - To Be Determined

- ii. New Forest District Council (NFDC): Application reference: 24/10401.

iii.

- iv. Land East of Lower Pennington Lane, Pennington SO41 8AL

v.

- vi. Proposal Hybrid planning application for the erection of 30 dwellings and associated access, open space and landscaping. Detailed permission is sought for 26 dwellings including 15 age-restricted affordable dwellings (over 55s) to form phases 1 and 2 of the proposed; access off Lower Pennington Lane and

internal road layout; provision of alternative natural recreational green space; public open space and local area of play; and car parking for Oakhaven Hospice. Outline permission is sought for 4 custom built units, each to be developed as separate phases of development. (Access and landscaping are in detail with appearance, layout and scale as reserved matters.) Demolition of existing bungalow.

vii. Status: Live application - To Be Determined

viii.

ix. New Forest District Council (NFDC): Application reference: 23/11094

x.

xi. Oakhaven Hospice, Lower Pennington Lane, Pennington, Lymington SO41 8ZZ

Redevelopment of the single-storey in-patient unit (IPU) building to form a new two-and-a-half storey IPU building with ancillary staff facilities and office space; construct two-storey education pavilion to replace the existing sheds.

xii. Status: Permission Granted 12/6/2024

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

DM5: Contaminated land

DM9: Green Infrastructure linkages

Local Plan Review 2016-2036 Part One: Planning Strategy

Strategic Site SS6: Land to the east of Lower Pennington Lane, Lymington

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

STR7: Strategic Transport Priorities

STR8: Community services, infrastructure, and facilities

STR9: Development within a mineral safeguard area

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

ENV2: The South West Hampshire Green Belt

ENV3: Design quality and local distinctiveness

ENV4: Landscape character and quality

HOU1: Housing type, size, and choice

HOU2: Affordable Housing
CCC1: Safe and Healthy Communities
CCC2: Safe and Sustainable Travel IMPL1: Developer contributions
IMPL2: Development standards

Supplementary Planning Guidance and other Documents

- SPD Mitigation Strategy for European Sites (2021)
- SPD Climate Change (2024)
- SPD Air quality in New Development (2022)
- SPD Air quality in New Development (2022)
- Lymington Local Distinctiveness SPD (February 2011)

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 (LURA) 2023
Crime and Disorder Act 1998 (as amended).

Government Planning Guidance

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

NFDC Corporate Plan 2024 to 2028

Emerging Lymington & Pennington Neighbourhood Plan

Lymington and Pennington Town Council is in the process of creating a Neighbourhood Plan (NP) for Lymington & Pennington which is intended to provide a policy framework to resolve and manage the long-term success of the Town.

Lymington and Pennington Town Council has undertaken pre-submission public consultation on the draft Lymington and Pennington Neighbourhood Plan under Regulation 14 of The Neighbourhood Planning (General) Regulations 2012. This was undertaken between Wednesday 7th August 2024 and Wednesday 9th October 2024. The public consultation closed after this date.

Lymington and Pennington Town Council have put comprehensive details of the public consultation on their public website (link below):

[Public Consultation — Lymington and Pennington Town Council](#)

The Pre-Submission Lymington and Pennington Neighbourhood Plan (2016-2036) (PSLNP) August 2024 and the Lymington and Pennington Submission Neighbourhood Plan (2016-2036) (SLPNP) January 2025 are both available on the Lymington and Pennington Town Council website.

The LPSNP (January 2025) includes thirteen (13) emerging policies

- LP1: A Spatial Strategy for the Town
 - LP2: Lymington Town Centre
 - LP3: Key Regeneration Opportunities in the Town Centre
 - LP4: Pennington Shopping Parages
 - LP5: Walkable Neighbourhoods
 - LP6: High Quality Design
 - LP7: Providing a Balanced Mix of Dwellings to Meet Local Needs
 - LP8: Green Infrastructure and Nature Recovery Network
 - LP9: Safer Lanes Network
 - LP10: Active and Healthy Travel
 - LP11: Net Zero Carbon Building Design
 - LP12: Urban Greening and Canopy Cover
 - LP13: Digital Communications Infrastructure

Essentially, it is considered that with regard to this application emerging policies LP1, LP6, LP7, LP8, LP9, LP10, LP11 and LP12 are of relevance given the location of the application site and the specific geographical focus of the other emerging Neighbourhood Plan policies. Consideration of the LPSNP (January 2025) will be set out in the planning assessment in line with national planning guidance.

The foreword of the LPSNP January 2025 states that unlike the Local Plan, this Neighbourhood Plan is concerned with small sites which can be developed rather than the larger, strategic allocations of NFDC.

As such, the Submission the Lymington and Pennington Neighbourhood Plan (2016-2036) (LPSNP) January 2025, as an emerging neighbourhood plan, is a material consideration in the determination of this application but the weight given to it is at this pre-referendum stage should be limited.

PARISH COUNCIL COMMENTS

Lymington and Pennington Town Council – Objection.

29 November 2024

- Impact on the development on the lanes, including the widening of the lanes to allow more traffic
- Provision for pedestrians
- Danger for cyclists
- Addition of traffic to the lanes themselves could result in damage to underground utilities
- The social housing element within the development is too cramped
- Impact of the development to Oakhaven Hospice and we have a duty of care to those patients
- The actual price of the affordable housing still does not benefit local people on low pay - Cycle routes have not been delivered

- Flooding risk to the site in years to come
- Grade II listed setting, which could be affected
- Loss of protected trees on the site
- Lanes around the site could become a rat run

17 March 2023

PAR 4: Recommend Refusal

Poor Layout

The overall density of the development is a relatively low 14.6 dwellings/hectare. However, the layout of the two bedroomed and most of the three bedroomed dwellings appears to be unacceptably cramped. This has resulted in very small gardens and a poor street environment which is exacerbated by parking provisions that dominate the street scene. The Council is of the opinion that the layout is inappropriate for a rural area and that it has been unreasonably driven by the requirement for large and restrictive ANRG

Unsafe Proposals for the Rural Lanes

In the absence of a report from HCC Highways the Council is concerned that the changes proposed to the Lanes may be inadequate or even undeliverable. They may be inadequate to ensure the safety of pedestrians and cyclists and there is a particular concern about their use by heavy construction vehicles. They may be undeliverable as there is no evidence that the lay-byes will be on highways land or that the land can be acquired.

Failure to Mitigate the Impact of the Development on the Oakhaven Hospice

The Council is aware that an offer was made (but not formalised) by the applicant to provide the Hospice with 38 additional car parking spaces and a buffer zone not less than 7 metres wide. This was acceptable to the Hospice as a means to mitigate the impact of the development. The application only details a 21 space car park and the minimum width of the buffer zone appears to be less than 7 metres. The Council is of the opinion that the offer by the promoter should be reflected in the application. The Council is also concerned that the application does not indicate how car parking on Hospice land adjacent to the access road on the southern boundary will be maintained.

Insufficient Information to Support the Proposal for Affordable Housing

The Council is pleased to note that the applicant is proposing to meet the Local Plan target of providing 50% affordable homes. However, it is unable to support this proposal in the absence of a tenure mix setting out the mix of homes for social rent, affordable rent and intermediate/affordable home ownership tenures.

Cycle Routes are not Deliverable

The cycle routes shown through Woodside Park and the amenity land adjacent to Forest Lodge Gardens are not deliverable. The Council has entered into a Statement of Common Ground with the NFDC and the applicant to allow pedestrian links over

these public open spaces. This agreement does not extend to allowing cycleways.

NFDC COUNCILLOR COMMENTS and MEMBER OF PARLIAMENT COMMENTS

Cllr Jack Davies (Pennington)

8 February 2024

In its current form, I recommend that this application is refused.

Firstly, I share the concerns of Pennington and Lymington Lanes Society (PALLS) that this application will result in the loss of verges and the widening of both lanes. With the proposed access points, many trees and hedgerows will be lost which would not be easily replaced. The lanes have a distinctive tree-lined character and the proposed accesses coupled with the need for visibility splays and road widening will eradicate this character.

I am also less than convinced by the pedestrian access to Pennington Village, especially for schoolchildren accessing Pennington Infants, Pennington Juniors and Priestlands to the north. In fact, I think the travel plan provided by the applicant is complete nonsense. Despite the best will in the world, children will not use the pathways along Rookes lane to get to and from school. They will use the easiest route - which would be straight up Lower Pennington Lane or Ridgeway Lane to the A337 and then up North Street.

I would also argue against claims that the lanes are a "low-speed" traffic area. Cars can bomb down the lanes and, as somebody who routinely walks down the lanes, I often have to jump into somebody's driveway to avoid them.

I think the level of traffic and pedestrian movements would be a dangerous mix and I cannot see how the site promoter can overcome these issues whilst also committing to the promised 50% affordable housing.

Cllr Jacqui England (Lymington)

26 January 2023

My objections to Planning Application 22/11424:

The highway infrastructure is of substandard quality, only appropriate for incredibly light use, hence the site access is completely inappropriate. The historical road layout was never designed or appropriate for today's traffic never mind the proposed 82 houses pre and post construction as seen by existing low grade surface.

The proposed transportation links in the application are highly spurious and totally impracticable. The lower end of Woodside Gardens has a predisposition to immense flooding especially with its close proximity to the Lymington River/Solent.

As this locality borders the National Park (NPA), not only will this impinge on its sensitivity, SSI, and land configuration, prospective balancing pond. NB: NPA's planning paperwork is not yet published. This will also overload the excessive carbon placement produced by intensive vehicular movement. This area of the National Park should be held sacrosanct otherwise there is no point designating it as National

Park land.

Other areas of concern are as follows: a. local infrastructure at overload, ie surface water, drainage, sewerage; b. lack of medical facilities, local doctors' practices and dentists are already at capacity. With the expected demographic of the purchasers of such properties, they would compound the problem. c. transport system - there is no existing transport system in this area to offset the carbon footprint, also none proposed to counteract.

This unique area of Lymington which historically comprised of tracks for horses and cart and pedestrians (not heavy vehicle movement).

As the overspill has previously happened in this locality, there has been no forethought or mitigation policy on the impact that yet another development would produce hence the proposed 82 dwellings would be a hideous blot on the landscape.

Noted that this local plan was approved for development in this area in 2020. There are still other more suitable areas which have appropriate road infrastructure and utilities than this designated site such as Pennington and Milford Road locations.

Lastly, stating the obvious, this site should not be developed despite it being adopted in the Local Plan as once this eradication of the beautiful tranquillity and nature of this area referred to as The Lanes, can never be regenerated.

Sir Desmond Swayne MP (New Forest West) – Objection

1 December 2023

I've received a number of representations from Oakhaven Hospice and I declare my own interest: my mother and a close colleague are among their patients. In 2019 during discussions with Oakhaven and the Town Council, the developer gave Oakhaven to understand that the buffer strip between the housing development and the hospice would be transferred to Oakhaven as part of the 106 agreement.

When the outline planning application was granted by the Inspector for SS6 (Lower Pennington) he paid special attention to the fact that Oakhaven Hospice is a valuable community asset, and he was concerned that any development should not have an adverse impact on the hospice. The adopted (New Forest District Council) Local Plan policy SS6 refers to the hospice and specifies that the development and access to it must respect its tranquillity, privacy and security. For these reasons sufficient weight ought properly to be given to the representations from Oakhaven Hospice and it should not merely be treated as 'any other objector'.

Originally the previous agreement was that the 'buffer strip' of 7 meters between the Hospice and the Development was to be managed by Oakhaven Hospice in terms of a Section 106 agreement. Oakhaven agreed to ensure that the fenced off area would be landscaped and maintained at their own expense in the terms of the agreement. I now understand that this is a matter to be left up to the developer, who – I'm given to understand, now wants to appoint a management company instead. Unfortunately, experience of such management companies is that they rarely discharge their responsibilities particularly diligently. Accordingly, I fear the strip may become victim to the ills of our modern age: vandalism, drug-taking, noise, fly-tipping, litter etc. close to the wards where there are sick and dying patients.

I believe that NFDC is able to recognize Oakhaven as a special community asset and insist on the s106 agreement specifying the terms, as has been done for other community assets and hospitals in the past. Accordingly, request that you register my own objection to the amendment to SS6. I firmly believe that Oakhaven should be properly recognized in a s106 agreement with a transfer of the Buffer strip to Oakhaven as previously agreed.

CONSULTEE COMMENTS

The following comments have been received. The consultee comments have been summarised (where appropriate). The full comments of each consultee can be found on the NFDC planning website.

Highway Authority (Hampshire County Council) – no objection subject to conditions and obligations.

Detailed comments received on 27/3/2023, 6/2/2024, 4/10/2024 and 28/3/2025.

March 2025

The Local Highway Authority provided the following further detailed comments in March 2025 with regard to the following highways matters:

- Personal Injury Analysis (PIA) Data
- Visibility Splays
- Pedestrian Routes
- Pennington Lane road widening
- The roundabout of A337 and Ridgeway Lane
- Ridgeway Lane – Right-Hand Turn
- Site Layout Design

October 2024

The applicant has submitted additional information and amended drawings. The HA's comments in relation to the latest submission are provided below. The previous highway responses (Note: set out on the NFDC website) should be read in conjunction with this response.

Site Vehicular Accesses and Internal Site Layout – Access from Ridgeway Lane

Drawing 2020-6181-102A shows that the western channel of the realigned road is up tight against the red line boundary. HCC would require a minimum of 5m margin to ensure the edge of the carriageway can be maintained and constructed accordingly. This should be refined during detailed design (s278 process).

The swept path tracking for pantechnicon vehicle shows that the body of vehicle overhangs the footway. This should be amended during detailed design (s278 process).

The access arrangement, including visibility splays, have been subject to a Stage 1 Road Safety Audit and the issues raised in that have been addressed by the applicant.

The HA noted that the speed data used was from the survey carried out in December 2017 but do not consider this to be a reason to object to the access arrangement given that there is no evidence to indicate that the speed on this section of the road have changed significantly.

Therefore, the HA consider the design of the site access as shown in outline on drawings 2020-6181-102 Rev. A is acceptable in principle.

Should planning permission be granted and the site progress, the applicant will be required to enter an s278 Agreement process to work on the highway. As part of this process a detailed design check will be carried out, including a requirement for further speed surveys and, depending upon the resulting visibility requirements, minor amendments to the designs may be required.

However, the HA is satisfied that if any minor amendments are required, these will be achievable within either existing highway or the developer controlled land available. It is noteworthy that a detailed design (Stage 2) Road Safety Audit will be carried out as part of the s278 process, as well as a Stage 3 Road Safety Audit upon opening of the works.

Site Vehicular Accesses and Internal Site Layout - Access from Lower Pennington Lane

The applicant has submitted a new drawing 2020-6181-E to show that a continuous footway would be provided along the entirety of the northern side of the access road to the entrance of the hospice's car park.

As such, this would provide a safe access for the residents of and visitors to the Hospice, general visitors and the site residents, removing the risk of them walking within the carriageway.

Site Vehicular Accesses and Internal Site Layout – Comments relating to both accesses

Since the previous responses were issued, the requirement for vehicle swept path tracking for fire appliance has been updated in HCC's TG2. This now requires a fire tender measuring of 8.10m long x 2.55m wide to be tracked. At detailed design the applicant will be required to amend the tracking at both accesses and internal roads accordingly.

However, it appears tracking of the correct vehicle will be achievable and therefore the HA do not consider this a reason to object to the proposals at this stage. Any residual issues arising from swept path analysis can be amended or refined through the detailed design process in a future s278 agreement.

The HA are satisfied with the access design in principle at this stage.

Road Resurfacing / Widening

The applicant has shown that a passing bay would be provided along Ridgeway Lane approximately 200 metres to the south the junction of Forest Gate Gardens. In addition to this passing bay, the applicant has agreed to localised resurfacing and

widening of Lower Pennington Lane and Ridgeway Lane.

These improvements are shown on drawings 2020-6181-131 and 2020-6181- 132 and will be refined during the detailed design (s278) process.

HCC Highways also noted that the proposed local widening would be on a small scale (including improvement of the road edges in many cases) and implementation of highway works would seek to avoid any impact on large, valuable and/or protected trees.

Walking and Cycling

The applicant has proposed the following highway works to improve walking infrastructure along Ridgeway Lane and Lower Pennington Lane.

Lower Pennington Lane .

- *Provision of a new footway along Lower Pennington Lane between Footpath 83 and Fox Pond Lane. Improvements (resurface and widening) to the existing footpath adjacent to the property Sunnybank, cutting across the corner of the junction of Lower Pennington Lane/Fox Pond Lane;*

The HA has reviewed the design of this footway as shown on Drawing 2020-6181-201A, alongside the supporting information including vehicle swept paths analysis assessing passing manoeuvres between a refuse vehicle and a large car, as well as vehicle accessing and egressing the driveways of private properties in close proximity to the new build-out. An independent Road Safety Audit has been undertaken for this proposal and no concern has been raised by the Auditor.

HCC Highways therefore consider the proposal is acceptable in principle.

The HA require this footway to be provided. The same request has also been raised for application reference 24/10401 for the remaining parcel of SS6, northwest of the site. The footway should be delivered prior to first occupation of either development. The delivery of this footway is considered essential as it will provide a safe walking route between the site and the shops on Milford Road, the catchment schools, and the health & leisure Centre.

HCC Highways considers this mitigation necessary to improve safety and encourage future residents of the development to travel to local amenities on foot.

- *Provide a connection between the site and the northwest section of the existing Footpath 83.*

Comments have been provided by HCC Countryside Services team in a separate response.

Ridgeway Lane

- *Provision of a 2.0m wide pedestrian route connecting the site to Forest Gate Gardens to the north; Provision of a new pedestrian crossing on Ridgeway Lane, connecting Forest Gate Gardens to the proposed footway running through Woodside Park.*

The HA has reviewed the design and consider it is acceptable in principle at this stage.

- *Provision of a new footway way running between ‘Brocklands Cottage’ and ‘The Buccaneer’, and a new pedestrian crossing on Ridgeway Lane to link with the proposed footway running through Woodside Park.*

The HA noted that the proposal on drawing 2020-6181-115C shows the path running between properties ‘Brocklands Cottage’ and ‘The Buccaneer’. This appears to have been changed from a shared use path to footpath only. “No cycling” signs have been shown at both ends of the path. However, the drawing also shows staggered barriers and annotation of “New Footway/Cycleway entrance to Woodside Park”. The applicant should amend this contradictory cycling information on the drawing.

While a ramp is preferable, the HA do not feel the steps constitute an objection given there will be an alternative level path via Woodside Garden ground, avoiding the need to use the steps.

The applicant stated in paragraph 4.8.17 that: *both the proposed links to Forest Gate Garden and through Woodside Park are proposed to be adopted, which will be secured through Section 278/38 agreements.* The response from HCC Countryside Services states that the proposed new footpaths within Woodside Park and the land to the south of Forest Gate Gardens are not a Public Footpath therefore will not be maintained by the Highway Authority. A planning condition (*note: or planning obligation*) would be required to ensure these paths are open to the public and maintained in perpetuity. Ideally, lighting should be provided along the route, so it is safe and attractive during the hours of darkness.

With regard to the crossing point associated with this path, the applicant has amended the crossing proposal as shown on Drawing 2020-6181-115C to address the HA’s previous concerns. The latest proposal removes the bend across the property frontage and relocates the crossing to be directly opposite the entrance of the proposed path. Visibility splays at this crossing have been checked, as have vehicle swept paths assessing a refuse vehicle passing through the narrow section with a car waiting on the opposite side. Swept Path analysis for a car access and egress from the driveway adjacent to the new build-out has also been completed.

An independent Road Safety Audit has been carried out for this alternative proposal and no concern has been raised by the Auditor apart from the suggestion that a staggered barrier should be placed at the end of the path between properties ‘Brocklands Cottage’ and ‘The Buccaneer’ to prevent trespassing cyclists from cycling straight across the road without slowing down. This can be addressed at the detailed design (s278) process.

An assessment of potential vehicles queuing at the proposed crossing point has also been undertaken. The probability model forecasts that frequency of two vehicles encountering each other at this point is low including the development traffic. The potential for queueing vehicles is unlikely to regularly exceed one vehicle waiting at the passing bay.

- *Provision of a 3m wide shared footway running through Woodside Park up to Rookes Lane with an upgraded pedestrian crossing across Rookes Lane*

connecting to the existing footway on the northern side of the road;

In response to HA's previous comments regarding substandard visibility at the existing gate onto Rookes Lane, the applicant has modified the above proposal. The proposed path and crossing at Rookes Lane have been removed, instead a new path would be created to connect with the existing footpath which curves round the south of the Skatepark. This is acceptable.

- *Provision of footways along the site's eastern vehicle access which would connect to a new section of footway on the eastern side of Ridgeway Lane proposed as part of the Poles Lane reconfiguration.*

Whilst the alignment of the footway is considered acceptable in principle at this stage, it is essential to ensure adequate visibility from the crossing landings, particularly the eastern landing when looking north, is provided due to the presence of a mature hedgerow. Depending on visibility requirements, the exact position of the crossing may need adjustment during the detail design (s278) stage. However, the HA is content that if any minor refinements are required, these will be achievable within either existing highway or the developer-controlled land available.

Other Matters

- A Construction Traffic Management Plan (CTMP) can be secured via a planning condition.
- An updated Full Travel Plan has been submitted to address the issues raised and is considered acceptable at this stage.

Obligations

The applicant is required to enter into a Section 106 Legal Agreement to secure the following;

- Provision of a Full Travel Plan and associated set-up and monitoring fees and bond;
- Provision of a financial contribution of £58,080 towards improvement including walking and cycling facilities on Milford Road and at the roundabout of A337 Milford Road/North Street/Ridgeway Lane;
- Provision of off-site footway works as set out on drawings 2020-6181- 116B, 2020-6181-131.
- Provision of off-site footpaths, crossing points and passing place on Ridgeway Lane, Lower Pennington Lane and in Woodside Park as set out on drawings 2020-6181-115C, 2020-6181-116B, 2020-6181-115C, 2020- 6181-118C, 2020-6181-125B, 2020-6181-301C; and
- Provision of localised road surfacing/ widening as set out on drawings 2020-6181-132A

HCC Countryside Services (Public Rights of Way) – no objection subject to conditions and obligations.

Comments received on 18/1/2023, 11/4/2023, 14/12/2023 and 29/2/2024. The latest and definitive comments were provided on 5/8/2024.

5 August 2024

Detailed comments set out on:

- Site Context
- Footpath 83 resurfacing between NW site boundary and Lower Pennington Lane
- Footpath 83 resurfacing adjacent to 'Greencroft' on Ridgeway Lane
- Footpath 82 boardwalk replacement

HCC Countryside Services raises no objection to this application, subject to the following obligations and conditions.

Obligations

- A contribution of £103,920 shall be paid by the applicant to Hampshire Countryside Service, secured within a Section 106 agreement, to enable the Service to carry out the improvements to Lymington & Pennington Footpath 82 and 83 specified in this consultation response. Payment to be made prior to commencement with an aim for the works to be completed by HCC within 24 months of that payment.
- Prior to commencement of any works on, above or under the existing legal alignment of Lymington and Pennington Footpath 82 and 83 within the development site the applicant shall apply for an order under Section 257 of the Town & Country Planning Act (1990) to the planning authority to divert the recorded routes in accordance with the Vehicular and Pedestrian Access Overview, drawing number 2020-6181-101 Rev. A, August 2023. Until or unless such an order is confirmed and the diversions are available following approval by the Highway Authority, the current recorded routes of Footpaths 82 and 83 must remain accessible and safe for public use at all times. Any temporary diversions and closures required shall also be applied for in a timely manner, at the applicant's expense, prior to any works affecting the PROW.

Conditions

Suggested conditions set out in relation to (i) continued safe public access and (ii) Public Right of Way Construction Traffic Management Plan (CTMP).

HCC Children's Services (Education) – no objection

Comments received on 13 March 2025.

The application has been reviewed in relation to education provision in the local area. Based on this review we do not believe that this development will have any significant impact on education provision in the local area, and catchment schools. HCC can confirm that a developer contribution will not be sought towards local education provision in relation to this planning application

HCC Minerals - no objection subject to conditions

Comments received on 11 January 2023.

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

Full consideration must be given to the opportunities for mineral extraction prior to and/or as part of the proposed development ('incidental extraction'). In line with the conclusions of the MRA, 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. Additional vehicle movements as well as noise, dust and vibration issues should not be 'above and beyond' what is expected in the construction phase, and so MRAs should apply the same buffers that are used for the construction activities.

HCC therefore request the following conditions (asset out) to be included in any permission for this planning application, to be delivered through submitted construction management plans or similar, requiring a statement outlining.

Lead Local Flood Authority (Hampshire County Council) – no objection subject to suitable condition

Previous comments received on 17/1/2023, 4/4/2023, 14/11/2023 and 24/11/2023. The latest and definitive comments were provided on 12/8/2024.

The County Council has reviewed the following documents: Flood Risk Assessment & Drainage Strategy Issue 8

We would consider the information submitted acceptable for this stage in the process however some additional information relating to flow routes is still required. It is noted that landscaping is proposed surrounding the attenuation basin. This must be designed such that maintenance can still be undertaken on the pond via appropriate access points.

However, given that this is an outline application (albeit with layout fixed), it is considered that this can be addressed by a pre-commencement condition requiring a detailed surface water scheme (based on the principles within the Flood Risk Assessment & Drainage Strategy Issue 8). Further details required as set out.

Natural England – Comments and Further Information Required

European designated sites - Habitats Regulations Assessment

Natural England notes that a Shadow HRA has been produced by Ecosa (November, 2023). As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Deterioration of the water environment

The submitted nutrient budget that has been calculated using Natural England's

latest guidance on nutrient neutrality, which we welcome. The proposals comprise of 82 residential dwellings, which will result in an increase in waste water, which is proposed to be discharged at Pennington Waste Water Treatment. It is recommended that the calculations are updated and use the 2.63 average occupancy rate where the housing mix is unavailable as stated within the New Forest District Council, Nutrient Neutral Development Advice, to provide the correct nutrient output.

New Forest Recreational Impacts

This application is situated within the 13.8 km buffer zone of the New Forest designated sites is likely to have a significant effect on the sites via recreational impacts (including disturbance, trampling, eutrophication amongst others), alone and/or in combination with other plans or projects, and will result in an increase in residential accommodation. Natural England is aware that your authority has an adopted a strategy to mitigate against adverse effects from recreational disturbance on European sites. Providing that the applicant complies with your adopted strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection to this aspect of the application.

A financial contribution will need to be made towards Access and Visitor Management and Monitoring to monitor the designated sites and recommend potential alterations in management if required.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6 km of the Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that NFDC have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent. Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s) and has no objection to this aspect of the application.

Further detailed commentary on Nationally designated sites including Sites of Special Scientific Interest (SSSI), Alternative Natural Recreational Greenspace (ANRG) (layout, phasing and management), New Forest National Park (NFNP), Biodiversity Enhancements and Duties. Sensitive Lighting Strategy, Protected Species, Local sites and priority habitats and species, Ancient woodland, ancient and veteran trees, Environmental gains, Access and Recreation, Rights of Way, Access land, Coastal access and National Trails.

Environment Agency - no objection to the proposal subject to conditions (as set out)

Comments received on 4/1/2023.

The Environment Agency (EA) set out five conditions relating to piling and groundwater resources, surface water drainage and land contamination (three conditions).

New Forest District Council

NFDC Archaeologist – Comments.

Detailed comments received on 21/3/2023, 14/12/2023 and 16/8/2024.

There is the potential for buried archaeological deposits at the application site. NFDC Archaeology requested a Geophysical survey and associated interpretive report, a written Scheme of Investigation and trench evaluation report. The applicant has now submitted a Written Scheme of Investigation for archaeological trench evaluation.

NFDC Conservation – Comments.

Detailed comments received on 1/2/2023 and 20/7/2024.

The submission contains a thorough heritage assessment of the likely effects and impacts which the proposed development of this site might have upon heritage assets. This includes designated and non-designated heritage assets along with archaeological and landscape features. The submission is a comprehensive assessment of those assets and the impacts.

The key designated heritage assets include

- Former Farmstead at Manor Farm: Grade II Listed Buildings (these include Listed Barn, Farmhouse and Granary at Manor Farm)
- Wood End: Grade II Listed Building
- Oakhaven Hospice: Unlisted Historic Building

NFDC Conservation concur with the general findings within the heritage statement and the assessment of the assets above that have the most potential to be affected. The only additional comments NFDC Conservation would make are that impacts on the Oakhaven Hospice are underplayed and there will be some harm to its setting and context. NFDC Conservation set out that this harm would be at the lower end of the scale and the asset is non-designated. NFDC Conservation agree that the overall impacts on these assets from the proposal either create more minimal harm to certain views or cause no harm. It is suggested that very low levels of harm or visibility could be balanced within the proposal against the public benefits of the development

NFDC Ecologist – No objection subject to conditions and s106 planning obligation.

Detailed comments received on 22/3/2023, 16/2/2024 and 9/12/2024.

NFDC Ecology are content that the ecological baseline is adequately captured to make an informed planning decision with respect to ecology. A targeted and proportionate suite of update ecological surveys targeting more mobile species were agreed with the project Ecologist prior to submission. The need for updated surveys should be conditioned.

NFDC Ecology is content that all relevant designated sites requiring consideration in the assessment have been identified with the exception of Solent & Isle of Wight

Lagoons SAC and Solent and Dorset Coast SPA.

NFDC Ecology is generally content with the shadow HRA screening undertaken and that in the main that the pertinent issues which could affect the identified Natura 2000 sites have been identified.

The scheme is captured by nutrient neutrality. A nutrient budget calculator has been submitted but shows that the development can achieve neutrality.

The shadow HRA (sHRA) states that a detailed ANRG Management and Delivery Plan will be submitted with the application to offset the development and that this is to be provided through a suitable condition. NFDC Ecology state that is considered acceptable.

In line with the Natural England (NE) response (26/1/2023) Brent Geese are likely to use nearby sites as high tide feeding roosts during October to March when they are vulnerable to disturbance during cold weather. NE advise potential impacts over the winter period need to be considered in order to avoid and mitigate any adverse impacts from the construction and operational phase of the proposed development. There is no public access onto nearby Brent Geese sites and as such no recreational impact is anticipated. Unauthorised access is considered unlikely given the separation of the site and the proposed landscaping defining the site boundaries. The massing of the proposed development would not cause overshadowing and is largely pulled back from the nearest site boundary and further softened by existing and proposed vegetation.

NFDC Ecology request an updated lighting strategy be secured by condition given the sensitivity of the site for bats. This is anticipated to lead to a betterment on the already low lux levels stated above on this southern boundary.

With respect to noise and visual disturbance during construction, this been responded to in the applicants sHRA. NFDC Ecology is of the opinion that it can be demonstrated this can be satisfactorily controlled by timing of the most disruptive works outside of the bird overwintering period as identified in the applicants updated sHRA report in combination with adoption of best practice construction methods including effective site management, maintenance of all plant and equipment, selection of quiet plant and equipment wherever possible (e.g. mufflers, damping collars etc) and, where necessary to provide the satisfactory level of comfort, additional temporary noise barriers should be erected where required. The CEMP would need to include construction monitoring to demonstrate these requirements are satisfactorily met.

Impacts from air quality and recreational disturbance are proposed to be mitigated for in line with the accepted and adopted NFDC mitigation strategies.

The Phase 1 habitat survey and Habitat Condition Assessments were undertaken in the appropriate season. NFDC Ecology is content that the baseline has been adequately captured. As part of the updated to the EclA it has been confirmed that the hedgerows on site are not 'important' under the Hedgerows Regulations 1997.

The updated BNG assessment excludes the areas of ANRG/POS from the calculation in order to demonstrate additionality and that the development delivers 10% BNG without the reliance on the ANRG (which in the baseline is predominantly arable and buildings). Given this is an outline Application with details of Access and

Layout only, should permission be granted, it would be necessary to re-run the metrics at the reserved matters stage to ensure that the gains predicted at outline stage remain deliverable. Accepting that additionality has been demonstrated, these future calculations should cover the whole site and all habitats including those in the ANRG and POS (as should the management and monitoring). This requirement should be secured. The updated BNG assessment concludes that the development would result in a 17.83% net gain for area-based habitats and a 10.83% gain for linear habitats.

Off-site hedge creation is proposed on land south of the red line boundary in order to meet the required 10% net gain. Careful consideration needs to be given for how this will be secured.

The need for and scope of the Biodiversity Monitoring and Management Plan is acknowledged in the BNG Report. This should be secured.

A number of ecological enhancements are proposed including bat boxes, bird boxes, hibernacula, hedgehog highways, dormouse bridges etc. NFDC Ecology recommend that locations and final specifications of these should be included in a Biodiversity Mitigation and Enhancement Plan (BMEP) to be secured by condition. Great Crested Newts are not considered a constraint to development.

The site has been assessed to be of County value for foraging / commuting bats with rare species including Myotis and Barbastelle recorded. Key areas of bat activity identified included along the northern boundary, the existing tree line/ hedgerow east of the nursery and in the south-east around the proposed access route.

The ECIA has been updated in line with the new ILP / BCT Guidelines (ILP / BCT, 2023) which identifies the requirement for lux levels on key areas of bat to be kept at or below 0.5 Lux. NFDC Ecology state that this approach is agreed.

A lighting strategy has been prepared which includes a lux plot. NFDC Ecology recommend securing an update to the lighting strategy by condition to include a technical note by an ecologist to demonstrate how this responds to relevant ecological site constraints and demonstrate how the latest BCT/ILP guidance is adhered to.

The ECIA update concludes that the areas of key importance for bats are at or below 0.4 Lux with the key exceptions being where the roads cross the hedgerows and sections of the hedgerow is being lost. In terms of the lighting assessment to be conditioned, it would be helpful to have these ecological receptors shown on a plan and what the lux levels are in these locations. The locations and final specifications of bat mitigation these should be included in a BMEP to be secured by condition.

NFDC Environmental Design – No objection subject to conditions.

Detailed comments received on 1/2/2023 and 7/11/2024.

The latest drawings show progress which would be difficult to refuse on design grounds alone especially as 'appearance' and 'landscape' remain as reserved matters. NFDC Environmental Design hold out no major objection subject to reserved matters and conditions.

There remains an abrupt change in building intensity at some edges of the site so that the transition in character is not always sympathetically handled. Plots 64-72 now have better green buffer along the boundary but could still adopt a softer more broken up skyline with one or two larger gaps and variety in building form. Some buildings alongside the rear boundary of Ridgeway Lane properties remain rather close, the impacts of which need to be alleviated through use of lower roofs and more articulated building forms (plots 50 and 42).

Improvements have been made to alleviate the impact of car parking to a degree – detailed design can ensure that verges and front garden spaces are protected from car encroachment.

NFDC Environmental Design conclude that the design still does not fully address the issues it has raised under policy ENV3 in terms of functionality, and appropriateness. Some but not all of this can be addressed through conditions. However, through its internal layout and landscape design, NFDC Environmental Design believe it could become a place with real character and sense of place with a high-quality countryside edge, provided that the design quality is carried through.

NFDC Landscape - Comments

Comments received on 7/11/2024.

The revised plan successfully minimises front garden and 90-degree parking, it is now largely tandem and within rear parking courts. Parking is less dominant in the street scene and front gardens mainly soft landscape and hedged which is welcomed and more reflective of local landscape character, although housing density remains higher than context and front gardens smaller.

The revised layout more successfully addresses the public realm, overlooking the open spaces. However, the juxtaposition of the curved back of plots 73 to 82 does not relate particularly well to the fronts of 64-72. The resulting courtyard would need a strong landscape treatment. Garaging which is separated from the dwellings to which it serves often don't work well and can result in a lack of ongoing maintenance. Uncovered parking spaces, with good quality surfacing, interspersed with trees would work better and reduce the built form elements and perceived density within this area.

Plots 64-72 have been pulled away from the boundary with Longford to allow for hedge and tree screen planting. The management of this hedgerow would need identifying within a landscape management plan for the site, in order to ensure its retention if within private gardens.

The reorientation of plots 27-30, although overlooking the open space, means that retention of existing hedgerow is compromised and proposed planting will need to be kept low to allow the visual link and avoid overshadowing the dwelling frontages, so the proposed native hedgerow planting would not be appropriate in this location. Plots 7 to 10 are much closer to the street frontage than the adjacent dwellings facing the green and could appear out of character. Plot 26 is very tight to the boundary, existing vegetation and sewer pipe and should be reduced in size or pulled away. Plot 14 is in a key location and should, I suggest, attempt to address both open spaces and the link between the two. It could be reorientated and provide a key architectural focal point, with potential for flatted type accommodation.

Further detailed comment provided on drainage, public rights of way, landscape corridors and open spaces.

NFDC Open Space Officer

Detailed comments received on 12/7/2023 and 4/12/2023.

To comply with NFDC Planning Policy CS7, the proposed development should deliver 1.78ha ANRG, 0.44 ha of informal, 0.0553 ha play and 0.28 ha formal POS. The latter you may wish to facilitate via an off-site contribution. The layout of Public Open Space (POS) works within the development. The NFDC Open Space Officer supports the layout enabling each area linking to the next and the potential to interface with the smaller development parcel and the existing POS to the north.

It is suggested that the incidental play within the middle POS will be a weak contribution and strongly suggest that the play for a development of this size is focused within one area. Taking into consideration the nearby provision for infants and juniors, it is recommended that this development provides a play and activity area focused towards senior school children/young people in addition to the fitness equipment the applicant indicated (as within the Landscape Principals document, para 7.6).

The play area should deliver a rich engaging experience, drawing from the seven forms of play, of at least 553m², catering for 12+ years and an inclusive environment for all young people. Given the groundwater levels, wooden equipment should not enter the ground (metal shoes instead). All play equipment should be EN1176 certified, drawn from an API member.

Additional detailed comments on access, drainage, landscape and maintenance set out.

NFDC Trees – No objection subject to conditions and a s106 planning obligation.

Detailed comments received on 10/2/2023, 24/5/2023, 6/12/2023, 6/8/2024, 11/12/2024 and 20/3/2025. The final two set out of comments from the Tree Officer are summarised below.

March 2025

The overall layout of the site has no conflicts with the protected trees within the site.

NFDC Trees have previously raised concerns regarding the drainage strategy and the new pedestrian access into Woodside Park that is to the east of the site.

In the most recent drainage strategy (Vectos Proposed Drainage Schematic Rev P07) has been moved to the north of the protected trees (root protection areas of the B grade trees G100) and such this has resolved NFDC Trees concern on this matter.

With regard to the new pedestrian access into Woodside Park, the existing level will be maintained with a minor encroachment into the bank to construct steps, this minor encroachment, if constructed sympathetically to the trees and limited to the

width of the path as shown on the plan is an acceptable compromise. As the construction of this path is outside the red line of the development and is off-site, the method statement for the construction of the path will need to be included as part of the s106 agreement.

I have no objections to this proposal on tree grounds, subject to the recommended, conditions (as set out) and a s106 planning obligation.

December 2024

There are a number of mature trees within this site, notable a linear group that runs north to south that divides the central area of POS, a smaller group to the north and the remainder of the trees are situated around the boundaries. There are two Tree Preservation Orders that cover trees on this site TPO 25/17 and TPO 1380. To support this proposal the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement Ref: 18257-AA7-LF dated 6th November 2024 and Tree Protection Plan 18257-8 has been submitted. All tree number references NFDC Trees use within this consultation for the trees within the red line are as identified in this report and accompanying plan.

All trees and groups that will be lost to this proposal are graded C (to BS5837:2012) and are considered of low quality.

Overall, NFDC Trees agrees with the assessment of these trees and as such NFDC Trees has no objection to the removal of these trees to facilitate this development.

The submitted landscaping proposals indicate that a number of trees will be planted within the scheme which will have an overall net gain of tree cover across the site. The protected trees are shown to be retained. A number of trees and groups will require special precautions as structures such as paths, driveways and roads are within Root Protection Areas. Provided these measures are followed then the impact to these trees will be limited to an acceptable level.

NFDC Trees welcome the planting of new trees within the scheme and wherever possible the largest possible tree species should be planted in order to gain the most benefits from increased canopy cover to the area.

Further detailed comments on off-site highways works and trees.

NFDC Environmental Health – no objection subject to conditions.

Detailed comments received on 23/1/2023 and 26/1/2023.

NFDC Environmental Health find the Air Quality Assessment (Ramboll, July 2022) methodology and findings to be reliable. A Construction Environmental Management Plan (CEMP) condition is recommended.

NFDC Environmental Health are also satisfied that a more detailed Air Quality Assessment shall not be necessary as development traffic is below threshold.

NFDC Environmental Health find the Stages 1 and 2 Noise Assessment (Clarke Saunders, 28/7/2022) methodology and findings to be reliable. Recommended that any future permission granted is conditioned in accordance with the Clark Saunders

report.

The Contaminated Land Desk Top Study (ACS, March 2021) conceptual site model (CSM) has identified plausible pollutant linkages largely based around the previous use of the site as a nursery with potential contamination associated with made ground, above ground storage tanks and chemical spills /leaks. Therefore, it is recommended that an intrusive investigation be carried out to confirm the actual ground conditions to inform a quantitative risk assessment for the proposed sensitive development to ensure that the site is safe and suitable for use.

NFDC Environmental Protection have no objection in principle to the proposed development as submitted subject to standard planning conditions 14a-14e.

NFDC Housing Manager – Comments

Detailed comments received on 18/5/2023.

There is a recognised strategic need for smaller (1 and 2 bedroom) accommodation, a need that is reflected in evidence from the District Council's Housing Needs Register.

NFDC Housing welcome the inclusion of these smaller units within the proposals. However, there is a need to include a reasonable proportion of 1-bedroom units within the units mix. As the table above also indicates there is also the need for a small number of larger family sized accommodation and we would expect to see the inclusion of a 4-bedroom affordable house for social rent considered within the development.

In line with Local Plan Policy HOU2, in a development of this size it is acknowledge that it may be appropriate to provide the affordable housing in modest clusters, particularly where flats are being provided, these will however need to be located across the development, rather than situated in one particular area.

To ensure the affordable homes address the requirements of the Local Plan, local connection mechanisms will be sought for all tenures. To ensure any Affordable Rent dwellings provided are genuinely affordable, the initial rent will need to be aligned with the Local Housing Allowance are the area.

Other Consultees

Hampshire and Isle of Wight Fire and Rescue Service – Comments

Detailed comments on Building Regulations: Access for Firefighting, Hampshire Act 1983 Section 12 – Access for Fire Service, Fire and Rescue Services Act 2004, Access for High-reach Appliances, Water Supplies, Fire Protection, Testing of Fire Safety Systems, Firefighting and the Environment and Timber-framed Buildings.

Hampshire Constabulary Design Officer - Comments

Detailed comments received on 12/1/2023 and 27/11/2023 with regard to urban design and the prevention of crime and anti-social behaviour:

Detailed commentary set out with regard to:

- Plots 73 to 82, 15 to 18 and 31 to 35 and the design of the associated private parking spaces;
- Flank wall of plot 33;
- Proposed footpath adjacent to plot 10;

At the north-east corner of the development a footpath is to be created connecting the development with Forest Gate Gardens. This footpath will change Forrest Gate Gardens from a cul-de-sac into a leaky cul-de-sac. The footpath will increase the opportunities for crime and disorder within Forest Gate Gardens. There is little if any natural surveillance of the footpath from the nearby dwellings, the footpath is not straight nor is it lit. These attributes make the footpath less safe than it should be. This connectivity is a short cut which encourages people to take route that is not as safe as it should be. Ideally this footpath should be removed from the approved scheme. If the footpath is to remain a safer footpath should be provided. There should be greater natural surveillance from the nearby dwellings, the path should be: straight, lit to BS 5489-1:2020 and at least 3m wide (metalled surface). Any planting should be such that it does not obscure natural surveillance of the footpath nor create a place within which a person might lie-in-wait unseen.

In our opinion as proposed this connectivity does not comply with Adopted Local Plan, Policy, ENV3, nor does it accord with the Government's Violence Against Women and Girls Strategy.

Southern Water – Comment.

Southern Water investigations indicate that it can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. It appears that the applicant is proposing to divert a public foul sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act.

Active Travel England – Standing Advice.

Following a review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

Hampshire Swifts – Comment

Detailed comments. Request that planning consent for the above-mentioned application, if granted, includes a requirement for at least 1 integral universal (ie Swift) box per dwelling, installed in accordance with the British Standard BS 42021:2022 Integral nest boxes.

REPRESENTATIONS RECEIVED

344 letters of objection and 54 letters of support raising the following grounds. Where multiple objections have been made by the same individual or organisation these have been counted as one objection.

The objections are summarised grouped into subject areas for convenience.

Principle of Development

- Location of development is not suitable for the number of houses proposed.
- Site is within the South West Hampshire Green Belt.
- The Outline application should be rejected in principle because of the inappropriate location.
- The application site is too close to the New Forest National Park.
- The site is in the National Park.
- The developers have no right to build here and developers should not use greenfield sites.
- Insufficient local infrastructure.
- The site was not in the original Local Plan
- Insufficient consultation.
- There are better brownfield sites in Lymington and Pennington.
- Sacrifice of Lymington's remaining ancient lanes to urban development.
- Has the Local Planning Authority considered more appropriate sites in Hordle, Ashley, Pennington and New Milton.
- Job losses because of the closure of the Nursery.
- The existing fields are an integral part of the green buffer zone between lower Pennington and the protected Solent and salt marshes.
- The fact that the original site of SS6 has had to be significantly expanded further into the National Park to improve access and the building of a drainage lake, clearly shows that the whole site is inappropriate for a development of this size.

Housing

- Support for the provision of much needed affordable housing and/or family housing in Lymington and Pennington particularly for working people.
- Opportunity to stay in your home town.
- Lymington needs houses.
- Ideal for downsizers including the elderly.
- Should be a maximum of 50 houses across both application sites in SS6 and will have reduced traffic.
- Build affordable housing elsewhere in Pennington and Lymington.
- This is agricultural land, how about building a few homes for farm workers that could work the land and grow crops for local consumption.
- The proposed dwellings are meagre, awkwardly located and too far from frequent reliable public transport and employment.
- The application site is wholly unsuitable for people for need affordable housing as it is too far from any form of public transport that would enable them to reach their places of work.
- Mainly retirement homes and very little in the way of homes for any other section of society.
- The local plan showed one development of at least 110 houses. This is two developments and we have no idea what is being proposed on the other site.
- It is not possible to know what impacts the whole site will have when we only are given part of the picture. As things stands, this will not be a comprehensive development that we were promised in the Local Plan.
- This development will not be affordable for local people.
- Too many second homes in Lymington.

- Nationally, there are 400,000 homes with planning permission on greenfield sites on which no building work has begun. Please work with developers to find brownfield sites for future growth without despoiling the natural beauty of the town
- No more retirement housing.
- Unless the houses and properties proposed are tied to persons born or working in Lymington or the surrounding areas then these properties will be sold as second homes. They will be of little or no benefit to Lymington or the local communities and unaffordable to the majority of local people.

Infrastructure

- There is no current plan to increase any further amenities to cater for these extra houses either in a location where things like doctors and schools are already stretched.
- How are Southern Water going to cope with the additional sewerage generated from the site(s)? Are we going to experience even more, totally unacceptable discharges into the Solent and other waterways.
- This part of Pennington does not have the facilities to support such a large development.
- The houses' residents will bring increased demand on services such as schools and doctor's surgeries which are already under strain.
- There are no more doctors, dentists, schools or parking spaces in Lymington to support such a scheme
- And car parking in Lymington already a challenge
- The bus services and post office deliveries are spasmodic
- It is too far for pram pushers and the elderly to walk to and from Lymington to the shops and facilities.

Highways and Access

- The Lanes are used by walkers, runners, cyclists, horse riders, people walking their dogs, and enjoyed by people of all ages; from families with children to the elderly and the disabled.
- The development will generate too high a volume of traffic for Lower Pennington Lane and Ridgeway Lane. The lanes just cannot deal with extra traffic as it is no wide enough.
- The Lanes already have too much traffic and there will be a negative impact on the recreational and environmental value of the lanes.
- The Lanes have high pedestrian and cycle and horse-rider usage – the additional traffic generated will be hazardous.
- Lower Pennington Lane must be made into a 20mph limited lane before any such development is even considered.
- There are no pavements and no room to install any.
- Children have to walk to school on this lane.
- It is on the national cycle route.
- Existing motorists using this lane frequently speed and drive inconsiderately.
- If there are deliveries the entire lane is blocked whilst the delivery happens.
- Negative impact on the recreational and environmental value of the lanes.
- The traffic survey submitted by PALLS has been ignored.
- The lanes provide access to the Lymington, Pennington and Keyhaven sea

- walls and nature reserve enjoyed by the local community, visitors and tourists.
- The site is crossed by Footpath Nos 82 and 83 Lymington and Pennington and neither the Master Plan nor the Landscape Plan address the issue of how these rights of way are to be accommodated or diverted .
 - Lower Pennington Lane features an excessive number of potholes, as a result, an increase of cars would only make this issue worse
 - The lanes have a distinct character which would be destroyed by measures of putting in layby's
 - Provide only one motor vehicle access road to the site(s) from Lower Pennington Lane at the north-west corner, so that the increased traffic turns off Lower Pennington Lane (a) before the bend in the road and (b) does not go past Oakhaven Hospice.
 - Do not provide any motor vehicle access to / from the south-east corner of the site(s) to Ridgeway Lane / Poles Lane to avoid any increase in traffic on these narrow back roads. However, provide access here via a cycle path / footpath.
 - Do not provide any motor vehicle access to / from the site(s) via the driveway along the south side of Oakhaven Hospice to avoid traffic going past the Hospice. However, provide a cycle path / footpath from the south part of the site(s) to join this driveway.
 - Substantial improvements needed to the junction layouts both onto Rookes Lane and onto the main road roundabout where long queues would otherwise become a daily occurrence.
 - The use of a car would be necessary for many given the distance from bus routes and the fact that local shopping is very limited.
 - It will encourage car usage. The development is too far to walk from amenities and cycling/walking is not always feasible for older people.
 - Parking on Ridgeway Lane during weekends is an issue.
 - Object to the proposed "new footway/cycleway link" (described in the application Travel Plan at 3.3.1 paras iii and iv) which pierces the site boundary on the north side and enters the neighbouring cul-de-sac, Forest Gate Gardens. The new cycleway is shown cutting across an enclosed green amenity space within Forest Gate Gardens.
 - Congestion in the wider area.
 - These lanes are not wide enough, along their entire length, to enable two cars to pass each other safely and at various points they are quite dangerous, owing to inadequate sight lines at junctions and crossings. Passing points could exacerbate the problem rather than ease it, forming queues and jams if there is any increase in the volume of traffic.
 - The junction of Ridgeway Lane/Rookes Lane is a blind bend and great care needs to be taken to safely cross to the opposite pathway.
 - Too much traffic already - particularly in summer.
 - We endure traffic through the tourist months, so believe this will be no more of a hindrance.
 - There is no access nearby to public transport.
 - Hampshire Constabulary object to this access path to Forest Gate Gardens.
 - The lanes just cannot deal with extra traffic as it is no wide enough.
 - Is the proposal subject to Hampshire County Council's (HCC's) Local Transport Plan 4 (LTP 4) which states that all new developments must be designed to allow access for other modes of transport, including public transport.
 - There is not adequate room to widen these without destroying the ditches, hedgerows and ancient trees

- Speed limit signs have been systematically demolished over the years over the whole 30mph area, adding to the safety situation

Ecology and Trees

- The lanes are lined with ancient trees, most of which have protection orders and any additional traffic will put them at risk.
- The proposed development will destroy the beautiful and diverse wildlife of the area including deer, foxes, rabbits, badgers, owls, ducks, geese, wading birds, bats, insects.
- Loss of trees with TPO's: The proposed development SS6 will necessitate the felling of significant Monterey Pines for which a TPO has been granted.
- Increased light pollution to the detriment of insects.
- Climate and Ecological emergency.
- Impact on hedgerows and green spaces.
- The UK has lost almost half of its biodiversity since the 1970s.

Flooding and Drainage

- There is often localised flooding in the fields and lanes.
- High water table in the area and the ground is often water-logged during wet weather. The proposed development will have a significant detrimental effect on the local water table level, due to the effects of concreting over a large area of land for the roads, housing and other infrastructure. This will exacerbate the risks of localised flooding to adjacent properties and land.
- The long-term effects of climate change, rising sea levels, and its effect on the local water-table should also be considered.
- The drainage ditches that carry away surface water to the Solent will be under additional pressure from the removal of the farmland and replaced by hard surfaces. The ditches are already nearly full at high tides and the tides are getting higher each year.
- The proposed drainage lake will most likely reach capacity and flood the surrounding agricultural land during wet weather, as the existing ditches are inadequate to cope with transient runoff from a development of this size, especially at spring tides.
- In 50 years all these houses will be underwater.
- Ground water and waste water management in this area would also be compromised if high volume housing such as that proposed goes ahead.
- The fact it is on or close to a flood plain with all its issue for the future.
- Sea level rising due to climate change, and due to south coast sinking.
- The Government Guidance on long term flood risk highlights the upper part of Ridgeway Lane as being at Medium to High Risk of surface water flooding.
- The fact that the original site of SS6 has had to be significantly expanded further into the National Park to improve access and the building of a drainage lake, clearly shows that the whole site is inappropriate for a development of this size.

Amenity

- No account seems to have been taken of the wonderful amenity that this area of peaceful countryside gives the entire population of Lyminster. Will

powerfully infringe on both the charm of the lower Pennington area, and the atmosphere overall.

- Negative impact on Hurst View Camping site
- The proposed plans will overlook many properties in the lanes and cause a distinct lack of privacy.
- Health damaging disruption when building the properties.
- Inadequate street lighting.
- Noise and dust pollution
- We must not forget the benefits that Green Belt can offer for our health and wellbeing.
- Impact on Oakhaven Hospice. The existing residents of the area and the patients and staff of Oakhaven Hospice will be subjected to significant disruption and noise pollution for at least two years.
- Impact on the atmosphere, peace of mind, natural surroundings - all will be permanently damaged if not destroyed. It is an attack on the values and style of life of this area and will have a negative impact on the environment

Open Spaces

- Loss of free green spaces.
- The fields are providing an important space for the wellbeing of people as they are an area to walk and for children to play.
- The health of the nearby salt marshes could be adversely affected

Design and Local Character

- Totally out of character with the areas existing housing and semi rural 'edge of town' feel.
- Far too urban for what is the buffer zone between the urban and very special natural environment.
- A well thought out design with good consideration being given to integration into the surrounding area.
- The character and quiet nature of this area will be permanently destroyed by the sheer scale of the proposed development.
- Negative Impact on the rural character of the lanes and areas by creating a suburban estate.
- Keep Northfield Nursery as a partial 'buffer' between the site and Oakhaven Hospice.
- The street scene will be irretrievably damaged.
- The lanes in this part of Lymington are promoted by our local council as unique and will be lost to urbanisation because of the need to develop and straighten Ridgeway lane, and leading to increased vehicle speeds.
- Loss of natural Green Belt habitat, ancient footpaths and the character of an important rural and historic part of Lymington.
- Using 1 hectare of National Park land to make new roads and a pond is unacceptable and likely make a precedent
- There is a large, open amenity space, it is close to a recreation centre and only a short walk to the local schools.
- This housing is out of keeping with existing, traditional housing in the area, which is generally much larger and set on large plots.
- A planning application should only be accepted from genuine builders of

- estates of this size.
- If to be widened and would destroy soft verges and mature trees that line the lanes.
 - Poor layout of the housing on this site and the provision of a rat run link road between Lower Pennington Lane and Ridgeway Lane. The link is completely unnecessary and will only create noise an additional traffic passing Oakhaven Hospice. There is absolutely no logical reason for this arrangement. The layout of the housing is unimaginative and resembles the worst of ribbon development of the mid twentieth century. The juxtaposition of a circular crescent backed rigid terraces of smaller units is a particularly uncomfortable relationship.
 - Pavements and lighting and straightened roads will just turn the area into more suburbia.
 - Landscape and Visual Impact assessment, very few (if any), of the chosen viewpoints were take outside properties that will be affected

Heritage Assets

- There is a Georgian wall alongside Gainsborough court that is underneath protected trees, that is already listing slightly. If there are more HGVs using this lane, this wall will surely collapse due to the vibrations which will risk injury to lane users and severely damage the protected trees.

Oakhaven Hospice representations

A number of representations have been received from the adjacent Oakhaven Hospice during the determination of this planning application (13/2/2023, 1/12/2023, 12/12/2023 (Wessex Planning) and 9/8/2024). These are available on the NFDC website. Additionally, Oakhaven Hospice forwarded a Legal Opinion from 39 Essex Chambers in December 2023 and this is also available on the NFDC website.

The most recent representation received from Oakhaven Hospice in August 2024 is set out in full below:

Oakhaven Hospice response 9 August 2024

We are a community organisation, funded by the community, providing essential services free of charge for the community – it is essential the long-term interests of the hospice are preserved for the benefit of all our community.

The decisions made in relation to this application will have significant long-term implications for the hospice long after the applicant, their representative and the LPA no longer have any interest in this scheme. These implications will have significant impact on the local community and the services provided by the hospice for them.

Oakhaven Hospice position with regard this application is to continue as a holding objection. We have some outstanding concerns as detailed below and will not change our position until these concerns are agreed. We continue to ask for the LPA officers to have constructive conversations with us to meet these concerns. As detailed below we believe we are legally entitled to have our concerns treated with significant weight.

We would refer the planning officers and committee to our submission dated 7th December 2023 and the attached legal opinion document that confirmed that due to the fact that the hospice's requirements have been written into the relevant Local Plan policy, they are uniquely placed to inform the planning assessment and, as such, the hospice's representations are required to be given "significant" weight in the consideration process. This level of consideration is greater than that attracted to any other third-party objector. Failure to do this would be unreasonable and any planning permission granted would be the potential subject of a judicial review.

In addition, it is our understanding that we have a legal right of access along the existing access road. We would not wish to relinquish this right of access until a legally binding document was in place to ensure delivery of satisfactory arrangements to mitigate against the negative impact of this potential development as detailed below.

The objections detailed previously were as follows with our amended comments:

Access to all existing car parking spaces along the access road off Lower Pennington Lane:

It would appear that the amended drawings indicate the pedestrian crossing has been moved sufficiently to retain our access to the parking bay for 5 cars as indicated in the drawings from our previous submission. We would want to retain access to this parking area along with the remaining parking bays as indicated on the applicants' drawings. Access would need to include dropped kerbs to all parking areas. Access to all parking would need to be available throughout the construction period. We would also ask that the provision of the additional 24 spaces as indicated was made available, in a finished form, prior to any other construction on site.

The provision of 24 additional car parking spaces on the application site:

As mentioned previously we are grateful for this additional parking. We remain concerned that there is no landscaping allowance within this area. If this becomes a requirement through the planning process then we would ask that committee ensure that the original agreement of 24 new and additional spaces is provided for the hospice and that any additional landscaping requirements does not impact on this level of parking.

Specification of parking:

We would want to ensure that the specification for parking including automatic barriers, lining, lighting and surface is all agreed in advance. As previously mentioned, and that this work is completed prior to any other construction work starting on site. This will ensure safety of staff and visitors to the hospice but will also help minimise hospice disruption to construction requirements.

Given the legal advice we have received we ask that we are at least given sight of the clauses within the draft Section 106 agreement that will specify the detail of the car park and its transfer. It would be unreasonable not to do so as it is only the hospice that can really confirm whether the specification meets the hospice's needs.

Transfer of parking land:

It was our understanding from the meeting we held with the LPA officers and the applicant on 17th October 2023, that it had been agreed that for the land related to the parking that ownership would be transferred to us. Our preference is that ownership should be transferred to us but if this is not to be the case we would need assurance that the specification of the parking area was legally secured on any future owner of the site. In addition, that there was an ongoing legally secured maintenance schedule in place with any management company.

As stated, our preference is that land ownership is transferred to the hospice so that the hospice can have control and be responsible for its maintenance. This had been previously agreed with the applicant's representatives and we fail to understand why the LPA appear to be insisting on ownership by a management company.

In addition, we would ask that we have adequate input to any section 106 agreement to ensure the detailed specification is appropriate.

Provision of a landscaped buffer between the hospice and the development site:

We are grateful for the inclusion of a buffer strip on the east side of the hospice boundary to try to minimise the impact on "privacy and tranquillity" of the hospice as specified within the policy. But, as the plans suggest, the buffer strip will have fencing along the boundary with the hospice and to the east with the fences at the bottom of gardens for the proposed development. There is no fencing indicated to the north and south of the proposed strip.

This semi-enclosed area is therefore likely to attract anti-social behaviour. In addition, even if there are covenants to try to prevent it, it is inevitable that the owners of the bordering properties are likely to put gates into the fence or even extend their gardens. Both of these risks will prevent the area of land from acting effectively as a buffer strip.

Public access, of any kind, to this area of land will prevent it from working effectively as a buffer strip and therefore fail in meeting the policy statement of protecting the privacy and tranquillity of the hospice.

It would be our preference, as was originally agreed, that ownership of this area of land, as with the parking, that ownership is transferred to the hospice. This will enable the boundary of the hospice to be expanded by the width of the strip. It can be developed as purely soft landscaping as with the rest of the grounds of the hospice.

This would restrict public access to this area of land, would be in line with the original agreement with the applicants representatives and protect the area of land for its intended effective purpose of ensuring the privacy and tranquillity of the hospice from the development.

We fail to understand the LPA officers desire that this land comes under management company control because we do not believe this to be an effective way to protect the area and to ensure its effective maintenance.

But if this is insisted we would therefore ask that the entire buffer strip including the

north and south boundaries is effectively fenced to prevent general public accessing the area to ensure it can work effectively as a buffer strip and ensure compliance with policy.

Again, we would ask that we can have sight to the draft section 106 agreement to ensure the detail of the buffer strip can guarantee its effective use as a buffer strip and there is a clear agreement in place with a landscape management company to ensure appropriate maintenance and management.

To conclude we would ask that the LPA gives significant weight to the above points and concerns as advised by the hospice's planning barrister. We continue to ask for any ongoing dialogue with the LPA with regard our concerns as detailed which, to date, has not been forthcoming.

Additional representations from local residents group Pennington and Lymington Lane Society (PALLS)

A number of representations have been received from the local residents group Pennington and Lymington Lane Society (PALLS). The latest representations received from PALLS in August 2024 from respectively their Planning Consultant are set out below. The latest representation received from the PALLS Highways Consultant is summarised below too. Earlier representations from PALLS are set out in full on the NFDC website.

PALLS response to second re-consultation on amendments to New Forest District Council planning application 22/11424 August 2024

The further amendments to this planning application in no way overcome the objections raised in respect of the original and revised proposals all of which remain extant.

These amendments make no substantive change to the proposals and in no way address the concerns raised in previous representations by PALLS. The plans, as now revised, would result in the further urbanisation and environmental degradation of the Lanes through the loss of verges, culverting of ditches and significant loss of vegetation including mature trees.

There are still multiple errors, inaccuracies, inconsistencies and misrepresentation within the revised documentation and we consider that the applicant continues to try to obfuscate and confuse rather than provide a clear and honest representation of their proposals.

All of our original objections to both authorities still stand and we would ask that they be clearly represented to your Planning Committee when the application is considered.

On the grounds given in our original and additional objection and further objections below and on behalf of its 780 members drawn from a wide area of Lymington, Pennington and the surrounding area, PALLS respectfully requests New Forest District Council to refuse this planning application.

In relation to the second set of amended plans we would wish to make the following further comments:

There is still no clarity about the full extent of verge, ditch and tree loss arising from the introduction of widening and passing places in the lanes. The Highway Authority have highlighted the issue in both their responses but the applicant still fails to honestly and clearly identify the full impact of the works proposed to the Lanes including the provision of sightlines. What is shown is bad enough - passing places, ditch reinforcement (unspecified), build-outs, a mass of signage, raised kerbs etc. The scale of the works will devastate the verdant character of these lanes. PALLS strongly objects to this proposed urbanisation of the Lanes as a result of these proposals.

There is still nowhere any recognition of the high existing level of recreational use of the lanes bordering the site nor the wider network of lanes south of Lymington and Pennington. Nor is there any acknowledgement that, in view of the absence of footpath, the lanes are shared surfaces where the carriageway is shared between all users: pedestrian, cyclist and vehicle. Much of the traffic analysis is based on a survey in the fourth week of December, therefore giving a much lower traffic baseline, a material difference for both lanes which service a park, the salt marshes, a car park and a camping and caravan park.

The applicant has now abandoned their previous intention to make separate provision for cyclists so the existing large number of recreational cyclists in all the lanes (Lower Pennington Lane is identified by HCC as an on-road cycle route) will be faced with the conflict caused by substantially increased traffic volumes, frustrated drivers and queueing traffic and a reduced lane width due to the build-outs now proposed. The traffic assessment predicts that the development of 82 housing units will generate only one additional cycle movement. This seems unbelievably low but is perhaps unsurprising given the hostile environment this development would create for non-car users. It is hardly consistent with a national planning policy framework that exhorts prioritisation of alternative modes to the private car.

The applicant is seeking to provide physical separation of pedestrians and vehicles in Lower Pennington Lane through the introduction of a partial footway linking the access to Footpath 83 into the remaining part of SS6, which does not fall within the scope of this planning application, and Fox Pond Lane. This is proposed on the incorrect assumption that this will provide a continuous off-road link to services and facilities in Milford Road. Aside from the urbanising effects of the footpath to which we strongly object, the objective itself fails because there is no off-road pedestrian infrastructure in Fox Pond Lane beyond the green triangle at the junction – the rest of the lane is a narrow shared surface. Pedestrians will therefore be forced to walk in Fox Pond Lane to the A337 Milford Road as they do now. Whilst traffic levels in Fox Pond Lane are lower than in Lower Pennington Lane, the lane is narrower and serves a substantial number of dwellings, including Kingston Park at its top end. That development and others off Lower Pennington Lane were designed to have integrated pedestrian access to the top of Fox Pond Lane. This development cannot do the same. It is nonsense therefore to assert that the creation of this section of footpath will provide a separate pedestrian route to facilities.

The revised plans now show more detail of the proposed footpath link through the mature tree screen on the western boundary of Woodside Park to facilitate pedestrian access to the park. The previous proposal to provide cycling access has been abandoned and, given the proposal for stepped access, it appears that no-one in a wheelchair, with a pushchair or with mobility difficulties would be able to use it

either. The works will cut a hole in the mature tree screen and involve entirely unnecessary tree loss to no real benefit (see 6. below) and the associated kerbing and hard surfacing on both sides of the lane will further urbanise the Lanes. It is unclear whether this link would be lit with further harmful impact on ecology and biodiversity.

We would also question the purpose of this link given that the north-south footpath proposed within Woodside Park no longer links to Rookes Lane in the north and on to the town centre and Pennington. This was supposed to replace the initial proposal for a footpath between Forest Gate Gardens and the Rookes Lane junction (which is not deliverable). So what benefit does it provide given there are already two points of access into Woodside Park along Ridgeway Lane? Realistically any pedestrian heading to the town centre will still walk in the carriageway from the junction of Forest Gate Gardens up to the Ridgeway Lane/Rookes Lane junction and take their chances crossing Rookes Lane to go east towards the town centre. What they will not do is join a footpath which goes back on itself to meander through Woodside Park. Or, what is much more likely, they will get into their car because they will not feel safe to walk.

Transport Review of Planning Application – August 2024

The PALLS Highway Consultant, PEP, set out detailed commentary on:

- General Observations
- Wider Site Accessibility and Road Safety
- Access Design
- Internal Site Layout
- Assessment against previous concerns raised.

Overall, the highways issues previously raised have not been addressed in the revised TA submitted. Of key concern is the limited consideration given to accessibility for non-car users to local facilities and whether the mitigation measures put forward can technically be achieved.

In summary, the PALLS Highways representation concludes:

The updates to the scheme proposals fail to address the key transport related concerns PEP have with the proposed residential development, with updates worsening the site accessibility.

Whether or not the revised proposed pedestrian routes can be achieved as part of the proposals is questioned and in any event are outside the planning application redline and so should be discounted.

The provision of a safe and suitable access for all users is not demonstrated, with site access designs making use of historic traffic data, or data from elsewhere on the road network, and now steps proposed along one proposed pedestrian route.

The proposed pedestrian routes to the north/north east are now convoluted and not legible or safe for pedestrians especially vulnerable road users, and means that car use is more attractive than other modes. Therefore, the pedestrian route design to the local area is contrary to NPPF as does not give priority to non-car road users.

The proposed access points and footpath crossing locations, even with the build outs now proposed at some crossing points, would all result in a significant amount of tree/hedgerow loss, especially as hedgerows should typically be cut back by 1m to 1.5m beyond the visibility splay to allow for future growth. Therefore, this needs to be considered carefully by other disciplines.

There are now no proposed dedicated cycle routes to the site and whilst Lower Pennington Lane is identified as an on-road cycle route this would not be suitable for all, especially given the increase in traffic also proposed and road narrowing's.

Ridgeway Lane and Lower Pennington Lane are unsuitable for increased cycle and vehicle traffic and would result in a greater chance of vehicles meeting on each lane which would raise safety issues. Previous pinch point assessments on Ridgeway Lane assessing existing narrow sections of the road used traffic flows from early May and it has not been confirmed if these flows are comparable to peak summer months. The surveys are also now five years old. No assessment has been undertaken of the new road narrowing now proposed on both lanes. Road narrowing as part of a S278 agreement would be subject to public consultation and so could not be guaranteed.

Traffic flows on Lower Pennington Lane are already in excess of 1000 vehicles per day in winter months, and likely to be higher in the summer. The level of vehicle traffic passing along this route is already unsuitable for the design of the lane. With an isolated road narrowing also now proposed the suitability of this route for the level of traffic use anticipated becomes even more of an issue.

The proposals fail to demonstrate that the scheme can satisfactorily achieve accessibility by sustainable travel modes and therefore is contrary to NPPF.

The proposed Ridgeway Lane access design and adjacent Ridgeway Lane realignment are not fully within public highway and it is still not clear if this land is included in the redline of the site. Therefore, the applicant has failed to identify how the access is to be achieved.

Where the applicant has identified traffic capacity issues off site mitigation measures have not been put forward. PEP have also identified safety issues with the existing road network design which also have not been addressed. Traffic surveys being used for traffic capacity testing are also now five years old and thus should be updated, with surveys also undertaken during the summer months to be more reflective of traffic on local roads.

The vehicle through route between Ridgeway Lane and Lower Pennington Lane would encourage rat running and increase traffic on Poles Lane. Traffic associated with visitors to Hurst View caravan park and the marshes car park would also be able to use this route during the summer, the level of which is not considered given traffic surveys were undertaken in December and early May.

Proposed road widening on Lower Pennington Lane and Ridgeway Lane could have implications on adjacent drainage ditches which may not all be within public highway.

The internal development layout design is not legible or safe for pedestrians especially vulnerable road users and means that car use is more attractive than other modes. Therefore, the scheme design is contrary to NPPF as does not give priority to non-car road users.

Therefore, the proposals have not confirmed that the scheme would not have an impact in safety terms and that there is not a severe traffic terms in line with NPPF. The application should be refused based on safety and severe impact. The applicant has not demonstrated that the site is accessible.

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 SS6). Local Plan Policy SS6 is reproduced in full below. The supporting text and concept masterplan for Policy SS6 is set out on pages 128 to 130 of the Local Plan. Policy SS6 forms part of the Development Plan and is the starting point for consideration under Section 38(6) of the Planning and Compulsory Purchase Act. Policy SS6 should be read in conjunction with all policies in the Development Plan rather than in isolation.

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

Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington

- xiii. Land to the east of Lower Pennington Lane, Lymington as shown on the Policies Map is allocated for at least 100 homes and public open space, dependent on the form, size and mix of housing provided.
- xiv. The masterplanning objectives for the site as illustrated in the Concept Masterplan are to:
 - a. Create a well-designed extension to the settlement of Lymington with a character and density that is respectful of the low density and rural edge character of the locality and surrounding properties.
 - b. Provide a central greenspace serving as a focal point for the development that also defines a new rural edge and softens the transition to the open countryside of the adjoining New Forest National Park.
 - c. Retain and enhance important tree belts, rights of way, hedge rows and incidental open spaces around the site boundaries as landscape features forming an important part of the character of the site and

providing some screening for existing residential areas.

- d. Integrate the site into the built-up area of Lymington connecting to its footpath networks to central Lymington, Woodside Park and to the countryside.
- e. Provide points of vehicular access to the site from both Lower Pennington Lane and from Ridgeway Lane, connecting to provide a vehicular route through the site.

xv. Site-specific considerations to be addressed include:

- a) The southern site boundary is the edge of the New Forest National Park, and the proposed site access at the south-east corner is within the National Park.
- b) Development and access arrangements must respect the tranquillity, privacy and security of the Oakhaven Hospice.
- c) Provision of additional visitor car parking for the hospice.
- d) Maintaining the public right-of-way across the site as a dedicated footpath.

As set out, the application site does not include all of Local Plan Allocation site SS6. The residual area of Local Plan Strategic Site SS6, as set out in the Local Plan Concept Masterplan, not within this application site, includes the north-west portion immediately north of Oakhaven Hospice.

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 can demonstrate a requirement for a Green Belt location. In this application includes the proposed vehicular access routes.

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 south-westernmost portion of the application site is within the South West Hampshire Green Belt (SWHGB). This is that part of the existing access route that forms part of the revised access arrangements from Lower Pennington Lane. For reference, the residual area of the application site is not located with the South West Hampshire Green Belt.

In this case, the proposal within the application site 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 including the expanded vehicular access.

Essentially, 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 within the application site accords with NPPF paragraph 154 and Local Plan Policy ENV2 (South West Hampshire Green Belt).

The proposal also includes off-site highways works around Ridgeway Lane and Poles Lane. Likewise, this part of 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 including the expanded vehicular access. As such, that part of the proposal accords with NPPF paragraph 154 and Local Plan Policy ENV2.

Environmental Impact Assessment (EIA)

The applicant has submitted a response from the Secretary of State with regard to an Environmental Impact Assessment (EIA) Screening Direction (31 August 2021) made under 6(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(S.I. 2017/571) ("the 2017 Regulations") on the matter of whether or not the above development is 'EIA development' within the meaning of the 2017 Regulations.

The Secretary of State's screening direction was that the proposed development described is not 'EIA development' within the meaning of the 2017 Regulations.

Therefore, in the absence of any material considerations which could necessitate a further screening direction from the Secretary of State, the conclusions of the 2021 EIA screening direction are considered to remain valid and as such the application is deemed not to be 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:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a 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 and heritage assets. 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.

Summary

The application site is part of Local Plan Allocation Site SS6 (Land East of Lower Pennington Lane, Lymington) and therefore the principle of development is established. The proposed residential development is located East of Lower Pennington Lane on land that was mostly removed from the South West Hampshire Green Belt as part of the Local Plan process.

None of the proposed residential development is located within the Green Belt that is retained within the application site. The proposal would preserve the openness of the South West Hampshire Green Belt and would not conflict with the purposes of including land within it.

The proposal has been determined not to be EIA development in line with the direction from the Secretary of State.

Assessment of the application takes into account the requirements of the NPPF (December 2024) paragraph 11 criterion (d).

Policy LP1 of the emerging Submission Plan Lymington and Pennington Neighbourhood Plan (SLPNP) 2016-2036 (January 2025) sets out that the focus for new development in Lymington and Pennington, outside of the National Park will be on reusing brownfield land and on realising other suitable development opportunities within the settlement boundary.

Given that the application site is within a Local Plan Allocation Plan (Strategic Site 6) it is considered that it falls under the rubric of 'suitable development opportunity within the settlement boundary' as set out in emerging SLPNP Policy LP1.

As such, the principle of development has been established.

B. Highways, Access, Parking, Public Rights of Way

Local Plan Policy SS6 sets out in criterion (ii)(e) the following masterplanning objective:

- Provide points of vehicular access to the site from both Lower Pennington Lane and from Ridgeway Lane, connecting to provide a vehicular route from

the site.

Additional site-specific considerations in Policy SS6 include criterion (iii)(c) and (d):

- Provision of additional visitor car parking for the hospice
- Maintaining the public right of way across the site as a dedicated footpath.

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

- i. Prioritise the provision of safe and convenient pedestrian access within developments, by linking to and enabling the provision of more extensive walking networks wherever possible, and where needed by providing new pedestrian connections to local facilities;
- ii. Provide or contribute to the provision of dedicated cycle routes and cycle lanes, linking to and enabling the provision of more extensive cycle networks and providing safe cycle routes to local schools wherever possible;
- iii. Consider and wherever possible minimise the impact of development on bridleways and horse riders;
- iv. Provide sufficient car and cycle parking, including secure cycle parking in schools and colleges, work places, bus and rail stations, and in shopping areas in accordance with the adopted Parking Standards Supplementary Planning Document;
- v. Incorporate infrastructure to support the use of electric vehicles; and
- i. 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.

Local Plan Policy IMPL2 (Development standards) criterion vi) sets out that provision should be made to enable the convenient installation of charging points for electric vehicles in residential properties and in residential, employee and visitor parking areas. Detailed guidance on vehicular parking, cycle storage and electric vehicle charging is set out in the NFDC Parking Standards Supplementary Planning Document (April 2022).

The NPPF (December 2024) sets out in Section 9 (Promoting sustainable transport) guidance for considering development proposals in paragraphs 115 to 118. Paragraph 115 sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ; and
- (a) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 116 sets out 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.

Paragraph 117 sets out that within this context, applications for development should:

- (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

(a)
Paragraph 118 sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The proposal is supported by a Transport Assessment (Bright Plan) for which three iterations (July 2022, September 2023 and July 2024) have been provided. The latest Transport Plan iteration (July 2024) is the definitive version.

The Local Highway Authority (LHA) (Hampshire County Council) has been consulted extensively on the application and they have confirmed in their detailed response of 16 September 2024 that they have no objection subject to a s106 planning obligation and suitable conditions.

The Local Highway Authority also provided further detailed comments in March 2025 which provided further clarification on highways and access matters raised in some of the detailed representations.

The proposal includes two new site vehicular accesses from Lower Pennington Lane and Ridgeway Lane respectively. This reflects the two indicative primary accesses set out in the Local Plan Concept Masterplan with the aim of satisfying criterion (ii)e) of Policy SS6 where the objective is to provide the two vehicular access points and connect to provide a vehicular route through the site. The Lower Pennington Lane access would utilise in part the existing access serving Northfield Nursery and Oakhaven Hospice. The Ridgeway Lane access would be located in the position of the existing gated field access. The access points would be reformed to provide T-junctions with priority arrangements.

The proposal includes new footways flanking each of the proposed vehicle access points on Ridgeway Lane and Lower Pennington Lane:

- The site's proposed western vehicle access on Lower Pennington Lane would be flanked by a 1.8m wide footway on its northern side, which would cross to a 2.0m wide footway on the southern side of the road approximately 85m into the

site.

- The site's eastern vehicle access would be flanked by a 2.0m wide footway on its southern side, which would continue into the site which connect with a network of internal footways/footpaths. The footway would additionally connect to a new section of footway on the eastern side of Ridgeway Lane proposed as part of the Poles Lane staged junction reconfiguration.

However, it should be noted that all of the proposed eastern access (vehicular and pedestrian) off Ridgeway Lane is within the New Forest National Park Authority area and as such is for the NFNPA to determine – and – that the proposed western access (vehicular and pedestrian) off Lower Pennington Lane is partly within the District and partly within the NFNPA area.

Therefore, to demonstrate that the proposal has satisfactory vehicular accesses from both Ridgeway Lane and Lower Pennington Lane and the associated pedestrian accesses flanking them are also deliverable will depend on the determination of the associated application with the New Forest National Park Authority as set out in the recommendation below.

Vehicular Access, Visibility Splays, Speed Surveys and Personal Injury Analysis (PIA) Data

HCC Highways set out in their response dated 16/9/2024 that the design of the proposed Ridgeway Lane site access (within the NPA area) as shown in outline on the submitted plan Ridgeway Lane Access Overview and Visibility Splay's (Bright Plan, August 2023, Ref: 2020-6181-102 Rev. A) is acceptable in principle.

HCC Highways set out in their response dated 6/2/2024 that the design of the proposed Lower Pennington Lane vehicular site access as shown in outline on the submitted plan Lower Pennington Lane Access Overview and Visibility Splays. This was subsequently revised to secure a suitable pedestrian access (Ref: 2020-6181-103 Rev. B).

HCC Highways also confirmed the following in their response dated 16/9/2024 that if planning permission is granted and the site progress, the applicant will be required to enter an S278 Agreement process to work on the highway. As part of this process:

- a detailed design check will be carried out including a requirement for further speed surveys;
- depending upon the resulting visibility requirements, minor amendments to the designs may be required; and
- a detailed design (Stage 2) Road Safety Audit will be carried out as part of the S278 process, as well as a Stage 3 Road Safety Audit upon opening of the works.

HCC Highways is satisfied that if any minor amendments are required, these will be achievable within either existing highway or land controlled by the developer.

Representations have set out criticism of the visibility splays provided as part of the supporting Transport Assessment (TA). HCC Highways provided the following

commentary on this matter in March 2025.

HCC Highways is aware of the concern regarding the age and location of speed surveys used in the submitted Transport Assessment (TA). Ideally, HCC Highways would prefer to see speed data obtained from surveys conducted within the last three years. Unfortunately, this has not been done by the applicant. Although speed surveys were conducted in December 2017, Ridgeway Lane has not undergone significant changes since December 2017, in terms of its geometry or traffic volume, particularly at the southern end near Poles Lane.

Therefore, it is not considered sustainable to maintain an objection or indeed a reason for refusal due to the speed surveys not been updated as a current speed survey would be unlikely to yield significantly different results.

Regarding the location of the speed surveys on Ridgeway Lane, the applicant has provided justifications for why the survey location was chosen. According to HCC's Technical Guidance, the Automatic Traffic Counter (ATC) should have been placed on the telegraph pole opposite the Poles Lane junction. However, this would not have been a suitable location, as the ATC would need to be positioned in the middle of the junction (rather than at the roadside). This would likely result in the equipment being dislodged or distorted by vehicles turning at oblique angles, potentially skewing or interrupting the data. Placing the ATC any further south from the junction (approximately 70m) would result in speed data that is unrepresentative of traffic approaching the site access.

HCC Highways reviewed proposed mitigation for the ATC locations and acknowledged the challenges associated with placing the measuring equipment in this area. Given the numerous access points along both lanes, it is difficult to argue that an alternative location would produce a higher 85th percentile speed, or that the proposed locations have compromised the accuracy of the traffic speed data.

Whilst HCC Highways acknowledges that traffic speeds at this location may change in the future as result of re-alignment of Poles Lane junction. If speeds were to increase, the proposed build-out and traffic calming features would likely help to reduce speeds, thereby decreasing the need for larger visibility splays.

Notwithstanding this, updated speed surveys would be required at the detailed design stage and two further road safety audits (of the detailed design and the constructed scheme) will be undertaken as part of the S278 process.

Another concern raised in representations is the size of the vehicles used in the swept path analysis. HCC's Technical Guidance specifies that a large family car (4.8m) should be used for vehicle swept path tracking. This is the size of the vehicle used in the tracking submitted by the applicant. For residential developments, it is not required for the developer to track all types of vehicles for every driveway.

However, tracking along the estate roads for vehicles such as family cars, fire appliances, large refuse vehicles, and removal vans (Pantehnicos) has been submitted, reviewed, and deemed acceptable.

Representations also set out criticism of the personal injury analysis (PIA) data submitted by the applicants. HCC Highways has provided the following commentary on this matter.

HCC Highways notes that the PIA data included in the Transport Assessment (May 2024) was not up to date. Therefore, HCC Highways obtained the most recent accident data (between 01 May 2019 and 30 April 2024) internally for verification purposes. This updated data shows that, during the latest 5-year period, two accidents occurred on Lower Pennington Lane and two accidents occurred on Ridgeway Lane. All four accidents are classified as "slight." No incidents were reported at the site frontage on either Lower Pennington Lane or Ridgeway Lane.

The data indicates that the two accidents on Ridgeway Lane did not involve pedestrians, while both accidents on Lower Pennington Lane involved pedestrians. However, these incidents occurred at separate locations and appear to be isolated events. All incidents were caused by human error.

This suggests that there are no existing highway safety issues that would be exacerbated by the proposed development. Moreover, the development will include footways between the site and the Fox Pond junction on Lower Pennington Lane, and an off-road footpath within Woodside Garden then further to Lymington town centre, which will improve the situation for both existing and future residents. HCC Highways is therefore satisfied that these measures will effectively mitigate the impact of the development on road safety.

As such, and notwithstanding that both accesses rely wholly or in part on land within the administrative area of the New Forest National Park Authority, subject to suitable conditions, a s106 planning obligation and any necessary detailed design refinements deemed necessary by the Highway Authority (Hampshire County Council) through the s278 and s38 process, the proposed site vehicular access and supporting footways is considered to be acceptable and as such accords with Local Plan Policies SS6 criterion (ii)(e) and CCC2 criterion (vi) and NPPF (December 2024) paragraph 115 criterion (b).

Off-site Highways Work

The proposal includes pedestrian access works off-site on Lower Pennington Lane as set out in the plan Footway Link to Fox Pond Lane (Bright Plan, July 2024, 2020-6181-201 Rev. A). HCC Highways has reviewed the proposed footpath design and consider that it is acceptable in principle.

HCC Highways require this footway to be provided and set out that the same request has been raised for the adjacent live application 24/10401. HCC Highways are clear that delivery of this footway is considered essential as it will provide a safe walking route between the site and the shops on Milford Road, the catchment schools and the leisure centre, and that this mitigation is necessary to improve safety and encourage local journeys on foot.

The proposed highway works associated with this access include a new build out calming feature on the eastern side of the carriageway which reduces the road width to 3.9m for a length of circa 30m. The build out feature would alleviate impacts on the trees and highways ditches on the eastern side of the carriageway, while enabling the footway connection between Footpath 83 and the existing footway on Fox Pond Lane. The existing footway along Fox Pond Lane would also continue to be resurfaced and widened to 1.5m

Representations received have set out concerns about the one-lane working section of Lower Pennington Lane and its potential impact on the proposed access serving

the smaller land parcel in the northwest for which a planning application has been submitted and is being reviewed. Visibility splays at this one-lane section are shown on drawing 2020-6181-201 Rev A, which demonstrates that vehicles at the give-way line will be able to see vehicles approaching from the access point, and vice versa. The arrangement is considered safe and operationally sound.

An assessment of the proposed one-lane working sections on both Lower Pennington Lane and Ridgeway Lane has been carried out and included in the Transport Assessment (paragraph 6.5). The assessment concluded that, with the proposed development traffic on Ridgeway Lane, the frequency of vehicles during the busiest period would be approximately one northbound vehicle every 72 seconds and one southbound vehicle every 57 seconds. Drivers encountering an opposing vehicle at the pinch point would need to wait approximately 6 seconds for the opposing vehicle to clear the one-lane section of the carriageway. This estimate is similar for the one-lane section of Lower Pennington Lane, given the low level of traffic flow.

Therefore, the proposed one-lane working sections are not expected to cause queuing on either lane.

A junction modelling assessment of cumulative traffic, including the proposed development, has already been carried out as part of the Transport Assessment in support of planning application 20/11192 for the site 'Land to the South of Milford Road (SS5)' and was approved by HCC Highways. The modelling results indicated that, when the traffic generation of other Local Plan allocation sites is included, the capacity of this junction is likely to be exceeded, and as such improvements to the junction will be required.

When the application for 'Land to the South of Milford Road (SS5)' was assessed HCC Highways agreed that improvements to the roundabout could be addressed through a proportionate financial contribution secured via s106 agreements.

This applicant has agreed to a financial contribution of £58,080 towards improvements at the A337 roundabout including walking and cycling and will be secured via a s106 agreement. It is understood that there is local demand for a signalised crossing at the existing uncontrolled crossing on Milford Road, near South Street. This suggestion will be reviewed by HCC Highways as part of the roundabout improvement works.

The Transport Assessment (TA) identifies the following proposed highway works on Ridgeway Lane within the NFDC area:

- Headwall to be re-positioned;
- Road edge and ditch wall reinforced and kerbed with formalised grips;
- Ditch wall reinforcement;
- Additional passing bay;
- Carriageway realigned to form new verge and footpath at junction of Ridgeway Lane and Poles Lane; and
- Localised resurfacing and widening.

HCC Highways set out in their response dated 16/9/2024 that further discussion to agree the detailed approach will be required during the detailed design s278 process.

Regarding the 'Monte Carlo' methodology used in the Transport Assessment, HCC Highways set out in their response of March 2025 that it does not typically accept this method, as it is not a standard practice in the transport planning industry.

However, the results are not dissimilar to what was expected, based on the road length and the volume of traffic, including both current and development traffic. Although the assessment could use Micro-simulation models, given the high costs of Micro-simulation models and the scale of the proposed development, such requirement would be seen unreasonable/ disproportionate. HCC Highways have significant experience of reviewing and delivering one way working schemes such as this and, given the length of the one way working and traffic flows, are confident this will operate well within capacity with no significant delay or queuing.

HCC Highways has also noted local concerns regarding the impact on the existing junction of Lower Pennington Lane/Ridgeway Lane and a request for the inclusion of a right-turn lane at this junction. For example, the representation received on behalf of the Pennington and Lymington Lanes Society (PALLS) in October 2024 used the standards outlined in Design Manual for Roads and Bridges (DMRB) CD123 which is intended for the design of motorways and trunk roads.

HCC Highways does not consider that a right-turn lane is a safety requirement in this low-speed (30mph) environment. Additionally, the existing daily traffic flows on Lower Pennington Lane already exceed 1,000 vehicles, and there is no Hampshire Constabulary recorded collision history related to vehicles waiting to turn right at this particular junction.

The proposed development is expected to increase traffic movements through this junction by 8% (36 vehicles during peak hour). Given this, HCC Highways does not believe that the additional traffic generated by the development will significantly increase the current level of risk at the junction.

Traffic modelling has shown that this junction will be able to accommodate the additional traffic generated by the proposed development without exceeding capacity. A larger, more complex junction design is unlikely to offer any significant benefits and could reduce the available footway area, increase the difficulty for pedestrians and cyclists crossing the junction, and potentially be visually intrusive, with excessive land take. As such, HCC Highways does not consider that a right-turn lane or any further modifications are necessary or desirable.

The supporting Transport Assessment sets out (paragraphs 4.6.1 to 4.6.2) that the site would allow fire engines (the largest emergency vehicle) to negotiate the proposed access and internal road network and perform turning manoeuvres on-site in line with guidance in Manual for Streets. HCC Highways has confirmed that they are content to review any final designs at the s278 detailed design stage.

HCC Highways also highlight that there are also ditches adjacent to the carriageway and as such any works affecting the ditch will require Ordinary Watercourse Consent (OWC) prior to works commencing. As some of these ditches could potentially be within the NFDC area this can be addressed in a supporting informative.

As such, and notwithstanding that, as set out, some of the proposed off-site highways works is within the administrative area of the New Forest National Park Authority, subject to suitable conditions, a s106 planning obligation and any necessary detailed design refinements deemed necessary by the Highway Authority

(Hampshire County Council) through the s278 and s38 process, the proposed off-site highways works is considered to be acceptable in principle and as such satisfies Local Plan Policies SS6 criterion (ii)(e) and CCC2 criterion (i) and (vi) and NPPF (December 2024) paragraph 115 criterion (b).

Cycle and Pedestrian Access

The application is supported by a Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) (Bright Plan, September 2023). The study area of the WCHAR focused on Ridgeway Lane, Lower Pennington Lane and Pennington Cross roundabout. The WCHAR identified a number of existing issues with the walking infrastructure on the routes from the site to local key amenities.

Accordingly, the applicant has proposed a package of cycle and pedestrian access works on-site and off-site. This is set out in the Pedestrian/Cycle Access Strategy plan (Bright Plan, July 2024, Ref: 2020-6181-114 Rev. D).

The proposed pedestrian access includes new footways flanking each of the vehicle access points on Ridgeway Lane and Lower Pennington Lane as set out in plan Vehicular and Pedestrian Access Overview (Bright Plan, July 2024, Ref: 2020-6181-101 Rev. E). The site's proposed western vehicle access on Lower Pennington Lane would be flanked by a 1.8m wide footway on its northern side, which would cross to a 2.0m wide footway on the southern side of the road approximately 85m into the site. The site's eastern vehicle access would be flanked by a 2.0m wide footway on its southern side, which would continue into the site which connects with a network of internal footways/footpaths. The footway would additionally connect to a new section of footway on the eastern side of Ridgeway Lane proposed as part of the Poles Lane staggered junction reconfiguration.

However, it should be noted that, as set out, the main proposed eastern vehicular and pedestrian access off Ridgeway Lane is within the New Forest National Park Authority administrative area and, as such, are for the NFNPA to determine. It should also be noted that the proposed western access (vehicular and pedestrian) off Lower Pennington Lane is partly within New Forest District Council's administrative area and partly within the NFNPA area.

HCC Highways confirmed in their response of 16/9/2024 that the proposed cycle and pedestrian accesses flanking the proposed vehicular accesses are acceptable. For reference, cycle access into the site is dependent on the use of the two vehicular accesses.

Two further pedestrian accesses are proposed connecting the application site to Ridgeway Lane. The proposed pedestrian accesses are both set out in the Local Plan Concept Masterplan for SS6 as 'non-vehicular accesses'. Both are located entirely within the NFDC area.

The first proposed new pedestrian access from the site is located between the internal site layout and Forest Gate Gardens an established residential area to the north. This land is owned by New Forest District Council and is contiguous with the HCC Highways extents in Forest Gate Gardens. HCC Highways has set out that the proposed design is acceptable in principle. The proposed pedestrian access will be over generally level land and should be accessible to all. It will connect with the existing shared surface and hence pavement within Forest Gate Gardens. The existing five bar gate on the boundary between the NFDC land and Forest Gate

Gardens will need to be replaced with a suitable access.

The Transport Assessment (TA) (paragraph 4.8.16) sets out that the applicant has received agreement from Lymington Pennington Town Council to construct a new footway within land owned by the councils, which is set out in a Statement of Common Ground (SOCG) and further email correspondence attached at Appendix H to the TA. This pedestrian access will be secured through a s106 planning obligation contribution. Any necessary works to trees, hedgerows and ditches are addressed later in the committee report.

Representations have also been received from local residents with regard to access arrangements and possible covenants at Forest Gate Gardens but these are legal matters outside consideration in this application.

The second proposed new pedestrian access from the site is located between the existing properties 'Brocklands Cottage' and 'The Buccaneer'. This pedestrian access is within the application site. It is on a light slope and is formed from an existing overgrown access between the two properties. The access is contiguous with HCC Highways extents on Ridgeway Lane. Signs are proposed that indicate that the access is pedestrian only.

On the eastern side of Ridgeway Lane, there is a proposed off-site pedestrian only access which would connect with the recently made hard-surface footpath within Woodside Park. HCC Highways note that the proposal would include some steps which can create difficulties and inconvenience for some users and recommends instead a ramp. However, on balance of considerations it is considered that a ramp and any supporting paraphernalia such as handrails could result in an engineered access into the park that could be a visually obtrusive presence in Ridgeway Lane.

As such, despite not being accessible for all, given there is the generally level alternative route through the NFDC land and Forest Gate Gardens to the north, it is considered that the use of steps would be preferable in this instance and that those with restricted access would not be unduly prejudiced.

HCC Highways confirmed that these routes would not be maintained by the Highway Authority and as such a planning obligation would be required to ensure these paths are open to the public and maintained in perpetuity. The Transport Assessment (TA) (paragraph 4.8.16) sets out that the applicant has received agreement from Lymington Pennington Town Council to construct a new pedestrian only footpaths within Woodside Park which is set out in a Statement of Common Ground (SOCG) and further email correspondence attached at Appendix H.

For reference, further commentary on the proposed Ridgeway Lane pedestrian access works are set out later in the Planning Assessment (Section E (Green Infrastructure) in relation to arboricultural matters and Section F (Design and Local Character) in relation to the impact on the townscape of the two Lanes).

Lower Pennington Lane is set out as an approved on-road cycle route by the New Forest National Park Authority in their cycle route map. Essentially, the proposal broadly contributes towards a more integrated local cycle network through the proposed internal link roads (please see sub-section (v) below). As such, the proposal accords with Local Plan Policy CCC2 criterion (ii).

Therefore, as set out, some of the proposed pedestrian and cycle access works is

within the administrative area of the New Forest National Park Authority, subject to suitable conditions, a s106 planning obligation and any necessary detailed design refinements deemed necessary by the Highway Authority (Hampshire County Council) through the s278 and s38 process, the proposed off-site highways works is considered to be acceptable in principle and as such satisfies Local Plan Policies SS6 criterion (ii)(d) and CCC2 criterion (i), (ii) and (vi) and NPPF (December 2024) paragraph 115 criterion (b).

Public Rights of Way

HCC Countryside Services have set out in their August 2024 consultation response that they have no objection subject to a s106 planning obligation, suitable conditions and informatives.

HCC Countryside Services have provided the following detailed comments with regard to the applicant's proposal to change the alignment of Footpath 83 within the development site:

- Planning permission does not entitle the party to which it is granted to obstruct or make alterations to the surface of a public highway, which includes a PROW, without separate permission from either the planning authority or the highway authority.
- The public shall retain the right to access at all times during the proposed works to FP82 and FP83, whether on the existing or proposed future alignments of the PROW. Should the applicant deem it necessary to temporarily prohibit such access to all or sections of either PROW to enable construction activities to take place, they must apply to HCC for a Temporary Closure Order (TCO) and have such an order approved in advance of any obstruction of the footpaths occurring. The TCO application must include a proposed diversion route that ensures public access to the PROW is maintained.

HCC Countryside Services also set out that it is reasonable to expect an application of this scale to provide for the protection and enhancement of PROW within or near to the site, in mitigation for the impact of the development on the level of use of the public footpaths. In addition to the changes proposed by the applicant to the surface and alignment of sections of FP83 within the site, the Service has identified other opportunities for improvement to this footpath and FP82 that shall require a contribution from the applicant to enable the Service to carry out the works.

Footpath 83 resurfacing between northwest site boundary and Lower Pennington Lane

HCC Countryside Services amended their request for suitable resurfacing along the route of footpath 83 outside the application site to the north-west so that it is required only between the site boundary and a point south of the property 'Amberview'. The surface of FP83 between to the west of this is considered acceptable by HCC Countryside Services for footpath users.

HCC Countryside Service also set out that the footbridge on FP83 located adjacent to the site's northwest boundary requires replacing as part of the FP83 improvements, including the removal of the stile at its southern end to enhance accessibility and improve the safety and convenience of the PROW for all users. The

contribution requested for resurfacing of 150 metres of FP83, including footbridge replacement equates to £58,455.

Footpath 83 resurfacing adjacent to 'Greencroft'

HCC Countryside Service also requested a £12,990 contribution towards footpath resurfacing for footpath 83 north of the proposed vehicular access from Ridgeway immediately south of the property 'Greencroft'. The footpath requires resurfacing to provide a more durable composition that enables convenient public use all year round.

Footpath 82 boardwalk replacements

HCC Countryside Service has further sought a £32,475 contribution along the route of footpath 82 to replace boardwalks to provide a safer walking surface.

In summary, NFDC Officers agree with the proposed contributions towards improvements of the local PROW network, as part of a wider network of non-vehicular access improvements, in line with Local Plan Policy SS6 criterion (c) which seeks to retain and enhance public rights of way, amongst other things, and criterion (d) integrate the site into the built-up of Lymington connecting to its footpath networks to central Lymington, Woodside Park and to the countryside, Local Plan Policy CCC2 criteria (i) and (vi), and NPPF (December 2024) paragraphs 96, 105, 109, 111 criteria (b), (c) and (d), 115 and 117.

Internal Road Layout

The proposed internal site layout is set out in the plan Vehicular and Pedestrian Access Overview (Bright Plan, July 2024, Ref: 2020-6181-101 Rev. E). HCC Highways has raised no objection.

The proposal would provide a link road between Lower Pennington Lane and Ridgeway Lane in line with Local Plan Policy SS6 criterion (ii)(e). The supporting Transport Assessment sets out in paragraph 4.10.1 that the proposed link road would be to adoptable standard. The proposed link road would serve as the site's main estate road from which secondary routes would branch, leading to a number of side roads and smaller cul-de-sacs.

The Transport Assessment (paragraph 4.10.4) sets out that the proposed internal shared surface arrangements would be provided in accordance with the national highway design guidance Manual for Streets which states that shared surfaces are appropriate for cul-de-sacs, where parking is controlled or takes place in designated areas and the vehicle flow is below 100 movements per hour.

One representation received set out that the internal link road should have retractable bollards to restrict movements to cyclists and pedestrians only. Essentially, by restricting vehicular access in this manner the site promoters would not be able to satisfy Local Plan Policy SS6(ii)(e) and as such has not included in the highway design.

Essentially, it is considered that there is a clear street hierarchy in the proposed internal road layout in line with the guidance set out in Manual for Streets. As such, the proposal satisfies Local Plan Policy SS6 criterion (ii)(e).

Residential Vehicular Parking, Electric Charging and Cycle Storage

The proposed vehicular parking strategy is set out in the plan Car Parking Overview (Bright Plan, July 2024, Ref: 2020-6181-100 Rev. A). This includes a mix of on-plot car parking and shared off-plot parking in courtyards and on the street.

Essentially, the proposed residential vehicular parking satisfies the requirements of Table 1 in the NFDC Parking SPD. A total of 189 parking spaces are set out in the plans, which is 17 spaces over the minimum requirement in the SPD.

The unallocated parking includes 17 spaces in the curved parking barn located behind units 78 to 82. The site promoter confirmed in March 2025 that these parking spaces and the curved parking barn will be unallocated spaces and subject to Management Company control. The parking courtyard to the rear of plots 33 to 35 will also be under Management Company control. It is also considered appropriate that any covered parking structures ('car barns') are conditioned so that they cannot be turned into garages without planning permission.

NFDC's Parking Standards SPD (April 2022) states that parking spaces for residential developments should be designed to enable the provision of plug-in charging points for electric and hybrid vehicles, this includes where private parking is separate from the dwelling. The Transport Assessment (paragraph 4.13.4) sets out that in accordance with the NFDC electric vehicle parking standards and Building Regulations Part S all proposed dwellings with associated parking would have access to electric vehicle charging points.

The Transport Assessment (paragraphs 4.13.5 - 4.13.6) sets out that cycle parking would be provided in accordance with the minimum standards in the NFDC Parking Standards SPD (April 2022). Cycle parking would be provided within the curtilage of the properties, either in garages or secure cycle stores.

Sixteen of the proposed eighty-two dwellings have on-plot garages. This provides sufficient cycle storage capacity for those dwellings. For reference, parking under cover such as car barns are not considered suitable for cycle storage given that they cannot be locked.

The residual sixty-six dwellings (all houses) will need cycle storage within their curtilage. Sixty-two of the dwellings have accessible rear gardens. Each of these rear gardens should be provided with a lockable rear or side access gate and this can be secured through a suitable condition. The cycle storage should be provided in a suitable structure within the rear garden and again this can be secured through a suitable pre-occupation condition.

However, four of the proposed dwellings (plots 52, 53, 54 and 62) do not have an accessible rear garden. As such, the necessary cycle storage will need to be provided in a suitable structure to the front of these two-bedroom houses.

As such, subject to suitable conditions, the proposal satisfies Local Plan Policy CCC2 criterion (iv) and the guidance set out in the NFDC Parking SPD (April 2022) and is in line with NPPF (December 2024) paragraph 117 criterion (e).

Oakhaven Hospice Vehicular Parking

Local Plan Policy SS6 criterion (iii)(c) sets out that site-specific considerations to be

addressed include, inter alia, provision of additional visitor car parking for the hospice.

The Local Plan does not set out any supporting text which adds detail to this policy criterion and as such the minimum quantum of parking to be provided is not set out. However, the illustrative Local Plan Concept Masterplan on page 130 does indicate a shaded area in the south-west corner of the allocation site which is part identified for car parking.

The proposal sets out a twenty-four (24) space car park for visitors to the adjacent Oakhaven Hospice. The proposed layout of the car parking area is set out in the Site Layout (Bright Plan, June 2022, Ref: 15060/13/J). For reference, details of hard and soft landscaping will be determined through a future Reserved Matters application.

As set out, Oakhaven Hospice has objected to the proposed visitor parking. Taking each consideration in turn Officers have the following comments:

- All development within the application site will be subject to a Phasing Plan which is proposed to be secured through a suitable condition. This includes the proposed hospice car parking. The suggested potential advantages of providing the hospice car parking early in the phasing of development is noted and will be a material consideration in the discharging of any relevant conditions.
- As clearly set out in the material submitted by the applicant and as set out elsewhere in this committee report the material consideration of landscaping is a reserved matter.
- There is no Local Plan policy requirement for any hospice visitor car parking to be provided to a specific specification directed by the hospice itself. This includes automatic barriers and lighting. It is noted that there are no barriers controlling the existing hospice parking.
- Local Plan Policy SS6 criterion (iii)(c) is clear however that the additional car parking is for hospice visitors only. As such, it is considered appropriate that suitable signage is provided at the entrance to the car parking that it is intended this purpose only and that other users such as householders within the development site, their visitors and guests, visitors to the local area and hospice staff are not permitted to use the proposed car park.
- It is also considered appropriate to secure appropriate boundary treatments, including any gates, for the proposed additional hospice visitor parking. This will be addressed through a subsequent Reserved Matters application and any relevant supporting conditions.
- Moreover, NFDC Officers have clearly set out to Oakhaven Hospice representatives that it is not within the Council's gift to instruct the landowners to transfer land to a third party. That land ownership is not a planning matter is a commonly understood and long-standing tenet.
- All of the public open space and land not within private ownership within the application site will be subject to a Management Plan in perpetuity (90 years). This will include the proposed Hospice visitor parking offer. This will include a maintenance schedule for the parking in place with any management

company.

As such, subject to suitable conditions and a s106 planning obligation, the proposed additional visitor parking of 24 spaces for Oakhaven Hospice accords with Local Plan Policy SS6 criterion (iii)(c).

Construction Traffic Management Plan

To address concerns raised over the impact of construction traffic on the local highway network and local general amenity, a Construction Traffic Management Plan (CTMP) will be secured through a suitable condition in line with the HCC Highways response.

Sustainable Transport Options and Travel Plan

The supporting Transport Assessment (paragraphs 3.5.6 to 3.5.8) sets out that the application site is within walking distance of local bus stops on South Street and Milford Road which are approximately 500 metres away. This includes bus services to Brockenhurst, Southampton and Bournemouth with their national rail services, and to local schools and colleges. Lymington Town railway station provides a local rail service to Brockenhurst and hence the national rail network and Lymington Pier provides access to the Lymington-Yarmouth (isle of Wight) ferry service.

HCC Highways confirmed in their response dated 16/9/2024 that an updated Full Travel Plan has been submitted to address the issues previously raised. Paragraph 4.1.1 of the Travel Plan sets out that its aim is to reduce the long-term reliance upon the private car by effecting a change in attitude to travel and increasing awareness of alternative modes and the associated benefits of sustainable transport. Paragraph 5.2.1 of the Travel Plan sets out that in order to raise awareness of the TP and associated measures, information pertaining to all sustainable travel modes will be provided within a Travel Welcome Pack provided to residents.

The updated Travel Plan is considered acceptable by HCC Highways. The provision of a full Travel Plan, bond and associated fees should be secured within any future Section 106 legal agreement should the application come forward.

Essentially, the application site is considered to have suitable access to bus services and is within reasonable walking and cycling distance of Lymington rail services and town centre and as such broadly reflects the sustainable transport objectives in Hampshire Local Transport Plan 4 and the guidance in the NPPF Section 9 (Promoting Sustainable Transport).

Emerging Submission Draft Lymington and Pennington Neighbourhood Plan

The emerging Submission Draft Lymington and Pennington Neighbourhood Plan (SDLPNP) includes draft Policy LP10 Active and Healthy Travel sets out the following three criteria:

- A. The Neighbourhood Plan identifies the existing Sustainable Travel Network and opportunities for improvements, as shown on the Lymington and Pennington Active Travel Plan, for the purpose of supporting healthy and safe active travel opportunities in the Parish.
- B. Development proposals on land that lies within or adjacent to the Network

should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout and means of access and landscape treatment.

- C. Proposals that avoid harm to the functioning or connectivity of the Network, or opportunities for improvements to the Network, will be supported.

The emerging SDLPNP Plan J: Active Travel Plan (page 44) identifies Local Plan Strategic Site 6 and a number of features adjacent to Site SS6 are set out in the Key for Plan J. This includes:

- Lyminster Transition Routes (yellow dots) (details in paragraph 6.4 of the SDLPNP)
- LPNP Cycle Route Opportunities (orange dots)
- Public Rights of Way (green line)
- HCC Lyminster Circular Cycle Route (blue dots)

A red dotted line is also identified along Lower Pennington Lane, but it is not clear what this refers to.

As set out, the proposal will provide a access route which connects Lower Pennington Lane and Ridgeway Lane which will be available for use by cyclists and could eventually form part of the circular cycle route network. No potential harm to the functioning or connectivity of the Network is identified.

As such, the proposal has potential to enhance the local cycle network and as such broadly accords with SDLPNP draft Policy LP10 Active and Healthy Travel.

Summary

The proposal, subject to suitable conditions and a s106 planning obligation, has in line with NPPF paragraph 115:

- taken reasonable opportunities to promote sustainable transport modes given the location of the Allocation Site on the southern edge of Lyminster;
- provided safe and suitable access to the site for all users;
- identified necessary off-site highway and access works;
- provided a sufficient quantum of vehicular parking for future site residents and visitors to Oakhaven Hospice; and
- provided suitable pedestrian and cycle access including improvements to public rights of way.

Essentially, subject to suitable conditions and a s106 planning obligation, the proposal would not have an unacceptable impact on highway safety and would not have a severe residual cumulative impact on the local road network in line with NPPF paragraph 116.

Therefore, subject to suitable conditions and a s106 planning obligation, the proposal accords with Local Plan Policies CCC2, IMPL2 and SS6 and the NPPF (December 2024) and the SDLPNP draft Policy LP10.

However, that the proposed vehicular accesses from both Ridgeway Lane and Lower Pennington Lane and the associated pedestrian accesses flanking them are deliverable will depend on the positive determination of the associated application with the New Forest National Park Authority. Without the proposed vehicular access arrangements from Lower Pennington Lane and Ridgeway Lane within the NFNPA area the proposal cannot demonstrate a suitable vehicular access.

Therefore, if the associated application with the New Forest National Park Authority is refused then this proposal will not have a suitable vehicular access contrary to Local Plan Policies CCC2 criterion (vi) and SS6 criterion (ii)(e) and as such the application would default to the second limb of the Officer recommendation (refusal by virtue of the lack of a suitable vehicular access).

For reference, the impact of the proposed highway and access works on the local street scene is addressed in section F (Design and Local Character) of the Planning Assessment.

A. 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.

Local Plan Policy ENV3 (Design quality and local distinctiveness) criterion (v) sets out that new development will be required to incorporate design measures that improve resource efficiency and climate change resilience including the use of sustainable drainage systems (SuDS).

The NPPF (December 2023) paragraphs 170 TO 182 and Annex 3 (Flood risk vulnerability classification) sets out further guidance on planning and flood risk.

The proposal is supported by a site-specific Flood Risk Assessment (FRA) (Vectos, July 2022, Issue 9, 24/10/2024).

The application site, and hence all of the proposed housing, is entirely within EA fluvial flood risk zone 1 (lowest risk) as set out in the recently adopted Partnership for South Hampshire (PfSH) Strategic Flood Risk Assessment (SFRA). The site specific SFRA (page 15) sets out that the application site is not subject to coastal (tidal) flooding, that there is no evidence of groundwater flooding and is not subject to artificial sources of flooding.

The Environment Agency (EA) has set out that it has no objection to the proposal subject to five conditions (as set out).

The surface water drainage strategy is set out in the Proposed Drainage Schematic (Vectos, 25/07/2022, Rev. P.07). It is proposed that all surface water run-off from the housing area (within the NFDC area) will drain through the application site into a proposed attenuation basin sited to the south (within the NFNPA area).

The Lead Local Flood Authority (LLFA) (Hampshire County Council) has set out that additional information has been provided in relation to surface water drainage including the drainage calculations, exceedance flow routes and maintenance

information. The LLFA consider that the residual information relating to flow routes and a pre-development flow route can be addressed through suitable conditions.

The NFDC Tree Officer confirmed in their March 2025 response that the potential conflict within the application site between the drainage and protected trees had been resolved to their satisfaction and that the prior objection is thus removed.

However, as set out, the proposed surface water drainage strategy is sited within both the NFDC and NFNPA administrative areas and as such permission will be needed from both Local Planning Authorities. Without permission from the NFNPA the surface water drainage strategy for the land within the NFDC administrative area will not be sufficient as there is no suitable attenuation basin within the NFDC application site.

Therefore, to demonstrate that the proposal has satisfactory surface water drainage will depend on the determination of the associated application with the New Forest National Park Authority.

For reference, the Lead Local Flood Authority has raised no objection subject to suitable conditions for the adjacent live application (Ref: 24/10401) within Local Plan Allocation Site SS6. The supporting landscape plans for this application clearly shows that the existing ditch in the western portion of the application site is to be retained and sited within public open space contiguous with the adjacent application.

The local service provider Southern Water has confirmed that they can facilitate foul sewerage disposal to service the proposed development. The foul water drainage strategy is also set out in the Proposed Drainage Schematic (Vectos, 25/07/2022, Rev. P.07). The strategy confirms a new network primarily under the highway which connects into the existing public sewer in the north of the application and under land to the south. The strategy confirms that part of the existing foul sewer on the eastern boundary of the application site is to be abandoned. Southern Water also provided advice to the applicants on this strategy.

The proposal accords with the sequential test set out in the NPPF (December 2024) paragraph 173 given that the proposed housing is located within fluvial flood zone 1 (the area of least risk). As such, the proposal accords with Local Plan Policy CC1 criterion (iv)(b).

The proposed drainage strategies within the application site and the site of the application being considered by the National Park Authority, subject to suitable conditions, satisfactorily addresses, in principle, surface water drainage and foul water drainage and as such accords with Local Plan Policy ENV3 criterion (v) and NPPF paragraph 181 criterion (c).

However, as set out, the proposed surface water drainage strategy will depend on the positive determination of the associated application with the New Forest National Park Authority. Without the proposed drainage basin feature within the NFNPA area the proposal cannot demonstrate a suitable surface water drainage strategy

Therefore, if the associated application with the New Forest National Park Authority is refused then this proposal will not have a suitable surface water strategy contrary to Local Plan Policy ENV3 criterion (v) and NPPF paragraph 181 criterion (c) and as such the application would default to the second limb of the Officer recommendation (refusal by virtue of the lack of a suitable surface water drainage strategy).

B. Housing Mix and Affordable Housing

Local Plan Policy HOU1 (Housing type, size, tenure and choice) sets out that the strategy is to ensure that all residential development helps to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost. The policy objectives are to improve the diversity of housing choice, and to achieve an overall balance of housing provision in general accordance with housing needs evidence, (accounting for site specific material considerations).

Local Plan Policy HOU2 (Affordable Housing) sets out that there is a requirement of 11 or more dwellings to provide affordable housing as follows: i. In the rest of the Plan Area (including Lymington the target is for 50% of new homes to be affordable housing. ii. 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 application is supported by a Site Layout Tenure Plan (Bright Space, 21/7/2023, Ref: PO27 Rev. F). The Site Layout Tenure Plan differentiates between affordable and market tenures for each dwelling but does not distinguish which tenure type the identified affordable dwellings are.

The application is also supported by a Planning Technical Note (Ken Parke Planning, 7/11/2023) which sets out the quantum of dwellings and size of dwelling for each of the three affordable tenures and market housing. The proposed market and affordable housing mix is set out in the table below:

Unit Size	Tenure				Total
	Social Rent	Affordable Rent	Shared Ownership	Open Market	
Two-bed	10	11	6	6	33
Three-bed	4	4	5	28	41
Four-bed	0	0	1	7	8
Total	14	15	12	41	82

Essentially, the proposed affordable housing mix is in line with Local Plan HOU2 criterion (iii) which seeks a target of 70% of affordable housing to be affordable rent split equally between Social Rent and Affordable Rent, and 30% shared ownership. The proposed Affordable Housing meets the 50% policy target and will be secured through a s106 planning obligation.

For reference, no 'First Homes' are proposed (contrary to the supporting Design and Access Statement).

Local Plan Policy HOU1 sets out that:

"Each development should 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”.

In this instance, the application site is located on the edge of Lymington close to the New Forest National Park and in an area generally characterised by larger, detached houses. NFDC Officers are minded that some one-bedroom affordable homes could have been provided but there is no absolute policy requirement for them provided. The details setting out the need for different dwelling sizes in Local Plan Figure 6.1 on page 58 are only indicative.

Instead, the proposed affordable housing offer is focused on the provision of smaller houses and/or cottages which historically were part of the local vernacular in Lymington and Pennington. Essentially, it is considered that the delivery of 41 (50%) affordable houses with a policy compliant tenure mix is acceptable and will make a valuable contribution towards addressing the District’s affordable housing needs that outweighs the moderate harm arising from the lack of one-bedroom affordable dwellings.

Local Plan Policy HOU2 criterion (iv) sets out that affordable housing provided should be indistinguishable in appearance from market housing on site and distributed evenly across the site.

As set out, ‘Appearance’ is a reserved matter and will be addressed in a future application. The Site Layout Tenure Plan sets out that the affordable housing is primarily located in the northern and central portions of the application site. However, 28 of 41 affordable dwellings, have frontage overlooking public open space and as such it is considered that the distribution of affordable housing is reasonable and would contribute towards fostering a socially mixed housing area. As such, the proposal accords with Policy HOU2 criterion (iv) with regard to tenure distribution within the application site.

The proposed market housing mix is overtly orientated towards three-bedroom houses. The proposed mix does not reflect the indicative need for different sizes of market homes in Local Plan Figure 6.1 (page 58) and under-provides against both smaller (1 and 2 bedroom) and larger (4-bedroom) homes.

However, as set out, the details setting out the need for different dwelling sizes in Local Plan Figure 6.1 on page 58 are only indicative, and there is no absolute Policy requirement for a specific number of market dwellings for each unit size. Essentially, given the general context of family housing in the local area and the location of the site on the edge of the development, and the avoidance of a disproportionate number of four bed or larger houses, the proposed market housing mix is, on balance of material considerations, reasonable and no specific harm is identified.

Policy LP7 (Providing a Balanced Mix of Dwellings to Meet Local Needs) of the emerging Submission Plan Lymington and Pennington Neighbourhood Plan (SLPNP) 2016-2036 (January 2025) sets out that:

- A. Proposals for residential development will be expected to provide a mix of dwelling types and sizes to address the nature of local needs and contribute to the objective of creating a mixed and balanced community.
- B. To achieve this objective, new residential development must seek to include in their housing mix smaller dwellings that have one or two bedrooms and a tenure suitable for those looking to rent/buy their first home and downsizers.

The number of small dwellings should be greater than 50% of the total in schemes of five or more dwellings.

- C. The Neighbourhood Plan encourages schemes to give full consideration to deliver some of the affordable housing element through a Community Land Trust, or equivalent body, for which an appropriate lettings policy will be agreed between the Trust and the District Council/Park Authority.

The supporting text in the SLPNP (paragraph 5.22) sets out that:

The policy (LP7) seeks to diversify the housing stock to allow younger people/families with a local connection to Lymington and Pennington to remain in the town. The provision of a stock of small housing units would also give the elderly an opportunity, if they wish, to vacate their larger dwellings, yet remain resident in the town and provide an opportunity for younger and/or key worker, one and two person households to find suitable accommodation in the area.

In line with the conclusions drawn in this sub-section of the Planning Assessment, it is considered that the proposal makes a significant contribution towards providing a suitable tenure mix of affordable housing and a limited number of smaller market homes. As such, the proposal is broadly in line with emerging Policy LP7 criterion (A).

The proposal does not meet the ambitious aspiration of providing greater than 50% of the total dwellings as small dwellings (1 and 2 bed) and as such does not accord with emerging Policy LP7 criterion (B).

The details for the organisation which will manage the Affordable Housing offer is yet to be decided and as is usually determination during s106 negotiations.

Therefore, subject to suitable conditions and a s106 planning obligation securing the proposed affordable housing in perpetuity, the proposed market and affordable housing mix in terms of tenure, size, residential typology and location with the site, satisfies Local Plan Policies HOU1 and HOU2. This clearly outweighs the non-compliance with emerging SLPNP Policy LP7 criterion (B).

A. Green Infrastructure: Relationship with New Forest National Park, Public Open Space, Landscape and Trees

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:

- ii. 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;
- iii. Features that screen existing development that would otherwise have an unacceptable visual impact;
- iv. 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;
- v. The landscape setting of the settlement and the transition between the settlement fringe and open countryside or coast;
- vi. Important or locally distinctive views, topographical features and skylines; and
- vii. 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.

Local Plan Policy SS6 (Land to the east of Lower Pennington Lane, Lymington) is allocated, in part, for public open space and sets out detailed masterplanning objectives. An illustrative Concept Masterplan for site SS6 is set out on page 130 of the local plan.

Local Plan Policy DM9 (Green Infrastructure linkages) sets out that development proposals should maintain, and where possible enhance, the integrity of the network of green infrastructure within settlements.

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 NPPF December 2024 (Paragraph 189) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Levelling Up and Regeneration Act ('LURA') (2023) section 245 (Protected Landscapes) amends the duty on relevant authorities in respect of their functions which affect land in National Parks and National Landscapes (formerly Areas of Outstanding Natural Beauty) in England. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes.

The application is supported by the following documents and plans:

- Site Layout Rev. J (24/6/2022)
- Landscape Principles Document Rev. 8D
- Landscape Visual Impact Assessment (LVIA) and LVIA Addendum
- LVIA Technical Note
- Arboricultural Impact Assessment (AIA)
- Arboricultural Impact Assessments and Method Statements
- Arboricultural Note – Lower Pennington Lane Crossing
- Tree Protection Plan
- Design and Access Statement (November 2023)

For reference, Landscaping is a reserved matter in this application and as such matters of landscape detail will be addressed in a future Reserved Matters application.

Public Open Spaces and the Impact on the New Forest National Park

Local Plan Policy SS6 criterion (ii)(b) sets out the masterplanning objective that development should '*provide a central greenspace serving as a focal point for the development that also defines a new rural edge and softens the transition to the open countryside of the adjoining New Forest National Park*'.

Allocation Site SS6 is located adjacent to the boundary with the New Forest National Park and, as such, it is considered that it is within the setting of the National Park given this proximity and a shared boundary.

As set out, the proposal is supported by a Landscape and Visual Impact Assessment (LVIA) (December 2022). The main objectives of the LVIA include describing the landscape character of the site and its surroundings, evaluate its sensitivity to change and, taking into account the magnitude of change, and assessing the effect that the proposal would have on the landscape character.

The LVIA (Section 4) sets out a detailed assessment of the effects of the development on landscape character and designations. The LVIA (paragraph 4.25) sets out that the proposals would result in a minor adverse effect on landscape character. The LVIA (paragraph 4.27) sets out that the proposal would change the character of the site from one relating more to the surrounding countryside to the south to that of the existing Pennington residential suburban edge to the north.

The LVIA (Section 5) sets out effects on general visual amenity and is supported by a Zone of Theoretical Visibility (ZTV) plan (Appendix 5). As indicated by the ZTV plan the proposals would be theoretically visible from the Solent, Isle of Wight, the opposite bank of the Lymington River and extensive near-distance viewpoints to the east, south and west of the site.

However, the LVIA (Section 5) caveats this theoretical range of visibility by highlighting the intervening small woodland blocks, heavily tree lined hedgerows and tree belts, that would restrict, in practice, the extent of the ZTV to a much smaller area. This is particularly evident when comparing the ZTV plan and Site Context Views (LVIA Appendix 7), which illustrate a considerable amount of tree vegetation along intervening field boundaries which fully obscure any views of the site from these locations. This vegetation, which is not reflected in the ZTV plan, greatly reduces the level of inter-visibility of the site from the surrounding landscape.

The LVIA Section 5 concludes that the proposals would have a limited effect on the visual amenity of the surrounding landscape, despite the relatively extensive public rights of way and highway network, due to the level of screening and enclosure provided by extensive vegetation within the wider local landscape and the generally flat local topography.

The LVIA concludes (paragraph 7.7) that the site layout looks to form a considered extension to the existing developed edge of Pennington, whilst the main ANRG creates a suitable soft transition into the adjoining National Park. Existing tree belts are retained and strengthened, and further enhanced with proposed additional vegetation throughout.

The supporting Landscape Principles Document and supporting Landscape Framework Plan set out the proposed public open spaces within the application site:

- A larger area of public open space that is sited in the southernmost portion of the application site and which shares a boundary with the New Forest National Park;
- A smaller area of public open space that is sited in the northernmost portion of the application site; and
- Further green links sited south-east of the smaller public open space and on the north-western boundary.

Essentially, it is considered that the proposed larger public open space which is sited in the centre of the southern portion of the application site within the setting of, and adjacent to the boundary with the New Forest National Park, provides, in principle, a suitably sited and orientated open buffer between the proposed housing and the New Forest National Park in line with the illustrative Local Plan SS6 Concept Masterplan.

The proposed smaller public open space sited in the centre of the northern portion of the application site deviates from that set out in the illustrative Local Plan Concept Masterplan inasmuch as it is clearly located further east. However, it is considered that the proposal could offer a potential improvement in terms of siting and orientation of the open space over that set out in the Concept Masterplan. It has a very high level of surveillance from the dwellings fronting it and fully incorporates an existing hedgerow line. As such, it could help facilitate ecological enhancements and form an attractive and safe public space (see the Design sub-section for further commentary).

The proposed green link to the south-east of the smaller public open space also seeks to retain the existing hedgerow structure within a L-shaped area that connects to the larger public open space. This too is in line with siting and orientation of the public open space set out in the illustrative Concept Masterplan. The proposed green links on the north-west boundary of the application site provide a suitable buffer and

interface with the residual area of the Local Plan Allocation Site (which itself is subject to a live application).

Any positive impact on the setting of the New Forest National Park arising from the smaller proposed public open spaces are clearly far more limited and restricted to providing some softening of long views into the housing areas of the site from the south and south-west.

The proposed green links within all the proposed public open spaces would help facilitate safe and attractive pedestrian and cycle routes across the Local Plan allocation site. For reference, the proposed landscaping associated within the eastern vehicular access onto Ridgeway Lane is within the New Forest National Park Authority area.

The supporting Landscape Principles Document and supporting Landscape Framework Plan also provide a suitable basis for the detailed consideration of landscape in a future Reserved Matters application. This includes the detailed design for protecting the amenities of the site and the wider local area and will include boundary treatments, new planting, groundworks, the laying out of spaces and the provision of other amenity features.

As such, and in line with the conclusions of the supporting LVIA, it is considered that through the proposed siting of public open space within the application site, the mitigation framework set out in the Landscape Principles Document, and taking into account the generally flat and enclosed local topography to the south, east and west (as set out in the LVIA), that the proposed development would only have a minor adverse effect on local landscape character including that of the adjacent New Forest National Park.

As such, subject to suitable conditions, a s106 planning obligation and a subsequent Reserved Matters application, the proposed landscape design has, in principle, been sufficiently sensitively located and designed as to acceptably minimise adverse impacts on the New Forest National Park and its setting in line with Local Plan Policy STR2 and NPPF (December 2024) paragraph 189.

Whether the design of the proposal has furthered the statutory purposes of Protected Landscapes in line with the LURA Section 245 is set out in the Planning Balance and Conclusion section of this Planning Assessment.

Alternative Natural Recreational Greenspace (ANRG)

As the proposal is for 50 or more dwellings it also has to provide mitigation land (Alternative Natural Recreational Greenspace - 'ANRG') on-site in accordance with Local Plan Policy ENV1.

The NFDC Open Space calculator (using the agreed housing mix) confirms that the Alternative Natural Recreational Greenspace (ANRG) requirement is a minimum of 1.78ha.

The Design and Access Statement (August 2023) sets out that the two linked areas of ANRG are combined approximately 2.08ha in area and as such the provision is slightly over (0.3ha) the minimum space required for the ANRG (as per the NFDC space calculator).

The Landscape Principles Document sets out the internal dimensions of the ANRG. The main space has a diameter of at least 120m and hence is deemed a main space. The secondary to the north has a minimum diameter of 60m and hence is deemed a secondary space. A 15m wide green corridor links the two areas of ANRG and will include a suitable pedestrian crossing point that addresses the detailed design guidance in the Mitigation SPD

As such, the proposed main and smaller spaces and connecting green corridor accord with the dimensional and design criteria for ANRG set out in sub-section A4.4 of the NFDC Mitigation for Recreational Impacts On New Forest European Sites Supplementary Planning Document ('Mitigation SPD').

Natural England confirmed (10/1/2024) that the phasing of the ANRG needs to be determined in line with the phasing of the residential development and, as such, an ANRG Phasing Plan will need to be secured through a suitable condition. Natural England also confirmed that the designated on-site ANRG must be secured for its intended purpose in perpetuity (90 years). This will be secured through the s106 planning obligation.

The NFDC Mitigation SPD sub-section A4.2 sets out that on-site ANRG proposals should include a high-level landscape framework that combines the proposals for green spaces, footpath routes, habitat and biodiversity improvements integrally with existing features, landscape setting and the development layout. The landscape framework should also describe how sustainable drainage, public open space, green infrastructure, play and visual amenity will be addressed.

As set out, the proposal is supported by a Landscape Principles Document and Landscape Framework Plan which summarises the following design considerations:

- The proposed ANRG is both well connected to and in proximity to the proposed housing. It is generally open and level and both areas have excellent surveillance from housing around the respective perimeters.
- The proposed larger area of ANRG is adjacent to the National Park boundary with the aim of providing a suitable buffer between it and the proposed built form.
- Areas suitable for recreational uses such as informal sports, play and dog exercise.
- The provision of suitable hard surfaces routes, improved signage including for the existing public right of way, information boards, seating, dog waste bins, drainage and potential for the provision of wide range of planting.
- The ANRG will also include a dedicated area to home reptiles (see Ecology section of the Planning Assessment).

Essentially, the Landscape Principles Document and supporting Landscape Framework Plan are considered to provide a suitable basis for consideration of detailed design issues for the ANRG at the subsequent Reserved Matters stage. The Landscape Principles Document has addressed the detailed considerations set out by Natural England in their representation (10/1/2024). The Landscape Principles Document and supporting Landscape Framework Plan will be secured through suitable conditions as a suitable framework for both the management and monitoring

of the ANRG and a future Reserved Matters application where landscaping will be determined.

As such, subject to suitable conditions and a s106 planning obligation, the proposal accords with Local Plan Policy ENV1 and broadly reflects the detailed guidance set out in the NFDC Mitigation SPD.

Informal Open Spaces, Play Spaces, Formal Open Space

The NFDC Open Space calculator (using the agreed housing mix) confirms that the size requirements are:

- Informal Public Open Space: 0.44ha
- Children Play Space: 0.06ha
- Formal Open Space: 0.28ha

The Design and Access Statement (August 2023) sets out that the proposal includes approximately 0.6ha of Informal Open Space in three distinct parcels. This is over the minimum space required (0.44ha) for informal public open space. The proposal also sets out a play space within the ANRG of approximately 0.2ha which is above the minimum required (0.06ha). There is clearly sufficient capacity within the ANRG to incorporate a play space.

It is proposed that financial contributions are provided towards formal public open space provision off-site in lieu of provision on site. This is acceptable in principle as the application site does not have sufficient capacity to provide a sustainable formal open space offer. A financial contribution of £52,903 has been agreed and will be secured through a s106 planning obligation.

The Landscape Principles Document sets out a play strategy (pages 20-21). The proposed play space is located within the main ANRG space and comprises a Local Equipped Area for Play (LEAP) that is to be located at least 20m from the nearest residential dwelling. The play equipment is proposed to compliment the character of the wider public open space and be comprised of timber materials, mounds, boulders and logs. Play equipment shall be aimed at 12+ years (e.g. basket swings, wide slides, rotating equipment). The proposed play area boundary treatments defining play spaces include earth mounds, ornamental planting, hedgerows and fencing. The LEAP shall be fully enclosed and have at least two self-closing gates which open outwards and a maintenance gate and provision of seating, safety surfacing, litter bins, cycle stands and signage.

However, whilst timber is a suitable material for play equipment it is also considered appropriate to use other materials for some elements. This can be finalised through the detailed design. Conditions for the play space will however seek play equipment for children between the ages of 7 and 16, rather than 12+. NFDC Officers are minded that it would be advantageous to avoid unnecessary potential duplication within the wider Local Plan Allocation Site and as such have requested that any play equipment provided on the adjacent live application site to the north-west is focused on young children (up to 6 years old).

Essentially, the submitted Landscape Principles Document (Pegasus, October 2024) provides a suitable basis for on-site children's play. The siting of the proposed dedicated play space within the larger ANRG space is appropriate in line with the guidance in the Mitigation SPD (paragraph A4.2.7) and there is sufficient separation

from the nearest dwelling to avoid any significant amenity impacts arising.

The proposal also sets out public open spaces on the north-west boundary which, subject to detailed design, can facilitate suitable connections to the proposed development in the live application within the residual portion of the Local Plan Allocation Site SS6.

Therefore, subject to suitable conditions, a s106 planning obligation and a subsequent Reserved Matters application, the proposed informal open space, play provision and formal open space provision accords with Local Plan Policy CS7.

Oakhaven Hospice Landscape Buffer Strip

Local Plan Policy SS6 criterion (iii)(b) sets out that development and access arrangements must respect the tranquillity, privacy and security of the Oakhaven hospice. The Local Plan supporting text (paragraph 9.90) sets out that these requirements could be addressed by the inclusion of landscape buffers or equivalent arrangements. The illustrative Local Plan Concept Masterplan (p. 130) sets out an area (shaded orange) within the application site adjacent to eastern boundary of the hospice that incorporates space for additional vehicular parking and a tree-lined buffer.

Oakhaven Hospice in their latest representation (9/8/2024) set out that they are grateful for the inclusion of a buffer strip on the eastern side of the hospice boundary in order to address Local Plan Policy SS6 criterion (iii)(b). Oakhaven also set out that there is no fencing indicated to the north and south of the proposed buffer strip and that this area is likely to attract anti-social behaviour and that it is inevitable that the owners of the bordering properties are likely to put gates into the fence and or even extend their gardens and that both of these risks will prevent the area of land from acting effectively as a buffer strip. Oakhaven go on to state that public access, of any kind, to this area of land will prevent it from working effectively as a buffer strip and therefore fail in meeting Local Plan Policy SS6 criterion (iii)(b).

The proposed landscape buffer strip between the hospice and the proposed dwellings is not intended to be a publicly accessible open space. Officers agree with the hospice that without suitable management arrangements the space could potentially be host to anti-social behaviour.

Therefore, the buffer strip will be an enclosed private open space with access only to Management Company operatives and not the public. The security of the landscape buffer strip will be maintained through security gates which permits access only to maintenance operatives. Suitable boundary treatments on the perimeter of the landscape buffer strip and landscape planting within the buffer will be secured through a s106 planning obligation and a subsequent Reserved Matters application.

As a managed private open space, there will be no capacity for occupiers of new housing to appropriate land in the landscape buffer for their own use as suggested by Oakhaven hospice in their representation dated 9/8/2024. The permitted development rights for the dwellings (plots 1 to 5) bounding the landscape buffer will be removed in order to prevent any additional gates or openings being formed on the respective boundaries between plots 1 to 5 and the landscape buffer strip.

Furthermore, the change of use from a buffer and structural landscaping for the site to residential garden, should the occupants of those dwellings seek to lengthen their

gardens into the buffer, would result in a material change of use that would require an express planning permission. Were an application for a change of use to be made to enable such a change of use it would have to be considered on its merits having regard to the purpose of the buffer being provided and the impact upon the tranquillity of the hospice.

Therefore, subject to suitable conditions, a s106 planning obligation and a subsequent Reserved Matters application, the proposed Oakhaven Hospice Landscape Buffer is acceptable, in principle, and as such accords with Local Plan Policy SS6 criterion (iii)(b).

For reference, further commentary on the relationship between the proposed development and Oakhaven Hospice in terms local general amenity is set out in section J (Environmental Protection) of the Planning Assessment.

Arboriculture

The proposed works in the application site is supported by a Arboricultural Impact Appraisal and Method Statement (Barrell, 6/11/2024), Tree Protection Plan (Barrell, Ref: 18257-8, 6/11/2024), Arboricultural Note (Barrell, 1/2/2024).

The NFDC Tree Officer has confirmed that there are a number of mature trees within the application site protected under Preservation Orders (TPO). This includes a linear group that runs north to south that divides the central area of public open space, a smaller group to the north and the remainder of the trees that are situated around site boundaries.

The NFDC Tree Officer has confirmed that the protected trees are shown to be retained. A number of trees and groups will require special precautions as structures such as paths, driveways and roads are within Root Protection Areas. These have been identified within the above report and non-dig/engineered solutions have been specified and can be secured through suitable conditions.

The NFDC Tree Officer has also confirmed that all trees and groups proposed to be lost are considered to be of low quality, and that they agree with the amended Arboricultural Assessment and that there is no objection to their proposed removal.

Representations received objected to the loss of existing Monterey Pines (*Pinus Radiata*)

within the application sites and local area. The Arboricultural Impact Appraisal and Method Statement (November 2024) (Appendix 2: Tree schedule and explanatory notes) confirms that none of these trees (which are mostly either category B or C) are proposed to be felled.

Off-Site Works – Lower Pennington Lane

The site promoter provided an additional Arboricultural Note in February 2024 with regard to the relationship between the proposed off-site Highways Works between Lower Pennington Lane and Fox Pond Lane, and the mature and protected trees at the southern end of those works. The Note concludes that the installation of the footpath, subject to excavations carried out under strict arboricultural supervision, is unlikely to have a significant impact on these trees due to the drainage ditch that is between the trees and the proposed route of the highways works.

The NFDC Tree Officer in their consultation response of December 2024 has confirmed that they have no objections in arboricultural terms to this proposed off-site highway works.

Off-Site Works – Ridgeway Lane

A separate tree statement, The Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement (Path-Link-DC) and associated Tree Protection Plan (Ref: 18257-7) was submitted with regard to the proposed lower crossing point on Ridgeway Lane and pedestrian access into Woodside Gardens.

The NFDC Tree Officer set out that on Ridgeway Lane the main area of concern is the creation of the gap within the linear group of old Oak trees that are situated on the western boundary of Woodside Gardens that are adjacent to Ridgeway Lane. To facilitate the proposed pedestrian access the submitted tree report has identified two trees to be removed (T123 a C grade Oak and T124 a small grade C Goat Willow). It is noted that grade C trees are not considered to be a constraint to development. The NFDC Tree Officer confirmed that the T123 is a suppressed tree and of smaller stature than the other Oak trees within the group and is in declining condition with a thin crown and dieback present. The loss of this Oak will have an impact on the visual amenity of the area, but this is somewhat limited by the retention of the adjacent trees and will not have a large impact on the overall amenity if the group of trees as a whole are retained.

The Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement (Path-Link-DC) concluded that the T124 is a multi-stemmed goat willow with little potential to contribute to local character because of its poor condition and small size. It is insignificant in the wider setting and its loss will have no detrimental impact on local character. The NFDC Tree Officer has not challenged this conclusion.

Two new extra heavy standard trees will be planted to mitigate for the loss of these trees.

The NFDC Tree Officer concluded that they have no objections to the loss of the two individual trees that have been identified for removal subject to the proposed extra heavy standard trees which can be secured in a s106 planning obligation.

The NFDC Tree Officer confirmed in their March 2025 response that the submitted plan Pedestrian/Cycle Access Strategy (Bright Plan, Ref: 2020-6181-114 Rev. E, February 2025) shows the proposed path that will dissect the linear group of Oak trees will be pedestrian only and that the submitted plan Proposed Footway Link Through Woodside Park (Bright Plan, Ref: 2020-6181-117 Rev. E, shows that the path will be installed at a natural gap in the tree line.

Additionally, the submitted plan Woodside Park Footpath Gradient (Bright Plan, Ref: 2020-6181-136 Rev.B, April 2024) gives details regarding the gradient of the bank that the path bisects. The existing level will be maintained with a minor encroachment into the bank to construct steps.

The NFDC Tree Officer concluded that this minor encroachment, if constructed sympathetically to the trees and limited to the width of the path as shown on the plan, is an acceptable compromise. The NFDC Tree Officer also confirmed that as the construction of this path is outside the red line of the development and is off-site,

the method statement for the construction of the path will need to be included as part of the s106 agreement.

As such, subject to a set of suitable arboricultural conditions and a s106 planning obligation, the proposal accords with Local Plan Policy ENV4 criterion (i).

Management and Maintenance of Open Spaces

The proposed public open space including the ANRG, informal open space, sustainable drainage features and play area and the proposed private space (buffer strip) are to be managed by the applicant or an appointed management company in perpetuity. This will include spaces within the application sites in both the New Forest District Council and the New Forest National Park administrative areas. 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 in the event that ongoing future management of the public open spaces is not of a satisfactory standard.

As such, it will be necessary to secure through a s106 planning obligation and suitable conditions the ongoing management, monitoring and maintenance regime for all these areas in line with the advice from Natural England, the NFDC Ecologist and other relevant consultees.

Emerging Submission Draft Lymington and Pennington Neighbourhood Plan

The emerging Submission Draft Lymington and Pennington Neighbourhood Plan includes draft Policy LP8 Green Infrastructure and Nature Recovery Network were criterion A and B are the most relevant to green infrastructure considerations:

- A. The Neighbourhood Plan designates a Green Infrastructure and Nature Recovery Network, as shown on the Green Infrastructure and Nature Recovery Map, for the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the parish and into the National Park; helping to mitigate climate change. The Network comprises the town's variety of green spaces, ancient woodland, trees and hedgerows, water bodies, Safer Lanes Network, assets of biodiversity value, children's play areas and recreational playing fields.
- B. Development proposals that lie within or adjoining the network are required to have full regard to maintaining and improving the functionality of the network, including delivering a net gain to biodiversity and improving connections to existing green infrastructure assets and the wider countryside, in the design of their layouts and landscaping schemes. Proposals that will harm the functionality or connectivity of the network will not be supported.

The emerging Submission Draft Lymington and Pennington Neighbourhood Plan includes on page 40 Plan I: Green Infrastructure and Nature Recovery Map. Local Plan Strategic Site 6 is identified on the plan. The land to the south of the application site – within the New Forest National Park – and Woodside Gardens are identified as part of a 'green/blue' corridor. The open land parcel between the application site and Forest Gate Gardens is identified as 'multi-functional green space'.

Essentially, it is considered that the proposal has (also taking into account the analysis set out in the Design and Ecology sub-sections of the Planning

Assessment) subject to suitable conditions and a s106 planning obligation, adequately provided connections to existing green infrastructure assets and the wider countryside. No harm to the functionality or connectivity of the network is identified.

As such, the proposal broadly accords with emerging Submission Draft Lymington and Pennington Neighbourhood Plan draft Policy LP8 Green Infrastructure and Nature Recovery Network. For reference, the Biodiversity criteria of draft Policy LP8 are addressed in the Ecology sub-section of the Planning Assessment.

The emerging Submission Draft Lymington and Pennington Neighbourhood Plan includes draft Policy LP12 Urban Greening and Canopy Cover sets out the following criteria:

- A. Development proposals on sites of 0.5 ha or more outside the Lymington Town Centre boundary, as shown on the Policies Map, should achieve a future canopy cover of at least 25% of the site area principally through the retention of existing trees and the planting of new trees. Where such an approach would be impracticable for viability, layout or design reasons, the use of other green infrastructure (such as green roofs and walls) should be used where they can offer similar benefits to trees.
- B. Development proposals in the Lymington Town Centre Boundary, and on sites of less than 0.5 ha, should maximise the opportunities available for canopy cover, including tree retention and planting or the provision of other green infrastructure (such as green roofs and walls).

Policy LP12 sets out an ambitious objective of achieving a future canopy cover of at least 25% of the site area on larger sites over 0.5 hectares.

The application does not meet this aspiration and as such does not accord with emerging Submission Draft Lymington and Pennington Neighbourhood Plan includes draft Policy LP12 Urban Greening and Canopy Cover criterion A.

Summary

The proposed landscape design has, in principle, and subject to suitable conditions, a s106 planning obligation and a subsequent Reserved Matters application, been sufficiently sensitively located and designed as to acceptably minimise adverse impacts on the New Forest National Park and its setting in line with Local Plan Policy SS6 criterion (ii)(b), Policy ENV4 criterion (iv), NPPF (December 2024) paragraph 189. and the LURA section 245.

The Landscape Principles Document and supporting Landscape Framework Plan are considered to provide a suitable basis for consideration of detailed design issues for the ANRG at the subsequent Reserved Matters stage. Subject to suitable conditions, a s106 planning obligation and a subsequent Reserved Matters application, the proposed informal open space, play provision and formal open space provision accords with Local Plan Policy CS7. The proposal includes a suitable framework, to be secured through suitable conditions and a s106 planning obligation, for the delivery and future management and monitoring of the proposed public and private open spaces.

Subject to suitable conditions, a s106 planning obligation and a subsequent

Reserved Matters application, the proposed Oakhaven Hospice buffer strip is acceptable, in principle, and as such accords with Local Plan Policy SS6 criterion (iii)(b). Subject to a set of suitable arboricultural conditions and a s106 planning obligation, the proposal accords with Local Plan Policy ENV4 criterion (i).

The proposal includes a suitable framework, to be secured through suitable conditions and a s106 planning obligation, for the delivery and future management and monitoring of the proposed public and private open spaces.

Therefore, subject to suitable conditions and a s106 planning obligation, the proposal accords with Local Plan Policies STR2, DM9, ENV1, ENV4, CS7 and SS6 and NPPF paragraph 189 and the LURA section 245

F. Design and Local Character

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).

Local Plan Policy SS6 (Land to the east of Lower Pennington Lane, Lymington) is allocated, in part, for public open space and sets out detailed masterplanning objectives. As set out previously an illustrative Concept Masterplan for site SS6 is set out on page 130 of the Local Plan.

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.

The application is supported by the following submitted plans and documents:

- Design and Access Statement (DAS), Brightspace, August 2023
- Site Layout, Brightspace, Rev. J
- Parameter Plans (Scale, Access, Built Framework).

A Built Framework Parameter Plan (Brightspace, Rev. A, 21/3/2025) confirms the proposed site layout in terms of how the buildings within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

A Scale Parameter Plan (Brightspace, Rev. A, 21/3/2025) has been submitted which confirms the distribution of houses with 1.5, 2 and 2.5 storeys. The majority of houses will be 2 storey and all 2.5 storey houses will be sited in the centre of the application site.

The national Planning Practice Guidance (PPG) sets out that Design and Access Statements (DAS):

Set out the narrative for the design approach and design rationale for the scheme.

They demonstrate how the local character of an area has been taken into account and how design principles will be applied to achieve high quality design. They set out concisely how the proposal is a suitable response to the site and its setting, taking account of baseline information.

The DAS reiterates that the application is made in Outline with Access and Layout only. The residual matters of Appearance, Landscaping and Scale are reserved and will be subject to a potential future Reserved Matters application.

The revised Design and Access Statement (DAS) sets out a detailed design strategy for the application site. The DAS has set out a character analysis (of the local area), site opportunities and constraints and provided a masterplan and supporting parameter plans (landscape, scale). Essentially, in line with the PPG the DAS and the supporting Parameter Plans are considered to provide a suitable basis for consideration of the key residential design matter to be determined in this application which is Layout.

i. Site Layout

Local Plan Policy SS6 criterion (ii)(a) sets out the following masterplanning objective:

Create a well-designed extension to the settlement of Lymington with a character and density that is respectful of the low density and rural edge character of the locality and surrounding properties.

The proposed housing areas within the application site set out in the Site Layout Rev. J (24/6/2022). Essentially, this comprises housing on eastern, northern and western portions of the application site. The central and southern portions of the application are, as set out in the preceding Green Infrastructure sub-section, identified for public open space and specifically ANRG.

Essentially, the proposed site layout broadly reflects that set out in the Local Plan Concept Masterplan. This includes the large area of public open space in the centre of the southern portion of the application site and housing development north, west and east of that space up to the Allocation Site boundaries.

The submitted Parameter Plan for Access and Streets Framework (Brightspace, 21/3/2025) sets out that the street hierarchy is comprised of two types of street: a primary route comprising the main through route and the main internal route leading north in the centre of the housing area and a set of secondary streets comprising cul-de-sacs and parking courtyards.

Essentially, it is considered that the proposed hierarchy of streets is, in principle, clear and suitably reflects guidance set out in the National Design Guide and hence NPPF paragraph 115 criterion (c).

The through road and the main public open space are enclosed by twenty-one houses. Three additional houses are sited on the northern side of the access route from Ridgeway Lane. Essentially, subject to detailed design, it is considered that the street-scene of the through road is a high-quality piece of urbanism that assists in facilitating a suitable visual transition between the denser interior of the application site and the open countryside to the south. The public open space has a high-level of surveillance from the houses and as such is considered to be a safe place in line with NPPF paragraph 96(b).

In the south-east corner of the application site is a short cul-de-sac which serves two new dwellings and the rear parking for a terrace of four smaller houses. This arrangement provides sufficient surveillance of the cul-de-sac and parked vehicles.

The second part of the primary road provides vehicular access to all the remaining dwellings. A set of six cul-de-sacs and rear parking courtyard routes are accessed from this part of the primary road.

This primary road encloses a secondary area of public open space on its eastern boundaries. This public open space is enclosed framed by twenty-two dwellings and likewise it too has a high-level of visual surveillance. The removal of parked cars to rear courtyards for plots 74 to 82 has resulted in a long-curved terrace overlooking the public open space without any visual disruption from cars. The proposed houses on the eastern and southern sides of the secondary access route also provide suitable built enclosure. The public open space will be bounded on part of its southern side by the rear boundary treatments of plots 13 and 14. These treatments will be determined in a Reserved Matters application but is a suitable quality they should not detract from the overall quality of the public open space.

As such, subject to detailed design, the secondary public open space is also considered to be a high-quality piece of urbanism that could provide a safe space that fosters social integration.

There are two further areas of public open space. The Landscape Framework Plan (Pegasus, Rev. E, 22/10/2024) best illustrates the objective of providing pedestrian access and structured landscaping, some retained, in these public open spaces.

The first is a smaller area sited between plots 6 and 7 which could facilitate a suitable green corridor with the public open space as currently set out in the adjacent live application in the residual portion of the Allocation Site. This area of public open space includes the existing Public Right of Way and connects too to the adjacent application site.

The second is an L-shaped area which provides an alternative pedestrian link between the two parts of the ANRG and assists in defining the housing block comprising plots 15 to 19 and 32 to 35.

Essentially, the proposed smaller areas of public open space reflect the Local Plan Concept Masterplan for SS6 which identifies area of vegetation of landscape value and will support broader access and biodiversity objectives in line with Policy SS6 criterion (ii)(c).

The character of rear gardens in the surrounding area is generally that of very generously sized plots. Each proposed house in the application site has a rear garden but they are almost all mostly modestly sized and clearly more reflective of modern housing. However, whilst notably smaller than gardens in the local area, they are still proportionate in size to their host dwelling. They are considered to provide adequate private amenity space for future residents.

NFDC Landscape comments (November 2024) set out some moderate criticism of the relationship between the curved back of plots 73 to 82 and the linear frontage of plots 64 to 72 and that the resulting parking courtyard would need a strong landscape treatment. For reference, the curved back of plots 73 to 82 is a direct

result of the desire to remove parked cars between the front elevation of these plots and the public open space to the front.

Essentially, NFDC Officers consider that proposed parking courtyard to the rear of plots 73 to 82 is a satisfactory urban space. Plots 67-69 would have oblique views of the courtyard and hence would provide surveillance in addition to that from the rear first floor of plots 73 to 82. The parking courtyard includes natural landscaping and suitable rear boundary treatments for these plots can be determined at the Reserved Matters stage.

NFDC Landscape conclude that plots 7 to 10 could appear out of character as they are much closer to the street frontage than adjacent dwellings facing the street. Essentially, NFDC Officers disagree with this conclusion as the terraced of four smaller houses provides a different residential typology in the wider street scene, provide greater enclosure to the public open space and could, subject to detailed design, offer a visually interesting juxtaposition of massing, roof form and materials between them and larger adjacent houses.

NFDC Landscape make further comments on plots 14, 26 and 27 to 30. Plot 14 is clearly orientated towards the street and the main public open space. It is agreed that the rear and side boundary treatments for this plot – and plot 13 – will need to be of a high quality given that they both enclose the smaller area of public open space to the north. This will be determined in the detailed design secured in a future Reserved Matters application.

Plot 26 is a 1.5 storey dwelling (likely a chalet bungalow). The dwelling will need to be suitably designed without fenestration on the north-east elevation. The submitted Proposed Drainage Schematic (Vectos, 25/7/2022, Rev. P.07) confirms that the existing foul sewer in this part of the site is to be abandoned and diverted to a new foul sewer route under new site roads.

The concerns raised over the landscaping to the front Plots 27 to 30 can be reviewed and assessed in the detailed design undertaken in a future Reserved Matters application.

The Hampshire Constabulary Design Officer has set out criticism of the site layout:

- It appears possible to access the flank wall of plot number 33 from the public realm.
- Little surveillance of the footpath adjacent to plot 10 and should be removed.
- The parking courtyard to the rear of plots 31 to 35 has little surveillance and hence should be redesigned (to provide suitable surveillance) and be isolated from the adjacent public open space.

The flank wall of plot 33 can be screened by suitable planting to be determined in the landscaping in a future Reserved Matters application.

Essentially, it is agreed that the footpath adjacent to plot 10 has an awkward dog-leg at the northern end and surveillance from dwellings could be difficult to achieve. As such, it is considered that there would be some moderate harm arising from the footpath to the overall site layout.

However, NFDC Officers disagree that there would be no surveillance of the parking courtyard to the rear of plots 31 to 35. In addition to those plots, surveillance could

also be made from the rear first floor of plots 16 to 18. On balance of considerations the desire to remove parking from the wider street scene and relocate to rear parking courtyards outweighs the concerns over limited surveillance.

The Hampshire Constabulary Design Officer has also criticised the proposed pedestrian access route connecting the development with Forest Gate Gardens to the north-west and that the footpath will change Forrest Gate Gardens into a 'leaky' cul-de-sac with associated increased opportunities for crime and disorder, has little surveillance, is not straight and lacks lighting and, as such, is less safe than it should be and hence footpath should be removed from the approved scheme.

For reference, the proposed pedestrian route is identified in the Local Plan Concept Masterplan for SS6 (page 130) alongside the adjacent vegetation of landscape value and hence the proposal accurately reflects this design aspiration.

NFDC Officers consider that there is some surveillance of the route including that from the two detached houses in Forest Gate Gardens facing the existing open space. The route will not be lit. In that regard it reflects Ridgeway Lane which lacks street lighting and is itself a notably dark space after sunset. Forest Gate Gardens does however have street lighting including adjacent to the existing open space and as such the proposed route would connect two lit urban spaces. Whilst crime and disorder can never be entirely discounted on balance of considerations the benefit of the pedestrian access, in line with the Concept Masterplan, clearly outweighs the minor potential for disorder.

Therefore, in line with the comments from NFDC Landscape (November 2024) that the site layout successfully addresses the public realm overlooking the open spaces, it is considered that the proposed layout of four areas of interlinked public open spaces and a simple street hierarchy of primary and secondary routes is a suitable design response.

The detailed responses from NFDC Environmental Design and the Hampshire Constabulary Design Officer have been considered and there is some tension between them in terms of the design for vehicular parking. On balance of considerations, it is considered that the proposed rear parking courtyards have adequate surveillance, and their siting helps contribute towards the facilitation of high-quality public open space through removing visual clutter associated with parked cars.

The matters raised by the Hampshire Constabulary Design Officer on the pedestrian route to Forest Gate Gardens are noted but the benefits of providing this access clearly outweigh any perceived drawbacks. Moreover, the character of the wider local area is one of limited and/or non-existent street lighting. No statistical evidence was provided by Hampshire Constabulary that could support the notion that the local area already suffers in terms of crime and/or disorder because of this. The proposed pedestrian route adjacent to plot 10 is identified as a moderate harm and will be assessed again in the Planning Balance section of the Planning Assessment.

The detailed comments on individual plots from NFDC Environmental Design are noted but these can be addressed through suitable conditions and/or revisited during the determination of detailed design in a future Reserved Matters application.

Therefore, on balance of considerations and notwithstanding the moderate harm identified, the proposed site layout, subject to suitable conditions, accords with Local

Plan Policies ENV3 criterion (i) and SS6 criterion (ii)(b) and broadly reflects the arrangement of spaces and uses set out in the Local Plan Concept Masterplan for SS6.

ii. Built density and relationship with surrounding residential properties

NFDC Environmental Design and NFDC Landscape in their November 2024 consultation responses set out that there remains an abrupt change in building intensity at some of the edges of the site so that the transition in character is not always sympathetically handled, and that the housing density remains higher than the site context.

Essentially, NFDC Officers disagree with this assessment. Local Plan Policy SS6 clearly stipulates that the site is allocated for at least 100 homes. Local Plan Policy HOU1 and the supporting Figure 6.1 set out the overt bias towards the delivery of smaller homes generally, including that in the Local Plan Strategic Sites, and there is no specific exclusion to this direction of travel set out in Policy SS6. It is axiomatic that if at least 100 dwellings are to be provided on the Strategic Site SS6 then the development will be of a higher built density that found along Lower Pennington Lane and Ridgeway Lane.

NPPF paragraph 130 is clear that where there is an existing shortage of land for meeting identified housing needs – such as New Forest District generally and Lymington and Pennington specifically in this application – it is especially important that planning decisions avoid homes being at low densities and ensure that developments make optimal use of the potential of each site, and that LPAs should refuse applications which they consider fail to make efficient use of land. In this instance, the built density of the proposed housing is just over 20 dwellings per hectare.

The DAS confirms that there is a transition in built density between more dense housing development in the northern and eastern portions of the application site and lower density housing in the southern portion of the application site.

The Lymington Local Distinctiveness SPD Figure 10.11 (page 143) sets out that immediately north of the triangular green (at the junction of Lower Pennington Lane and Fox Pond Lane – and hence north of the application site) clusters of intense but consistently designed small estates create a sharp contrast with the remaining (generally larger) houses adjoining the lane.

As such, the juxtaposition of smaller dwellings in the interior of the space between Lower Pennington Lane and Ridgeway Lane, and the larger properties along the Lanes, and the sharp contrast that arises, is an established feature of the urban form in the local area.

Essentially, it is considered that the proposal sets out a satisfactory compromise between a suitable transition in character the existing local townscape and satisfying the identified need for smaller homes which inevitably will be of a denser form.

The houses in the southern portion of the application site overlooking the main ANRG are well spaced and comprise a mix of residential typologies. The northern and eastern portions of the application site are denser and generally comprise smaller dwellings. However, all of the dwellings are two-storey houses (with the notable exception of the crescent of 2.5 storey town houses overlooking the

secondary area of public open space). Essentially, this is an acceptable arrangement and will be subject to further review in the detailed design at the Reserved Matters stage .

The supporting LVIA (December 2022) paragraph 4.20 sets out that:

The proposal would provide a coherent more coherent development edge to suburban Pennington and would be contiguous with current linear residential development along Ridgeway Lane to the east and Oakhaven Hospice. The proposed development would bring about neutral change to this element of the local landscape character.

Essentially, the conclusion of the LVIA is accepted by NFDC Officers. Wider views of the housing would be limited from the existing public realm along Lower Pennington Lane and Ridgeway Lane to those potential views through narrow and/or oblique pedestrian routes. Undoubtedly there will be an overt change in the perception of the pedestrian moving into the site from the Lanes that the built form is denser - but this will be in the context of a distinct housing enclave where the tallest buildings are sited in the centre and the smaller houses do not have higher roof ridgelines than the existing two-storey houses to the north and east and will clearly be lower than that of Oakhaven hospice. As set out, the proposed public open space in the south of the site provides a suitable transition towards the open countryside in the National Park to the south.

In line with comments made by NFDC Environmental Design and some representations from the local community the most sensitive relationship in built form is between the proposed dwellings closest to the eastern and northern boundaries and the existing dwellings on Ridgeway Lane and Longford Place (to the north).

The separation distances between the rear or side elevation of the proposed new houses and the nearest rear or side elevation of the dwellings on the lower part of Ridgeway Lane (between Greencroft to the south and Hampshire Place to the north) ranges between 25 metres and 45 metres. The shortest separation distances between the rear or side elevation of the proposed new houses and the nearest rear or side elevation of the existing dwellings are between plot 26 and the rear elevation of the property 'Sycamores', which is approximately 25 metres, and between plot 42 and 'The Buccaneer' which is approximately 24 metres.

The separation distances between the rear elevations of the two detached dwellings immediately to the north of the site on Longford Place and the rear elevation of the houses in plots 64 to 72 is between 40 and 45 metres. The separation distance between the rear elevation of the dwelling in plot 1 and Oakhaven Hospice is approximately 24 metres. The separation distances between the dwellings in plots 2 to 5 and Oakhaven Hospice is at least 25 metres.

Essentially, whilst the representations and NFDC Environmental Design consultation responses are noted, it is considered that all the separation distances between the proposed and existing residential dwellings on Ridgeway and Longford Place and Oakhaven Hospice are adequate as they are greater than the generally recognised minimum distance of 21 metres for buildings broadly of the same height on generally level ground. For reference, further assessment of the relationship between the dwellings in plots 1 to 5 and Oakhaven Hospice is set out in sub-section J (Environmental Protection) of the Planning Assessment.

The separation distances between new dwellings set out in the Site Layout is satisfactory given the orientation of buildings. This will be assessed again in a future Reserved Matters application when details of fenestration are known.

As such, on balance of considerations, the proposed built density is a satisfactory compromise taking into account the identified need for smaller homes, the emphasis in the NPPF for development that makes efficient use of land and optimises their potential, and the local townscape context as set out in the Lymington Local Distinctiveness SPD. The proposal has adequate separation distances to existing properties. Detailed design assessment in a future Reserved Matters application will assess these matters.

Therefore, subject to suitable conditions, the proposed built density and relationship with adjacent dwellings accords with Local Plan Policy SS6 criterion (ii)(a) and NPPF paragraphs 129, 130 and 135 criteria (b)(e).

iii. Impact on Local Character

Lymington and Pennington Town Council and a significant number of representations have objected to the proposal partly on its perceived impact on the adjacent lanes (Ridgeway Lane and Lower Pennington Lane) including the widening of the lanes to allow more traffic.

The immediate area surrounding the application site to the north, east and west is identified in the Lymington Local Distinctiveness SPD (pages 137 to 147) as Character Area 10: Rural Lanes. A detailed descriptive assessment of the Rural Lanes area is set out in paragraphs 4.10.1, 4.10.6 and 4.10.7 of the SPD.

As such, the context of the application site is well-understood and the SPD sets out additional design guidance for the area on pages 144 to 146. This includes on page 146 an annotated plan of the area between Lower Pennington Lane in the west and western side of Viney Road to the east. The annotated plan highlights (orange shading) that the area north of the application site towards the apex of the broadly triangular area formed by Lower Pennington Lane and Ridgeway Lane is host to 'planned cul-de-sac' groups of houses. This form of development is clearly distinct to the large, detached dwellings in large plots which line both Ridgeway Lane and Lower Pennington Lane.

Therefore, the proposed development in this application is for the most part a continuation of the more intense estate-designed housing highlighted in paragraph 4.10.7 of the Lymington Distinctiveness SPD. Therefore, NFDC Officers are of the view that the form of the proposed development is compatible with the existing townscape and represents a continuation of the planned cul-de-sac identified in the SPD.

The proposed vehicular access arrangements would result in some change in the character of the Lanes. The revised access arrangement at Lower Pennington Lane would be enlarged and includes land with the National Park. The proposed vehicular access would be a more urban highway feature than the existing access. As such, it is considered that there would be some moderate harm to the rural character of Lower Pennington Lane (as described in the Lymington Distinctiveness SPD) in this area. For reference, the location of the new access is within open countryside as defined in the New Forest Local Plan.

The proposed footway link between the public right of way in the north-west corner of Local Plan Allocation Site SS6 and Fox Pond Lane would introduce new features in the street scene including a build-out on the eastern side of Lower Pennington Lane for approximately 32 metres and a formalised footpath on the western side. Again, these highways features would be an urbanising feature in the Lower Pennington Lane street scene.

As such, it is considered that there would again be some moderate harm to the rural character of Lower Pennington Lane (as described in the Lymington Distinctiveness SPD) in this location. However, for reference, it should be noted that at this location Lower Pennington Lane is within the Lymington and Pennington settlement boundary as defined in the New Forest Local Plan and as such is within the urban area.

To the north of the proposed vehicular access onto Ridgeway Lane, within the New Forest District Council area, are several minor highways works which include, inter alia, a new passing place, pedestrian access formalisation between the application site and Woodside Park including some steps on the eastern Woodside Park side, and some ditch-wall reinforcement.

Essentially, it is considered that the impact, individually and/or cumulatively, of these proposed highways works north of the proposed vehicular access would comprise minor harm to the character of the Lane. There would be some loss of moderate quality trees on the eastern side of Ridgeway Lane but replacement trees have been identified in the mitigation and essentially its rural character would remain despite the proposed works.

The New Forest District Council Local Plan paragraph 9.88 recognises that the vehicular access to the SS6 site is by rural lanes with a distinctive character; and that this requires a careful balance between providing safe access and maintaining their character. The NFNPA application also includes off-site highways access improvements and the proposed vehicular access from Ridgeway Lane. It is clear that the upgrade works required to bring the existing agricultural access off Ridgeway Lane to a standard that HCC will find acceptable in terms of highway safety will impact the character of the area at this point.

Essentially, it is considered that the proposed vehicular access works and access works at the junction of Ridgeway Lane and Poles Land – which is partly within the NFDC area - would comprise moderate harm through the introduction of urbanising highway features at location along Ridgeway Lane that is more rural than suburban.

However, NFDC Officers do not agree with view of some representations that the proposed access and off-site highways works would destroy or devastate the rural character of the Lanes. As such, it is considered that there would be some moderate and localised harm at the areas identified on Lower Pennington Lane and Ridgeway Lane. This matter is assessed further in the Planning Balance section of the Planning Assessment.

iv. Emerging Submission Draft Lymington and Pennington Neighbourhood Plan

The emerging Submission Draft Plan Lymington and Pennington Neighbourhood Plan (SPLPNP) 2016-2036 (January 2025) Policy LP6 (High Quality Design) sets out that development proposals are required to have full regard Lymington Local Distinctiveness SPD as relevant to their location, scale and nature.

The emerging Submission Plan Lymington and Pennington Neighbourhood Plan (SPLPNP) 2016-2036 (January 2025) Policy LP9 (Safer Lanes Network) sets out the following criteria:

- G. The Neighbourhood Plan identifies a Safer Lanes Network, as shown on the Policies Map, for the purposes of protecting the rural and historic characteristics of the lanes and promoting the lanes as shared spaces.
- H. Where relevant to the nature, scale and location, proposals should preserve, and where practicable enhance, the rural character and tranquillity of the Safer Lanes Network having regard to the key objectives set out in Clause C below.
- I. Safer Lanes Network Key Objectives:
 - i. Retaining the key rural characteristics of the lanes including tree and hedgerow lined frontages with any fencing set back from the lane and screened with hedgerow planting, permeable frontages, and the retention and maintenance of ditches and verges avoiding the introduction and use of culverts;
 - ii. Avoiding the introduction of urbanising highways infrastructure, including reducing unnecessary lighting pollution and avoiding the introduction of inappropriate lighting schemes;
 - iii. Preventing parking on verges using infrastructure appropriate to a rural setting. Where parking is necessary, mitigating any harm to the biodiversity value provided by verges;
 - iv. Prioritising non-motorised users of the lanes and avoiding the introduction of transport and access arrangements which adversely effects their use by non-motorised users and the rural and historic characteristics of the lanes.

Criterion A sets out that the lanes as shared spaces should be promoted but the SPLPNP does not define 'shared space'.

As set out, the proposed highways features would be an urbanising feature in the Lower Pennington Lane street scene both within the and without the Lymington and Pennington settlement boundary. Minor harm is identified to the character of Ridgeway Lane within the NFDC area.

As such, the proposal does not accord with SPLPNP draft Policies LP6 (High Quality Design) and LP9 (Safer Lanes Network) criterion C (i) and (ii).

v. *Summary*

The broadly reflects the arrangement of spaces and uses set out in the Local Plan Concept Masterplan for Local Plan Allocation Site SS6. The proposal includes a suitably legible site layout based on a simple street hierarchy commensurate with the overall moderate scale of development. The proposed site, subject to suitable conditions and a s106 planning obligation, will be well-connected to the surrounding area through new access routes.

The proposed public open spaces, subject to detailed design, could comprise high quality urbanism. The proposed parking courtyards and pedestrian access routes have sufficient visual surveillance which outweighs the concerns raised by the Hampshire Constabulary Design Officer about disorder and crime. The separation distances between the proposed and neighbouring properties are adequate. The proposal sets out a satisfactory compromise between a suitable transition in character between the development and the existing local townscape and addressing wider Policy material considerations including the provision of smaller homes and making effective use of land. The detailed matters raised by NFDC Environmental Design can, where relevant, be addressed through suitable conditions and/or further assessment in a future Reserved Matters application.

The proposal would have some moderate and localised harm in Lower Pennington Lane through a degree of urbanisation arising from highway works. The proposal would have minor harm to Ridgeway Lane – within the New Forest District Council area – arising from the proposed off-site highway works.

However, as set out, NFDC Officers do not agree with view of some representations that the overall rural character of the Lanes overall would be destroyed or devastated and as such the harm identified in not of such extent as to justify refusal under NPPF paragraphs 135 criterion (c) and/or 139.

Therefore, subject to suitable conditions and a s106 planning obligation, the proposed site layout, built density and relationship with surrounding residential properties accords with Local Plan Policy ENV criterion (i), Local Plan Policy SS6 criterion (ii)(a) and (ii)(b) and NPPF paragraphs 129, 130 and 135 criterion (b) and (e).

However, as set out, the proposal would give rise to some moderate and localised harm in the Lanes in terms of impact on local character contrary to NPPF paragraph 135 criterion (c) and SPLPNP draft Policy LP9 (Safer Lanes Network) criterion C (i) and (ii).

The identified harm will be assessed further in the Planning Balance sub-section of the Planning Assessment.

G. Heritage Assets

Local Plan Policy DM1 (Heritage and Conservation) sets out that development proposals, inter alia, 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 supporting text acknowledges the role of archaeology and archaeological sites.

The NPPF Section 16 (Conserving and enhancing the historic environment) sets out national planning guidance on the historic environment.

The application is supported by a Heritage Assessment (Cotswold Archaeology, July 2022) and Geophysical (Magnetometer) Survey (Cotswold Archaeology, May 2023). A Written Scheme of Investigation for archaeological trench evaluation (Cotswold Archaeology, November 2023) was subsequently provided.

i. Archaeology

The Heritage Assessment has identified a potential for archaeological remains of prehistoric date within the Site. Iron Age settlement and industry are known from previous archaeological investigation within the study area. There is further potential for remains of medieval or post-medieval date of an agricultural nature to be present within the application site, with evidence of these periods recorded extensively within the wider landscape. A series of slight earthworks of potential medieval agricultural origin are recorded to extend into the north-east of the site. It is not considered that the significance of the known and potential archaeological resource within the site is of such a level that would require preservation in situ, or influence development design.

In line with the comments from the NFDC Archaeologist in December 2023 and August 2024 a phased evaluation approach sought through suitable conditions will secure a Trench Evaluation Report on the results of the proposed fieldwork set out in the submitted Written Scheme of Investigation.

ii. Designated and Non-Designated Heritage Assets

The assessment has also considered the potential effects of the development on surrounding designated and non-designated heritage assets, through the alteration of their settings. It was established that, on account of intervening development, distance, and topography, the proposals would not result in any harm to the significance of these assets. The heritage assessment concludes that development would therefore comply with the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, national and local planning policy.

The NFDC Conservation Officer has concluded that the proposed scheme will make little meaningful change to the setting of the designated heritage assets in the NFDC area around the application site but that there will be some minor harm to the setting and context of the Oakhaven Hospice a non-designated heritage asset. This will be addressed in the Planning Balance section of the Planning Assessment. For reference, the NFNPA will assess the impact of the proposal on the heritage assets in their area.

A representation from a member of the public has highlighted the potential impact on the apparently physically listing but not Listed Georgian wall around Gainsborough Court, a residential area approximately 250 metres to the north of the northern boundary of the application site, from passing HGVs. No structural evidence has been provided that demonstrates that this wall is in any immediate danger of collapse or that increased vehicle movements along Lower Pennington Lane could facilitate serious damage.

As such, the proposal, subject to suitable conditions, satisfies Local Plan Policy DM1 criterion (a) in terms of designated heritage assets and archaeology.

The minor harm identified by the NFDC Conservation Officer in terms of the impact of the proposed development on a non-designated heritage asset will be assessed further in the Planning Balance sub-section of the Planning Assessment.

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 (INCS). 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 Conservation of Habitats and Species Regulations 2017 require an Appropriate Assessment to be undertaken by the Planning Authority (acting as a Competent Authority) to determine whether the proposal will have significant effects on protected habitat sites. Natural England advises that it is possible for the Competent Authority to 'adopt' a Shadow Habitats Regulations Assessment and Appropriate Assessment undertaken by an applicant on the basis that the Competent Authority is satisfied with and agrees with the findings of the Assessments.

The applicants have provided the following ecological reports:

- Shadow Habitats Regulations Assessment (sHRA), EcoSupport, January 2025
 - Ecological Impact Assessment (EciA), EcoSupport, February 2025
 - Biodiversity Net Gain Assessment (BNGA), May 2024
 - Habitats Metric 3.1, May 2024
 - Ecological Note – Plots 64-72 Dormouse Corridor, 31/10/2024
 - Baseline Habitats (Main Site and Public Open Space), October 2023
- i. Habitat Mitigation, Nitrates mitigation, Air Quality mitigation and impact on European designated nature conservation sites*

The shadow Habitat Regulations Assessment (sHRA) includes an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017.

The following European sites within the 10km Zone of Influence from the application site were identified in the sHRA:

- Solent and Southampton Water Special Protection Area (SPA)
- Solent and Southampton Water Ramsar
- Solent Maritime Special Area of Conservation (SAC)
- New Forest Special Protection Area (SPA)
- New Forest Ramsar
- New Forest Special Area of Conservation (SAC)
- Solent and Isle of Wight Lagoons Special Area of Conservation (SAC)
- Solent and Dorset Coast Special Protection Area (SPA)

The sHRA screening assessment concluded that none of these European sites were to be screened out as all are within a distance to which an 'impact pathway' (such as pollution for example) can be identified between the application site and the European site. As such, all the European sites listed should be subject to a more

detailed screening process.

The sHRA 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):

- Water Pollution (alone and in combination with other schemes)
- Increased Recreational Pressure (alone and in combination with other schemes)
- Air Pollution (alone)
- Construction Disturbance (alone)
- Changes in Soil Chemistry (alone)

These potential pathways were therefore taken forward to Stage 2 Appropriate Assessment (AA) undertaken by the applicant in their sHRA

The results from the applicants 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:

- On-site ANRG provision and New Forest Access Management and Visitor Management financial contributions;
- Construction Environmental Management Plan (CEMP);
- Financial contribution towards air quality.

ANRG Provision

To deflect recreational trips to protected areas and in accordance with Local Plan policy the applicants have proposed a 2.54 ha Alternative Natural Recreational Greenspace (ANRG) located within the application site. This meets the minimum necessary ANRG size requirement accounting for the housing mix (and hence occupation levels) set out earlier in the Planning Assessment.

Natural England (NE) (5 January 2024; 6 March 2024; 26 November 2024) has set out that the proposed on-site ANRG provided for mitigation purposes must be secured for its intended purpose for perpetuity (90 years). The proposed on-site ANRG will be secured in perpetuity (90 years) through the supporting s106 planning obligation.

NE also set out that a management and monitoring plan is required to ensure that the ANRG is functional and secured in perpetuity for 90 years. The management and monitoring plan should include details of the proposed capital works, and ongoing maintenance and management of the greenspace to enable it to function effectively over the lifetime of the development.

The ANRG will be subject to management by the applicants or an appointed management company. The revised Landscape Principles Document (LPD) (Pegasus, Rev. 08D, October 2024) and the supporting Landscape Framework Plan (LFP) (Pegasus, Rev. E, 22/10/2024) provides an initial broad framework for the long-term management and monitoring of the ANRG. The LPD and LFP will be secured through a suitable condition in conjunction with suitable management company and ANRG covenants within the s106 planning obligation. The NFDC Ecologist has confirmed (December 2024) that this is an acceptable approach.

Natural England also set out that the phasing of the ANRG in line with the phasing of the development is recommended to support and provide recreation mitigation from the beginning. The phasing of the ANRG will be secured through a suitable condition in conjunction with the phasing of other elements of the proposal. The outstanding information required by Natural England, including the phasing details, can be secured through suitable conditions and a s106 planning obligation in line with their response of January 2024.

Local Plan Policy ENV1 (Mitigating the impacts of development on International Nature Conservation sites) 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 mitigation

The application is, as set out above, supported by a shadow Habitats Regulation Assessment (sHRA), January 2025, Ecosupport and the applicants have also submitted a revised Nutrient Budget Assessment (NBA) (March 2025) with an assumed occupancy rate of 2.63. The sHRA (paragraph 6.1.3) confirms that the site is subject to nutrient neutrality.

A nutrient budget calculator has been submitted which shows the development will achieve nutrient neutrality despite the proposed residential development by virtue of the existing agricultural and horticultural uses on the land.

Therefore, the impact is mitigated and there will be a neutral impact on the designated sites due to pollution impacts from additional nutrients associated with residential development. As such, in this instance it is not necessary to impose a Grampian condition in order to purchase mitigation credits.

Air Quality

The proposal is supported by an Air Quality Assessment (AQA) (Ramboll, 29/7/2022).

The AQA concluded that the construction of the proposed development has the potential to lead to fugitive dust emissions in the absence of appropriate mitigation. Based on the risk of dust impacts and the sensitivity of the site, mitigation appropriate to a medium risk site is recommended. With the mitigation in place, construction dust effects will not be significant. Air quality at the site and within the vicinity of the site is likely to be good, with pollutant concentrations well below NAQOs. Development traffic is below the threshold for an assessment to be necessary. The development will meet the mitigation requirements of the New Forest Air Quality SPD.

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. A dust management plan as part of a Construction Environmental Management Plan (CEMP) would avoid excessive short-term impacts arising from dust during construction. A CEMP will be secured through a suitable condition.

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.

Appropriate Assessment

As detailed above, the application is supported by a shadow Habitats Regulation Assessment (sHRA), Ecosupport, January 2025 which includes an AA.

In addition to the applicants sHRA and AA, The Council, as Competent Authority, has carried out an Appropriate Assessment, informed by the sHRA, under the Habitat Regulations (as amended) at this stage and concluded that:

- To deflect recreational trips to protected areas and in accordance with Local Plan policy ENV1 the applicants have proposed a 1.83 ha Alternative Natural Recreational Greenspace (ANRG) located within the application site. As set out, the proposal meets the minimum necessary ANRG size requirement given the agreed housing mix and hence future occupation levels and that the future management and monitoring arrangements for the ANRG based on the principles set out in the submitted revised Landscape Principles Document (LPD) (Pegasus, Rev. 08D, October 2024) and the supporting Landscape Framework Plan (LFP) (Pegasus, Rev. E, 22/10/2024) can be secured through a s106 planning obligation and/or suitable conditions.
- An Air Quality mitigation contribution can be secured through a s106 planning obligation.
- A Construction Environmental Management Plan (CEMP) can be secured through a suitable condition.
- That the development will essentially be nutrient neutral given the existing agricultural and horticultural uses and hence no off-site mitigation credits will need to be purchased in this instance.

The Local Planning Authority (LPA) as competent authority has undertaken an Appropriate Assessment (AA) based on the information submitted by the applicant and has addressed the comments made by Natural England in their various representations. The LPA reconsulted Natural England on the AA in March 2025 and

will, as required by the Habitat Regulations, have regard to their advice.

The Competent Authority AA sets out that the proposed project would, in combination with other developments, have an adverse effect due to the site-specific impacts on the integrity of European protected species, having regard to their conservation objectives but the adverse impacts would be avoided through the suitable mitigation and management as set out given they will be secured through conditions and a s106 planning obligation.

Additionally, the applicant will also agree to provide the financial contribution towards protecting Solent sites from recreational pressure, in accordance with the Bird Aware Solent strategy which will also be secured through a s106 planning obligation. As such, the proposed habitats mitigation will be secured in perpetuity through suitable conditions and a s106 planning obligation in accordance with Local Plan Policy ENV1.

ii. Biodiversity Net Gain

The National Planning Practice Guidance (PPG) sets out which planning permissions are exempt from biodiversity net gain (BNG). In this instance, the application was made in June 2023 and as such is not subject to mandatory BNG. Notwithstanding this, the applicants have taken a positive approach towards BNG and have provided suitable information with the objective of meeting a 10% BNG improvement.

The application is supported by a Biodiversity Net Gain Assessment (BNGA), May 2024 and Habitats Metric (May 2024). The updated assessment concludes that the development would result in a 17.83% net gain for area-based habitats and a 10.83% gain for linear habitats.

The NFDC Ecologist concluded that the updated assessment excludes the areas of ANRG/POS from the calculation in order to demonstrate additionality and that the development delivers 10% BNG without the reliance on the ANRG (which in the baseline is predominantly arable and buildings).

However, the NFDC Ecologist also concluded that given that this is an outline Application with details of Access and Layout only, should permission be granted, it would be necessary to re-run the metrics at the reserved matters stage to ensure that the gains predicted at outline stage remain deliverable. Accepting that additionality has been demonstrated, these future calculations should cover the whole site and all habitats including those in the ANRG and POS (as should the management and monitoring).

NFDC Officers agree with the NFDC Ecologist that this revised metrics requirement should be secured through suitable conditions and/or a s106 planning obligation.

The NFDC Ecologist has also highlighted that off-site hedge creation is proposed on land south of the red-line boundary in order to meet the required 10% net gain. This will be secured through the overarching s106 planning obligation that would be associated with both the NFDC application and the NFNPA application.

The NFDC Ecologist also highlighted the need for a Biodiversity Monitoring and Management Plan. This will be secured through a suitable condition.

However, in line with the comments from the NFDC Ecologist it will be necessary to re-run the BNG metrics at the Reserved Matters stage to ensure that the gains predicted at Outline stage remain deliverable. As such, suitable conditions and a s106 planning obligation will be used to secure biodiversity net gain and the supporting monitoring and review mechanisms.

iii. Ecological Reports

The NFDC Ecologist has confirmed that the submitted ecological survey information has been gathered between 2018 and 2022. The NFDC Ecologist has confirmed that the ecological baseline is adequately captured to make an informed planning decision with respect to ecology.

The NFDC Ecologist also noted that the supporting Ecological Impact Assessment (EciA) sets out that if the works do not take place within 18 months of this report then the findings of this survey will no longer be considered valid and certain aspects may require updating. As such, the NFDC Ecologist that updated surveys should be incorporated into a Construction Ecological Management Plan (CEcMP) to be secured through a suitable condition.

iv. Protected Species

A significant number of representations have set out comments on the potential impact on local flora and fauna, including protected species, arising from the proposed development.

The NFDC Ecologist has confirmed that a number of ecological enhancements are proposed including bat boxes, bird boxes, hibernacula, hedgehog highways and dormouse bridges. The NFDC Ecologist recommends that the enhancements should be included in a Biodiversity Mitigation and Enhancement Plan to be secured by condition.

Amphibians including Great Crested Newt

An Environmental DNA (eDNA) survey of three ponds within 500m of the site was undertaken. All ponds returned a negative result. Great Crested Newts are not considered a constraint to development.

The EciA (paragraph 7.5.1) sets out that given parts of the application site fall within the 'amber zone' of the District Level Licence (DLL) but it is not considered proportionate to register the site to the DLL given the absence of GCN from in the ponds nearby previously and lack of records within 2 km. As such, a precautionary approach – as set out - will be undertaken in areas of the site that are considered suitable to support GCN (which will mainly focus of areas of scrub and longer grassland). The NFDC Ecologist has confirmed that this seems a reasonable and proportionate approach and can be secured through a suitable condition.

Bats

The NFDC Ecologist has confirmed that suitable surveys have been undertaken and have ascertained that the one existing building on the site with low potential to support a bat roost does not currently support a bat roost.

The NFDC Ecologist has confirmed that one low bat roost potential tree was

identified on-site, a category U Oak tree (T87) and that the updated EclA takes account of the new national bat guidelines and now states that prior to removal / felling T87 will be subject to a climbed inspection between May – September under direct supervision of a licensed ecologist. The outcome of this will dictate if any further actions are required (such as additional inspections, surveys or a licence. This can be secured through a suitable condition.

The NFDC Ecologist has confirmed that the application site has been assessed to be of County value for foraging and/or commuting bats with rare species including Mouse-eared bats (*Myotis*) and Barbastelle recorded. Key areas of bat activity identified included along the northern boundary, the existing tree line/ hedgerow east of the nursery and in the south- east around the proposed access route.

The EclA states that due to the value of the site to both roosting bats, a sensitive lighting strategy including a lighting plan with spill contours for the site will need to be prepared. The NFDC Ecologist has confirmed that a Lighting Strategy has been prepared which includes a lux plot. However, given the updated national bat guidance the NFDC Ecologist recommends securing a further update to the lighting strategy to include a Technical Note by a qualified Ecologist to demonstrate how the Lighting Strategy responds to ecological site constraints and to demonstrate how the latest national guidance is adhered to. This can be secured through a suitable condition.

The NFDC Ecologist has confirmed that it is proposed that half of the newly built dwellings will have Ibstock bat bricks integrated within the external brick work. A further nine woodcrete boxes are also proposed to be affixed to suitably mature retained trees within the application site. The locations and final specifications of these mitigation features should be included in a Biodiversity Mitigation and Enhancement Plan (BMEP) that itself should be secured by condition.

Birds

The NFDC Ecologist has confirmed that they are content with proposals made in the ECIA to manage construction impacts on nesting birds. These management measures should be incorporated within the Construction Ecological Management Plan (CEcMP) which is to be secured by a suitable condition. Management of the habitats on site in the operational phase should take account of the presence of nesting birds. This should be included within a Biodiversity Monitoring and Management Plan (BMMP) to be secured through suitable conditions.

The NFDC Ecologist has confirmed that it is proposed that half of the newly built dwellings will have one Swift brick integrated within the external brick work. The locations and final specifications of these mitigation features should also be included in the BMEP. It is considered that this addresses the comments from Hampshire Swifts.

Comments from Natural England and the NFDC highlighted the potential adverse impacts on wading birds including Brent Geese. The sHRA (January 2025) sets out that to avoid potential disturbance impacts during the construction phase to birds utilising the NF228 site approximately 150 metres south of the application site (amongst other sites) a Construction Environmental Management Plan (CEcMP) will be adopted which sets out how and when (i.e. avoiding the key overwintering period in construction activities will take place to avoid the key overwintering period between October-March) disturbance to overwintering waders (notably the Dark

bellied Brent Goose) shall be implemented.

Taking a precautionary approach, activities which could result in sudden and percussive noise pollution (greater than 50 dB0) at the receptor should be avoided during peak wintering periods for Dark-bellied Brent Goose. The CEcMP should be agreed with the NFDC Ecologist and Natural England as appropriate. As such, a CEcMP which addresses these matters will be secured through a suitable condition.

Badgers

The NFDC Ecologist has confirmed that a subsidiary badger sett was recorded as present on-site. The badger sett could be preserved and is not impacted by development works but the Ecologist recommends that a pre-construction badger survey is required to establish the current status of badgers on-site at the time of construction and inform any mitigation necessary at that time. Additionally, management of the habitats on site in the operational phase should take account of the presence of badger. This should be included within the BMMP.

Hazel Dormouse

A European Protected Species Licence (EPSL) from Natural England (NE) is required for any development works that would affect dormouse or dormouse habitat (e.g. hedgerows or scrub) where the species is known to be present.

The NFDC Ecologist has confirmed that Hazel Dormice have been recorded as present on-site and that their previous concerns about habitat connectivity for dormice have been addressed. The EclA (Figure 28) sets out the proposed Dormouse compensation planting arrangements and measures that will be installed to ensure connectivity is maintained. This includes new appropriate planting and a dormouse bridge over the road break between plots 6 and 7 to maintain north-south connectivity. This will be secured through suitable conditions.

Additionally, management of the habitats within the application site in the operational phase should take account of the presence of dormice and as such this should be included within the BMMP.

Hedgehogs

The NFDC Ecologist has confirmed that the proposal includes provision of hedgehog-friendly gravel boards or equivalent with a minimum 15cm by 15cm gap to maintain permeability for hedgehogs across the development and associated gardens (at least 2 gaps within the gravel boards / bases of each fence line). The routes of the 'hedgehog highways' should be included in the BMMP to be secured by a suitable condition.

Reptiles

The NFDC Ecologist has confirmed that a low population of slow worms and grass snakes have been confirmed on the application site but that they are content with the mitigation measures proposed and the approach to mitigation given the low populations recorded.

The EclA identifies the need to secure a receptor site as habitat for reptiles within the application site (as set out in Figure 25; page 66) a s106 planning obligation. The

EclA sets out that:

To ensure the retained reptile receptor is afforded the appropriate level of protection once the site has been built, it should be listed within the s106 planning obligation as protected reptile habitat, along with the installation of a wooden knee rail along the boundary (to prevent public access) and an interpretation board (which will outline the reasons for the protection and why it is important to maintain the area as free from human disturbance).

The NFDC Ecologist supports this approach and as such the reptile receptor mitigation will be secured through a s106 planning obligation.

The NFDC Ecologist also sets out that the management of habitats within the application site in the operational phase should take account of the presence of reptiles and that this should be included within the BMMP.

v. Summary

In line with the above, subject to necessary mitigation secured through suitable conditions and a s106 planning obligation, the proposal has addressed the material ecological considerations of habitats mitigation and European designated nature conservation sites, nitrate neutrality, biodiversity net gain and protected species mitigation. Therefore, subject to a planning obligation and suitable conditions, the proposal accords with Local Plan Policies ENV1 and DM2.

I. 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 2025 (as set out on the NFDC website).

a) New Forest District Council Provisions

Affordable Housing – provision of 50% affordable housing units in line with the agreed housing unit size mix and housing tenure mix. To be secured through a s106 planning obligation.

Air Quality Monitoring Contribution - £9,184 (£112 per dwelling)

Alternative Natural Recreational Greenspace (ANRG), Public Open Space and Private Open Space

The ANRG and informal public open space 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.

The private open space is the buffer strip located between plots 1 to 5 and Oakhaven Hospice to the west as set out in Site Layout (Rev. J). The buffer strip will be subject to management in perpetuity alongside the ANRG and public open space and closed to the public with a security gate at the southern end and a suitable boundary treatment at the northern end. The buffer strip will only be accessible to maintenance operatives appointed by the Management Company and senior Management Company employees. A s106 planning obligation clause will preclude the formation of any entrances or openings from the rear gardens of plots to 1 to 5 into the buffer strip. The final specifications for hard and soft landscaping for this area will be determined in a future Reserved Matters application.

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 - £878
- Recreational Habitat Mitigation on-site monitoring and/or inspections - £12,620
- Affordable Housing Monitoring - £878
- Biodiversity Net Gain on-site monitoring - £5,414
- Public Open Space (informal, play areas and landscaping) - £7,112

Formal Public Open Space (playing pitches and infrastructure) - Off-site contribution of £52,903

Habitat Mitigation: Access Management and Monitoring - Non-Infrastructure contribution (as of April 2025) based on the agreed Housing Mix:

Dwelling size and Contribution per dwelling (April 2025)	Nos of Dwellings.	Total
two-bed (£719)	33	£23,727
three-bed (£991)	41	£40,631
four-bed plus (£1217)	8	£9736
Total	82	<u>£74,094</u>

Note: figures may be subject to further RPI indexation in April 2026 (if s106 planning obligation not completed by then).

Habitat Mitigation: Bird Aware Solent – (as of April 2025) based on the agreed Housing Mix:

Dwelling size and Contribution per dwelling (April 2025)	Nos of Dwellings.	Total
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two-bed (£696)	33	£22,968
three-bed (£907)	41	£37,187
four-bed plus (£1087)	8	£8,696
Total	82	<u>£68,851</u>

Note: figures may be subject to further RPI indexation in April 2026 (if a s106 planning obligation not completed by then).

Management of the Residential Parking Courtyards – To be under Management Company control in perpetuity.

Oakhaven Hospice Visitor Parking

The Oakhaven Hospice Visitor Parking is the 24 space parking area sited south of plot 1 as set in the Site Layout (Rev. J). The Oakhaven Hospice Visitor Parking area will be subject to management in perpetuity and subject to control by the appointed Management Company. A s106 planning obligation clause will preclude the use of the Oakhaven Hospice Visitor Parking area for all except visitors to Oakhaven Hospice in line with Local Plan Policy SS6 criterion (iii)(c). For reference, the final specifications for hard and soft landscaping for this area will be determined in a future Reserved Matters application.

Pre-occupation off-site Pedestrian Access Works

- Pedestrian route from SS6 application site through to Forest Gate Gardens: £33,196.
- Forest Gate Gardens Road Junction into Woodside (and connecting to existing new gravel path): £27,650.

Off-site Arboricultural Mitigation

- Arboricultural Method Statement for the construction of the path from Ridgeway Lane into Woodside Park.
- Two new extra heavy standard trees to mitigate for the loss of trees on the proposed off-site Ridgeway Lane to Woodside Park access.

Reptile receptor mitigation

- Provision of reptile receptor mitigation area in the ANRG in line with the Ecological Impact Assessment, EcoSupport, February 2025.

b) Lymington and Pennington Town Council Provisions

Provision of two off-site pedestrian only accesses and connecting routes from Ridgeway Lane into Woodside Park as summarised in the Pedestrian/Cycle Access Strategy Plan (Bright Plan, Ref: 2020-6181-114 Rev. E) in line with the Statement of Common Ground agreed with Lymington and Pennington Town Council.

c) New Forest National Park Provisions

- Off-site Biodiversity Net Gain improvements (linear hedgerows).
- BNG to be provided within the NPA application area (around proposed drainage basin).

- Off-site highways works on Ridgeway Lane access (which are within both the NFNPA and NFDC areas)

d) Hampshire County Council Provisions

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

Countryside Services: Public Rights of Way (PROW) Improvements and Maintenance contribution of £103,920.

Local Highways Authority (LHA):

- Provision of a Full Travel Plan and associated set-up and monitoring fees and bond;
- Provision of a financial contribution of £58,080 towards improvement including walking and cycling facilities on Milford Road and at the roundabout of A337 Milford Road/North Street/Ridgeway Lane.
- Provision of off-site footway works as set out on drawings 2020-6181- 116B, 2020-6181-131.
- Provision of off-site footpaths, crossing points and passing place on Ridgeway Lane, Lower Pennington Lane and in Woodside Park as set out on drawings 2020-6181-115C, 2020-6181-116B, 2020- 6181-118C, 2020-6181-125B, 2020-6181-301C
- Provision of localised road surfacing/ widening as set out on drawings 2020-6181-132A

Additionally, the development will be subject to the Community Infrastructure Levy. The funds arising from the development from CIL will be calculated in the determination of a future Reserved Matters application.

vi. Impact on local infrastructure

A number of representations from the local community set 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 definitive evidence that the scheme needs to actively make provision of 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.

For reference, NHS Hampshire and Isle of Wight has raised no objection to another Lymington application being taken to NFDC April 2025 Planning Committee (Ref: 24/10590) on the basis that the GP surgeries within the catchment area that that application (approximately 1km to the west) would affect, currently have sufficient infrastructure capacity to absorb the population increase that potential development would generate

Additionally, in this instance HCC Education has confirmed on 13 March 2025 that there is no requirement for a s106 contribution towards the provision of additional primary and secondary school capacity in Lymington and Pennington.

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. Additionally, some infrastructure providers (for example veterinary surgeons) are within the market sector and hence not subject to public sector contributions.

J. Environmental Protection: Contaminated Land, Minerals, Noise, Lighting, Sustainable Construction and Residential Amenity.

Local Plan Policy SS6 (Land to the east of Lower Pennington Lane, Lymington) sets out site-specific considerations including criterion (iii)(b).

- Development and access arrangement must respect the tranquillity, privacy and security of the Oakhaven Hospice.

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.

NPPF paragraph 196 sets out planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

NPPF paragraph 197 sets out that where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner.

NPPF paragraph 198 sets out that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects, including cumulative effects, of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

NPPF paragraph 200 sets out that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The national Planning Practice Guidance (PPG) (Paragraph: 009 Reference ID: 21b-009-20140306) sets out what weight can be given to a material consideration. The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

i. Minerals

The proposal is supported by a Mineral Investigation Report (MIR) (ACS, July 2022).

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

HCC Minerals and Waste Planning acknowledged that whilst the MIR concluded 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'). HCC state that in line with the conclusions of the MIR 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.

HCC set out that particular opportunities may lie in the recovery of mineral deposits uncovered during the preparation and construction phases of the project. 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 by HCC 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 Plan (2013) Policy 15.

ii. Contaminated Land

NFDC Environmental Protection confirmed that a Contaminated Land Desk Top Study Report (ACS, March 2021) has been submitted. Within the report, the Conceptual Site Model (CSM) has identified plausible pollutant linkages largely based around the previous use of the site as a nursery (horticulture) with potential contamination associated with made ground, above ground storage tanks and chemical spills /leaks. NFDC Environmental Protection therefore recommend that an intrusive investigation be carried out to confirm the actual ground conditions to inform a quantitative risk assessment for the proposed sensitive development to ensure that the site is safe and suitable for use.

NFDC Environmental Protection has no objection in principle to the proposed development as submitted subject to the standard NFDC planning conditions for contaminated land.

NFDC Planning Policy has also confirmed that radon gas is a material consideration on Strategic Site 6. NFDC Environmental Protection confirmed on 11th March 2025 (in the context of a response to the live application north of Milford Road on Strategic Site 5) that that site lies within Radon Class 3 and basic radon protection is required in all new dwellings, and as does this application site.

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. The proposed condition wording has been taken from a Wakefield Council decision (17/02333/FUL Application to remove conditions (17/01412/COUPA) in which the radon gas condition was considered by the Planning Inspectorate and considered reasonable.

As such, the proposal, subject to suitable conditions, accords with Local Plan Policies CCC1 and DM5, and NPPF paragraphs 196, 197 and 198.

iii. Sustainable Construction

Policy IMPL2 of the New Forest District Local Plan (2016-2036) seeks that new development meets or exceeds standards imposed by the Building Regulations, to help minimise the environmental impact of development and to be adaptable to the future needs of occupiers over its lifetime. Relevant policy criteria include:

- i. The higher water use efficiency standard in accordance with Part 36(2) (b) of the Building Regulations, currently a maximum use of 110 litres per person per day.
- ii. Provision of a high-speed fibre broadband connection to the property threshold.
- iii. Provision to enable the convenient installation of charging points for electric vehicles in residential properties and in residential, employee and visitor parking areas.

The matters of water-usage, high-speed broadband connections and the installation of charging points of electric vehicles are now all addressed under Building Regulations.

As such, the proposal will accord with Local Plan Policy IMPL2 when the relevant Building Regulations are satisfied.

The report to NFDC Cabinet on 3 April 2024 Item 6 (Supplementary Planning Document: Planning for Climate Change pages 49-180) sought approval to adopt the supplementary planning document (SPD) Planning for Climate Change. The SPD was adopted by the Council and will be used in the determination of planning applications for the construction of new homes, commercial and community buildings.

Whilst the adopted NFDC Planning for Climate Change SPD does not strictly apply to applications already in the system prior to the April 2024 Cabinet meeting they have nevertheless offered the following information. The principal objective of the Climate Change SPD is to encourage developers to take reasonable steps to minimise expected carbon emissions when designing and constructing new buildings.

Essentially, the proposal has had adequate regard to the NFDC Climate Change SPD, taking into account the fact the application was submitted to NFDC in December 2022.

Whilst the Climate Change SPD seeks to influence the design and layout of a scheme from its initial inception it does not applications already submitted.

However, based on the Outline (with Access and Layout) nature of the application there are limited details to consider against its requirements. Any applications for the Reserved Matters will undertake more a detailed secondary assessment against its guidance.

The emerging Submission Draft Lymington and Pennington Neighbourhood Plan (SDLPNP) includes draft Policy LP11 Net Zero Carbon Building Design sets out the following five criteria:

- A. All development should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.
- B. Buildings proposed to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year will not be subject to the provisions of Clause C. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.
- C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the buildings will perform as predicted and will include a planning condition to require the provision of a post occupancy evaluation report to the local planning authority within a specified period, unless exempted by Clause B. Where the report identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged prior to occupation.
- D. All planning applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.
- E. Climate Change Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the energy hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

SDLPNP Draft Policy LP11 Net Zero Carbon Building Design sets out ambitious policy objectives that appear to go beyond relevant current adopted Local Plan policies. For example, the NFDC Cabinet report on 3 April 2024 set out (with regard to the now adopted Climate Change SPD) that The Council is unlikely to be in a position to be able to refuse development if embodied carbon calculations (such as the Whole-Life Cycle Carbon Emission Assessment in draft Policy LP11 criterion D) are not included in the proposal.

Likewise, the proposal does not meet Passivhaus standard (or equivalent) in line with the aspiration in the NFDC Climate Change SPD and draft Policy LP11 criterion B).

Essentially, the proposal does not however meet the more ambitious objectives in the draft Policy LP11 Net Zero Carbon Building Design, and as such this matter will

need to be considered in the balancing exercise in the Planning Balance and Conclusion.

iv. Noise

The proposal is supported by a Stage 1 (Risk Assessment) and Stage 2 (Acoustic Design Statement) Noise Assessment (Clarke Saunders, July 2022). The Stage 1 Assessment identified the development area as negligible to low risk in terms of noise impacts. The measured noise levels indicate that mitigation measures, including assessment and specification of appropriate glazing to achieve suitable internal levels are unlikely to be onerous and that the site is generally well suited for residential development with regards to noise impact.

NFDC Environmental Protection has set out (23/1/2023) that prior to construction (including demolition) commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific details including a Dust Management Plan, Noise Reduction Measures, Types of Equipment and Hours of Operation, Light Spill Control and Hours of Works. NFDC Environmental Protection also set out that the noise element of the CEMP shall have consideration for the location of Oakhaven Hospice in relation to the site and that it is a particularly sensitive receptor.

As such, extra noise mitigation measures must be set out in the CEMP and implemented, these should include minimising noisy activities within 150 meters of the hospice. Any cutting of materials should not occur within a 150 metre noise restriction zone to be identified in the CEMP, quietest available plant should be used where possible within a 150 metre noise restriction zone. Where noisier plant is required, acoustic shields should be implemented where possible. The CEMP shall include prior notification, where possible, to the hospice when noisy works are planned to allow hospice management to prepare for noise impacts.

Suitable conditions will be added with regard to construction hours of operation.

As such, subject to suitable conditions securing a suitable Construction Environmental Management Plan (CEMP) the proposal accords with Local Plan Policies ENV3 and CCC1 and NPPF paragraph 198 criterion (a).

v. Lighting

A Lighting Strategy (DFL, April 2021) and Lighting Strategy Plan (DFL, April 2021 rev. P01) have been submitted.

As set out in the Ecology sub-section of the Planning Assessment, the NFDC Ecologist and Natural England (January 2024) has requested an updated lighting strategy be secured given the sensitivity of the application site for bats. A suitable condition is set out.

The Lighting Strategy (DFL, April 2021) paragraph 6.1.1 sets out that to align with Hampshire County Council Street Lighting Guidance TG13, the internal road, footpath and car park columns will be fitted with Philips Luma lanterns and are to be commissioned with Mayflower CMS nodes which allow individual streetlights to be monitored, switched and for light output to be dynamically controlled. The location of the proposed lighting for the proposed Oakhaven Hospice visitor car park, amongst

the other proposed lighting, is set out in the Lighting Strategy Plan (DFL, April 2021 Rev. P01).

As such, subject to a revised sensitive lighting strategy plan that appropriately addresses the ecology matters assessed, which is to be secured through a suitable condition, the proposal accords with Local Plan Policies ENV3 and DM2.

vi. Residential Amenity

Given the separation distances between existing and proposed dwellings, as assessed in the sub-section F (Design and Local Character) it is considered that the proposal would not give rise to over-shadowing or significant loss of sunlight and daylight to the occupiers of the existing houses and Oakhaven Hospice. Likewise, no potential significant over-shadowing issues have been identified between dwellings within the Site Layout.

Additionally, some representations have requested public open space on the eastern boundary. However, the Local Plan Concept Masterplan for SS6 sets out that residential development is acceptable in principle up to the eastern boundary and as such there is no policy requirement for the site promoters to provide additional open space here.

The proposed children's play area in the ANRG public open space is sited approximately 25 metres away from the nearest housing (Plot 1) in the proposal. This is considered appropriate given the need to balance amenity issues with the need for a degree of surveillance of the play areas.

Local Plan paragraph 9.90 sets out that development should be carried out in a manner that respects the tranquillity, privacy and security of the Oakhaven hospice, for example, by inclusion of landscape buffers or equivalent arrangements. The Local Plan Concept Masterplan for Strategic Site 6 (page 130) sets out an area (shaded orange) in the south-west corner of the application site as land needed to provide 'enabling works' for car parking and tree line buffer for neighbouring hospice. There is no dimensional criteria for the potential landscape buffer strip set out in the NFDC Local Plan.

The Site Layout outlines the proposed buffer area with a clear gap between the rear boundary of proposed plots 1 to 5. The Landscape Framework Plan also set out this area and is illustrated with new tree planting.

The latest representation from Oakhaven Hospice (August 2024) has been set out in full earlier in the Committee Report. This includes detailed commentary on the provision of a landscaped buffer between the hospice and the development site. NFDC Officers have the following comments to make:

- The proposed landscape buffer strip will have treatments on the eastern and western boundaries. The northern and southern ends of the proposed landscape buffer strip will have suitably designed railings or similar and a metalled security gate accessible only to open space Management Company operatives. These specific boundary treatments and features will be secured in a s106 planning obligation.
- The proposed landscape buffer strip will be a private open space and will not

be accessible to the general public or the future occupiers of plots 1 to 5. Instead, the proposed landscape buffer strip will be a private open space only.

- The enclosure of the proposed landscape buffer strip with these treatments and features is considered by NFDC Officers to be a reasonable design response to the suggestion by Oakhaven Hospice in their August 2024 representation that the proposed buffer strip will likely become host to anti-social behaviour.
- The permitted development rights for the dwellings (plots 1 to 5) bounding the landscape buffer strip will be removed in order to prevent any additional gates or openings being formed on the respective boundaries between plots 1 to 5 and the proposed landscape buffer strip.
- The final detailed landscape design for the proposed landscape buffer strip will be determined in a future Reserved Matters application.

In summary, it is considered that with the facilitation of the proposed landscape buffer strip with suitable design features, access arrangements, removal of permitted development rights for proposed plots 1 to 5 and management strictures secured in a s106 planning obligation that the proposed landscape buffer strip, on reasonable balance of considerations, will work effectively and respect the tranquillity, privacy and security of Oakhaven Hospice in line with Policy SS6 criterion (iii)(b).

Oakhaven Hospice also set out additional commentary in their August 2024 representation on the potential transfer of land including the proposed landscape buffer strip (and visitor car parking area) to their ownership.

The latest representation from Oakhaven Hospice (August 2024) has been set out earlier in the Committee Report. This includes detailed commentary on the potential transfer of land, including the proposed Oakhaven Hospice visitor car parking area, from the site promoters/landowners to themselves.

The proposal includes – as set out earlier in the Planning Assessment – a landscape buffer strip between proposed plots 1 to 5 and Oakhaven Hospice, and the provision of a hospice visitor car parking area. The delivery of these specific elements, as required by relevant Local Plan Policy SS6, is to be secured, as set out, within the s106 planning obligation and relevant supporting suitable conditions, and they shall be maintained on the site in perpetuity.

The site promoters/landowners have reiterated in writing in March 2025 that they will not be transferring land parcels to a third-party. NFDC Officers are minded that this is their prerogative and that there is no Policy requirement to transfer land parcels to a third-party. Moreover, it is not within the gift of NFDC Officers to instruct site promoters/landowners that they should transfer any land parcel ownership to a third party.

vii. Summary

As such, subject to suitable conditions and a s106 planning obligation, the proposal addresses the material considerations of noise, lighting, contaminated land, mineral safeguarding and local general amenity including that of Oakhaven Hospice and therefore satisfies Local Plan policies SS6 criteria (iii)(b), CCC1, ENV3 criterion (ii), STR9 and Hampshire Minerals and Waste Plan Policy 15.

K. Other Matters

Community Engagement

The application is supported by a Statement of Community Involvement (Blue Bridge, February 2022) which adequately sets out how the applicants undertook community consultation. This satisfies the NFDC application validation requirement for a Community Involvement Statement.

Site Boundary

Representations have been received from the occupiers of a property to the north of the application site centred on a dispute regarding the legal boundary of this property and the application site. AN NFDC Officer visited the property and the application site in September 2024 and in light of discussions with the site promoter amended plans were subsequently received which revised the boundary slightly southwards and slightly truncated the depth of the rear gardens of proposed plots 64 to 72.

Essentially, this is a civil matter between the two parties outside the determination of this planning application.

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.

Loss of Agricultural Land

NPPF paragraph 181 sets out that LPA should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework. NPPF footnote 62 sets out that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Some representations received highlighted the loss of agricultural land. The supporting Planning Statement (November 2022) sets out a sub-section 'Agricultural Land Assessment (ALA)'.

The ALA highlighted that in preparing the Local Plan and considering those strategic sites to formally allocate for development, the Council undertook a Sustainability Assessment (SA) which as part of its assessment considered the quality of agricultural land which would be lost through development, and that therefore the Council has thus undertaken a formal assessment of the quality of the agricultural land comprised within the Site.

The ALA goes on to set out that whilst there would be a loss of approximately 5ha of agricultural land as a result of the development, some of which is considered in

practice to be BMV agricultural land, when compared to the level of available BMV agricultural land at the District and broader County level, the loss of this site is not considered significant and will have no reasonable impact on the availability of such land.

The ALA sets out that this accords with the Council's considered position and the low weight attributed to the loss of agricultural land as discussed at Page 108 of the Council's updated Sustainability Appraisal Report (July 2020), when considering the suitability of sites for allocation for development. With the Site being allocated for development within the Local Plan and having regard for the provisions of the Council's SA, the loss of agricultural land has not previously been considered to be significant by the Local Planning Authority.

Essentially, given the context of the sustainability appraisal undertaken by the Council during the Local Plan examination and the subsequent allocation of Strategic Site SS6, NFDC Officers concur with broad conclusions drawn in ALA with regard to agricultural land.

Further Response to Representations

The following additional material considerations – in addition to those addressed earlier in the Planning Assessment – have been made but are not a material consideration in the determination of the planning application and include:

- impact on property values
- people buying second homes in Lymington
- loss of views
- social concerns such as possible drug-taking in Woodside Gardens
- the perceived possible impact on the mental health of local residents and/or holidaymakers.
- restrictive covenants
- inconsiderate and/or dangerous driving.

L. Planning Balance and Conditions

The proposal has received a significant number of objections in respect of the principle of development, which the allocation of the site in the Local Plan makes non-material. Other objections submitted are not supported by the technical advice of statutory consultees such as the Local Highway Authority, Natural England, the Environment Agency, and the Local Flood Risk Authority. No substantive alternative evidence has been submitted to set aside the views of statutory consultees.

The application site is part of a strategic site allocated in the New Forest 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. The proposed housing is located outside of the South West Hampshire Green Belt following the Local Plan public examination process. The proposal is not EIA development.

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.

Planning Committee Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

This site is allocated for mixed-use development within the adopted New Forest Local Plan (Strategic Site 6) 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'

The application site is formed by part of, but not all, of Strategic Site Allocation 6 in the NFDC Local Plan. As such, the application is within an area planned for change and within the settlement boundary where the principle of development is established. The Local Plan Inspectors set out their report (paragraph 191) that the site would make a significant contribution to the housing requirement (at least 100 new homes)

As such, in line with the conclusions of the Local Plan Inspector, Strategic Site Allocation 8 is in a sustainable location and its development would make a significant contribution to meeting the District's housing need in line with the overall aim set out in NPPF paragraph 61.

There is a clear identified need for both open market and affordable housing of all sizes in the District. Essentially, there is nothing in front of NFDC Officers which would clearly demonstrate that the availability of land suitable for housing has significantly changed since the adoption of the Local Plan in July 2020. A Policy compliant affordable housing offer of 50% with a suitable tenure split has been agreed with the site promoters and will be secured through a s106 planning obligation.

The proposal for 82 new homes 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 41 affordable dwellings and will satisfy the renewed specific emphasis on delivering Social Rent tenure affordable housing set out in the December 2024 NPPF. The proposal will help the Council meet Priority 3: Meeting housing needs set out in the Corporate Plan 2024-2028.

The proposal will be acceptable, subject to a s106 planning and suitable conditions, in terms of highways, public transport, construction traffic management, public rights of way and pedestrian and cycle routes. The proposal broadly reflects the sustainable transport objectives in Hampshire Local Transport Plan 4 and the guidance in the NPPF Section 9 (Promoting Sustainable Transport).

However, as set out, to demonstrate that the proposal has satisfactory vehicular accesses from both Ridgeway Lane and Lower Pennington Lane and the associated pedestrian accesses flanking them are also deliverable will depend on the determination of the associated application with the New Forest National Park Authority as set out in the recommendation below.

The proposed public open spaces are acceptable in principle and provide suitable ecological, drainage, access and play features within the application site.

The proposal will be acceptable in terms of fluvial flood risk and foul drainage, subject to suitable conditions. The proposal has demonstrated that there will be no inappropriate development within fluvial flood zone 3 in line with national planning guidance. 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.

However, as set out, the proposed surface water drainage strategy will depend on the positive determination of the associated application with the New Forest National Park Authority. Without the proposed drainage basin feature within the NFNPA area the proposal cannot in principle demonstrate a suitable surface water drainage strategy

The proposal will, as set out in the Planning Assessment, be acceptable subject to a s106 planning and suitable conditions in terms of habitat mitigation and European designated nature conservation sites, nitrate neutrality, biodiversity enhancement and protected species. The applicant has carried out a shadow Habitats Regulation Assessment (HRA) and Appropriate Assessment (AA) under the Habitat Regulations

(as amended) at this stage 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. The LPA has subsequently undertaken its own AA and has re-consulted Natural England on this matter.

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

The proposal, subject to suitable conditions and a s106 planning obligation, satisfies site-specific Local Plan Policy SS6. The proposed site layout forms the basis of a well-designed extension to Lymington subject to detailed design in a future Reserved Matters application. The proposed central and linked greenspaces within the site have the potential, subject to detailed design, of a high-quality piece of urbanism. The Landscape Framework Plan forms the basis, subject to detailed landscape design, of a suitable transition from the housing to open countryside to the south and retains notable trees and hedgerows. The proposal, as set out, and subject to suitable conditions and a s106 planning obligation, provides suitable access arrangements. The proposal broadly reflects the arrangement of spaces and uses set out in the illustrative Local Plan Concept Masterplan for SS6

The proposal, subject to a s106 planning obligation and suitable conditions, satisfies Local Plan Policy SS6 criteria (iii)(b) and (iii)(c) in terms of having development and access arrangements that reasonably respects the tranquillity, privacy and security of the adjacent Oakhaven Hospice. This includes the proposed site layout, landscape buffer strip, access arrangements, management arrangements, boundary security features, removal of permitted development rights from plots 1 to 5, and the site-specific measures to be addressed in a Construction Environment Management Plan to be secured through a condition in line with the NFDC Environmental Protection Officer consultation response of January 2023. The proposal also provides additional visitor car parking (24 spaces) for Oakhaven Hospice. The detailed design of the hospice visitor parking area will be determined in a future Reserved Matters application. The representations made by Oakhaven Hospice have been given particular weight in light of the importance of Local Plan Policy SS6 criteria (iii)(b) and (iii)(c) and the particular relevance of these criteria to the hospice. The representations' relevance and weight has been noted and taken into account in the consideration of this application and recommendations made within this report.

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.

Five specific harms have been identified: the lack of one-bedroom affordable housing units, the impact on Oakhaven Hospice as a non-designated heritage asset, the design of the pedestrian footpath adjacent to plot 10 and the urbanising impact of the proposed highway works on the rural character of Lower Pennington Lane and Ridgeway Lane.

The lack of one-bed affordable housing units is outweighed by the overall affordable housing offer which is policy compliant in terms of overall provision and tenure mix.

In line with NPPF paragraph 216, any harm arising to Oakhaven Hospice as a non-designated heritage asset is considered to be at the lower end of the scale and is outweighed by the positive benefits of the proposal.

The route of the proposed footpath adjacent to plot 10 is flawed but is very clearly not of such scale as to justify a refusal on design considerations given the overall site layout.

The urbanising impact of the proposed highway works on the rural character of Lower Pennington Lane and Ridgeway Lane has been set out in a significant number of representations. It is agreed that the highway works would have an urbanising or suburbanising effect on the Lower Pennington Lane and Ridgeway Lane street scenes and would comprise moderate but localised harm to the street scene.

However, Lower Pennington Lane is partly within the built-up area of Lymington and Pennington including the area north of Oakhaven Hospice, where the principle of development is established. The overall impact of the harm on Lower Pennington Lane is considered to be moderate and localised at certain places including south of the junction with Fox Pond Lane and at the existing access to Oakhaven Hospice and the Nursery. Essentially, most of Lower Pennington Lane along its approximate 2.25km length between the junction with Ridgeway Lane and the Sea Wall car park to the south will not be directly impacted by the proposed highway works.

The harm identified on the street scene along Ridgeway Lane north of where the existing public right of way adjacent to 'Greencroft' connects to it is, on balance, considered to be minor. The harm identified on the street scene at the proposed vehicular access on Ridgeway Lane and at the junction of Ridgeway Lane and Poles Lane is considered to be moderate.

As such, given the overall identified moderate harm on the Lower Pennington Lane and Ridgeway Lane street scenes, the proposal contrary to NPPF paragraph 135 criterion (c).

For reference, the impact of the proposed vehicular accesses on Lower Pennington Lane and Ridgeway Lane street scenes, the New Forest National Park and any other relevant material considerations will also be addressed in the determination of the associated application with the New Forest National Park Authority.

The fifth and final harm identified is where the proposal does not accord with some of the draft policies (LP6, LP7, LP9, LP11, LP12) in the emerging Submission Draft Lymington and Pennington Neighbourhood Plan. The proposed Neighbourhood Plan has not yet been subject to a public examination and as such only limited weight can be placed on it at this time in line with the guidance in the national PPG.

However, it is considered that the identified harms (as set out) very clearly do not significantly and demonstrably outweigh the identified benefits that the application will bring as set out in the above detailed report. Moreover, the collective weight of identified harms, including that on Lower Pennington Lane and Ridgeway Lane street scenes, 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 specifically the delivery of needed and planned market housing and affordable housing, and the provision of new public open space in conjunction with that housing, 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 substantial market and affordable housing being brought forward, the proposal comprises sustainable

development in line with Local Plan Policy STR1 (Achieving Sustainable Development) and satisfies the site-specific criteria of Local Plan Policy Strategic Site 6 (Land to the east of Lower Pennington Lane, Lymington).

Therefore, subject to suitable conditions and a s106 planning obligation, the proposal accords with NFDC Local Plan Policies SS6, STR1, STR2, STR3, STR5, STR9, ENV1, ENV2, ENV3, ENV4, HOU1, HOU2, CCC1, CCC2, IMPL1, IMPL2, CS7, DM1 criterion (a), DM2, DM5, and National Planning Policy Framework (December 2024) paragraphs 11, 61, 96, 105, 109, 111 criteria (b)(c) and (d), 115, 117, 129, 130, 135 criteria (b) and (e), 143, 154, 173, 181 criterion (c), 189, 196, 197, 198 and 231, Hampshire Minerals and Waste Plan Policy 15, the Levelling Up and Regeneration Act ('LURA') (2023) section 245, and the emerging Submission Draft Lymington and Pennington Neighbourhood Plan policies LP8 and LP10.

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 either:

A. 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 (60%) with a tenure split in line with Local Plan Policy HOU2 (35% Social Rented, 35% Affordable Rented, 30% Shared Ownership);
 - Air quality monitoring contribution;
 - Delivery of Alternative Natural Recreational Greenspace (ANRG), Informal Public Open Space (POS), Private Open Space (Landscape Buffer Strip), on-site children's play space, reptile mitigation space and visitor car parking for Oakhaven Hospice including management and maintenance framework (including provision to provide for the scenario whereby management is not undertaken properly or the management company ceases to operate);

- 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);
- Formal public open space contribution;
- Non-Infrastructure Habitat Mitigation (Access Management and Monitoring);
- Habitats Mitigation: Birds Aware (Solent) Contribution;
- Pre-occupation off-site Pedestrian Access Works
- Management of the Residential Parking Courtyards
- Off-site Arboricultural Works

- Hampshire County Council Countryside Services (Public Rights of Way) contribution;
- Hampshire County Council (Local Highway Authority) contribution comprising:
 - Provision of a Full Travel Plan and associated set-up and monitoring fees and bond;
 - Provision of a financial contribution of £58,080 towards improvement including walking and cycling facilities on Milford Road and at the roundabout of A337 Milford Road/North Street/Ridgeway Lane.
 - Provision of off-site footway works as set out on drawings 2020-6181- 116B, 2020-6181-131.
 - Provision of off-site footpaths, crossing points and passing place on Ridgeway Lane, Lower Pennington Lane and in Woodside Park as set out on drawings 2020-6181-115C, 2020-6181-116B, 2020-6181-118C, 2020-6181-125B, 2020-6181-301C
 - Provision of localised road surfacing/ widening as set out on drawings 2020-6181-132A

- Lymington and Pennington Town Council Provisions

- Provision of two off-site pedestrian only accesses and connecting routes from Ridgeway Lane into Woodside Park as summarised in the Pedestrian/Cycle Access Strategy Plan (Bright Plan, Ref: 2020-6181-114 Rev. E) in line with the Statement of Common Ground agreed with Lymington and Pennington Town Council.
- New Forest National Park Provisions
 - Off-site Biodiversity Net Gain improvements (linear hedgerows)
 - BNG to be provided within the NPA application area (around proposed drainage basin).
 - Off-site highways works on Ridgeway Lane access (which are within both the NFNPA and NFDC areas) .
- ii. the imposition of the conditions set out in Appendix 1 and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the continuing Section 106 discussions to ensure consistency between the two sets of provisions; and
- iii. the positive determination of the associated application (Ref: 22/01024OUT) with the New Forest National Park Authority; or

B. REFUSE (in the absence of a positive determination of the associated application (Ref: 22/01024OUT) with the New Forest National Park Authority):

Reasons for Refusal:

1. The application fails to demonstrate that an appropriate means of vehicular access and cycle access can be provided from both Lower Pennington Lane and Ridgeway Lane to the detriment of the ease of use and safety of users of motorised vehicles. The proposal is therefore contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy

CCC2 (Safe and sustainable travel) criteria (ii) and (vi), and Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criterion (ii)(e).

2. The application fails to demonstrate an appropriate means of sustainable drainage systems and as such the proposal provides insufficient information and evidence to fully demonstrate that the proposed development could be developed in a way that will be safe for the lifetime of the development, appropriately flood resistant and resilient from surface water and will not give rise to or exacerbate surface water flooding. The proposal is therefore contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy STR1 (Achieving sustainable development) criterion (v) and Policy CCC1 (Safe and Healthy Communities) and the advice set out in the National Planning Policy Framework (December 2024) and the Planning Practice Guidance on flood risk and development.
3. The recreational and Air Quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, the Solent Maritime Special Area of Conservation, and the Solent and Dorset Coast Special Protection Area would not be adequately mitigated in the absence of a completed s106 planning obligation and the proposed development would therefore be likely to unacceptably increase recreational pressures and erode air quality on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites" and the Bird Aware Solent Strategy 2017.
4. In the absence of a completed s106 planning obligation to secure any affordable housing, the proposed development would fail to provide affordable housing to address the substantial need for affordable housing in the District. The proposal would therefore conflict with New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy HOU2 (Affordable Housing).
5. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards the improvement and maintenance of Public Rights of Way, the proposed development would result in an unacceptable impact on existing Public Rights of Way that cannot be sufficiently mitigated.

The proposal would therefore conflict with New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criteria (ii)(c) and (iii)(d) and Policy CCC2 (Safe and sustainable travel) criteria (i) and (vi).

6. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards off-site Formal Open Space provision, the proposed development would result in an unacceptable impact on existing Formal Open Space provision that cannot be sufficiently mitigated. The proposal would therefore conflict with Local Plan Part 1: Core Strategy 2009 Policy CS7 (Open spaces, sport and recreation).
7. In the absence of a completed s106 planning obligation to secure an appropriate management regime in perpetuity for vehicular parking areas within the application site, the proposal would therefore conflict with New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criterion (iii)(c) and Policy CCC2 (Safe and sustainable travel) criteria (iv).
8. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards off-site Arboricultural works and Pedestrian Access works provision, the proposed development would therefore be contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy CCC2 (Safe and sustainable travel) criterion (i) and Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criterion (ii)(c) and (d).
9. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards a Travel Plan and associated fees, a financial contribution towards off-site highways and pedestrian access works, footway works, crossing point, passing places and localised road surfacing/ widening, the proposed development would therefore be contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy CCC2 (Safe and sustainable travel) criterion and Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington.

Appendix 1

Proposed Conditions:

1. **Reserved matters timescales**

The first application for the approval of Reserved Matters shall be made within a period of three years from the date of this permission. All subsequent Reserved Matters applications shall be submitted no later than 3 years from the date of the approval of the first reserved matters application.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Reserved Matters**

Except for off-site highway and access works secured to support this proposal, no development shall take place until approval of the details of the Appearance, Landscaping and Scale ("the reserved matters") has been obtained from the Local Planning Authority. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. **Commencement time limits**

The development shall be begun no later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. **Approved Parameter Plans.**

The Outline and Reserved Matters details to be submitted shall be substantially in accordance with the following Parameter Plans comprising:

- Access and Streets Framework, Bright Space Architects, Ref: 15060-P030-Rev. A, 21/3/2025
- Built Framework, Bright Space Architects, Ref: 15060-P031-Rev. A, 21/3/2025
- Scale Framework, Bright Space Architects, Ref: 15060-P032-Rev. A, 21/3/2025
- Landscape Framework Plan, Pegasus, Ref: P22-1239-0006 Rev. E, 22/10/2024

Reason: To ensure satisfactory provision of the development.

5. **Approved Plans**

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

- Site Layout Plan (NFDC) (Bright Space, 24/6/2022, Ref: 15060-P013 Rev. J)
- Site Layout Tenure Plan, Bright Space Architects, Ref: PO27 Rev. F, 21/7/2023
- 15060_P020_Existing site location NFDC rev. A
- Landscape Principles Document - P22_1239_EN_08D
- Landscape Framework Plan - P22_1239_EN_06E
- Post-Development Layout (Main Site and POS) – November 2023
- Tree Protection Plan (TPP) - 18257-8
- Car Parking Overview Plan, Bright Plan, July 2024, Ref: 2020-6181-100 Rev. A
-

Reason: To ensure satisfactory provision of the development.

6. **Development Phasing**

Prior to the commencement of development on site, a plan and strategy for the phased delivery of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how the scheme will be delivered and proportionate delivery of Alternative Natural Recreational Greenspace (ANRG), Public Open Space (POS) and Foul Water Sewerage network upgrades will be provided to match the needs of occupation. The approved strategy shall then be implemented unless with prior written consent to any variation.

Reason: In order to ensure timely and appropriate delivery of the development and to ensure it meets the recreation and habitat mitigation needs and in accordance with Policies STR1, ENV1 & CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and CS7 of the New Forest District Core Strategy 2009.

7. **Construction Traffic Management Plan**

No development hereby permitted shall commence until a Construction Traffic Management Plan (CTMP), to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles within the confines of the site, lorry routeing and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before

the development hereby permitted is commenced and retained throughout the duration of construction.

The CTMP shall include suitable measures to protect the public's safe and convenient access to Lymington and Pennington Footpaths 82 and 83 (before and/or after any potential s257 diversion order is confirmed) during all site works. This shall include, but not be limited to, the following:

- i. The setting up of a programme of works around the routes of the PROW, with the objective to retain public access as much as possible, including setting out any plans for any reasonable, temporary closures and/or diversions of the PROW to allow for works.
- ii. A risk assessment for PROW users resulting in a safe and suitable traffic management plan including:
 - a) Details of proposed signage to be positioned at appropriate points throughout the site to alert vehicle users to the presence of a public footpath and its users, and vice versa.
 - b) Confirmation that vehicle users shall give way at all times to PROW users when encountered on the PROW.
 - c) Any security fencing, suitably set back from the PROW surfaces.
- iii. Confirmation that all necessary orders for the temporary diversion and/or closure of Lymington and Pennington Footpath 82 and 83 shall be applied for by the applicant, at their own expense, from HCC, as Highway Authority for PROW, with any such orders to be confirmed by the Highway Authority prior to commencement of any works that would otherwise impact the public's safe and continuous access to the PROW.

Reason: In the interests of highway safety.

8. **Vehicle Cleaning Measures**

Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval prior to the commencement of the development. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

9. **Public Right of Way Safety**

No vehicles, equipment, machinery, materials, spoil, scaffolding or anything else associated with the site preparation, construction or occupation of the development, shall be left on or near to Lymington and Pennington Footpath 82 and 83 to cause obstruction, hinderance or hazard to the footpath's public users.

Reason: In the interests of highway safety.

10. Maintenance of car parking spaces: Garages and Car Barns/Car Ports

Notwithstanding the provisions of the Town and Country General Permitted Development Order 2015 as amended, (or any revocation, amendment or re-enactment of that Order), the garages and car barns hereby approved whether integral or as outbuildings/extensions to the dwelling or outbuildings under Management company control shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles. All car barns shall be retained in perpetuity as open structures and shall not be fitted with external doors other than those shown on the approved plans.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted and to prevent ad hoc parking on pavements, cycle/footways and verges in the interests of highway safety for both pedestrians and vehicles.

11. Residential Cycle Storage Strategy

No residential dwelling hereby permitted shall be occupied until a strategy or plan setting out the locations and details of secure cycle storage for each residential dwelling has been submitted and approved in writing by the Local Planning Authority. The strategy and/or plan should reflect the guidance set out in the Parking Standards For Residential and Non-Residential Development Supplementary Planning Document Adopted 6 April 2022

Reason: To ensure the provision and availability of adequate and accessible cycle parking.

12. Protection of Retained Trees

The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement Ref: 18257-AA7-LF dated 6th November 2024 and Tree Protection Plan 18257-8.

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

13. Installation of new hard surfacing (roads, footpaths, driveways) within the root protection areas of retained trees within the application site

No development, demolition or site clearance shall take place until the following information has been submitted and agreed to in writing with the Local Planning Authority: An Arbocultural Method Statement and Engineering Drawings for the installation of new hard surfacing (roads, footpaths, driveways) within the root protection areas of retained trees. Development shall only take place in accordance with these approved details.

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

14. Arboricultural 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 a pre-commencement site meeting as specified within the submitted Barrell Tree Consultancy Manual for Managing Trees on Development Sites V3.0 SGN 1: Monitoring tree protection.

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

15. Incidental mineral extraction

Prior to commencement of the development hereby approved on site, the following details shall be submitted to and agreed in writing with the LPA, which may be included within a construction management plan or similar.

- 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 Minerals Planning Authority.

The development shall be carried out in accordance with the details so agreed.

Reason: In the interests of utilising any mineral deposits which could be used on the site as part of the construction works and in accordance with Local Plan Policies STR1 and STR9.

16. Detailed Surface Water Drainage Scheme

No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment &

Drainage Strategy Issue 9 (24.10.2024), has been submitted and approved in writing by the Local Planning Authority.

The submitted details should include:

- i. A technical summary highlighting any changes to the design from that within the Flood Risk Assessment & Drainage Strategy Issue 9 (24.10.2024)
- ii. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- iii. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- iv. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria and ensuring flows are directed to appropriate locations.

The approved details shall then be implemented and no residential dwelling shall be occupied until such time as the surface water drainage is provided.

Reason: In order to ensure sufficient and appropriate surface water site drainage is provided to protect the site and surroundings from flood risk and in accordance with policies ENV3, CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the NPPF (December 2024).

17. **Foul Water Drainage Strategy**

No development shall take place until a detailed scheme to deal with foul sewage, including connections to existing off-site foul drainage systems have been submitted to and agreed in writing with the Local Planning Authority. No occupation of any residential dwelling shall take place until the approved scheme is implemented.

Reason: To ensure that a suitable foul drainage scheme is available prior to the first occupation.

18. **Piling**

Piling and other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed Piling and other foundation designs, does not harm groundwater resources in line with the NPPF (December 2024).

19. **Works and Ancillary Operations: Times**

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

Reason: In the interests of Local General Amenity.

20. Removal of Permitted Development Rights Plots 1 to 5

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any revocation, amendment or re-enactment of that Order) no extension (or alterations) otherwise approved by Classes AA, A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out on Plots 1, 2, 3, 4 and 5 without express planning permission first having been granted.

Reason: In view of the site layout of the development the Local Planning Authority would wish to ensure that the development proposals do not adversely affect the amenities of the occupiers of the existing neighbouring properties to the west contrary to Local Plan Policy ENV3 criterion (ii) and Policy SS6 criterion (iii)(b).

21. Completion of a programme of archaeological works

No residential dwelling shall be occupied until the site investigation including archaeological trench evaluation and post investigation assessment has been completed in accordance with the programme set out in the Land East of Pennington Lane (Lymington) Written Scheme of Investigation for an Archaeological Evaluation (Cotswold Archaeology, November 2023), and the provision made for analysis, publication and dissemination of results and archive deposition has been secured to the written satisfaction of the Local Planning Authority.

Reason: To ensure that archaeological remains and features are recorded and published prior to their potential loss.

22. Market Housing Mix

The open market dwellings to be delivered by the scheme shall accord with the following housing mix:

- Two-bed: 6 dwellings
- Three-bed: 28 dwellings
- Four-bed: 7 dwellings

Reason: In order to ensure a reasonable variety of dwelling sizes to deliver a mixed and balanced community as required by

Policy HOU1 of the New Forest District Council Local Plan
Part 1: Planning Strategy 2020.

23. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no ... to ... (*insert condition number*) have been complied with.

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

24. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

25. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

26. Where a remediation scheme has been approved in accordance with condition...(*insert condition number*), the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 24 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 25.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

28. **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:

- i. Development contacts, roles and responsibilities;
- ii. A site layout plan with locations of the site office, welfare facilities, areas for material storage and waste storage and areas set a-side for the parking of vehicles;
- iii. Public communication strategy, including a complaints procedure;
- iv. Details of the type of equipment to be used and their hours of operation;

- v. Use of fences and barriers to protect adjacent land, properties, footpaths and highways;
- vi. Statement outlining a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use;
- vii. 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;
- viii. Measures to control light spill and glare from any construction floodlighting and security lighting installed;
- ix. A Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control; The DMP 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 DMP shall be implemented, maintained and retained for the full duration of the construction of the development.
- x. A detailed mitigation scheme for protected species in full accordance with Condition 30.
- xi. Noise reduction measures including:
 - a. use of acoustic screens and enclosures;
 - b. the type of equipment to be used and their hours of operation;
 - c. extra noise mitigation measures to be implemented within 150 metres of the boundary with Oakhaven Hospice including:
 - minimising noisy activities within 150 meters of the hospice
 - no cutting of materials should occur within 150 meters of the hospice
 - quietest available plant should be used where possible within the 150 meter noise restriction zone and where noisier plant is required, acoustic shields should be implemented where possible
 - prior notification, where possible, to the hospice when noisy works are planned to allow hospice management to prepare for noise impacts.

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.

- Reasons:
1. 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.
 2. To prevent any disturbance to overwintering birds.

29. Environmental protection – Radon

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.

30. Works and Protected Species (Wading Birds and Brent Geese)

In respect of the Solent and Southampton Water SPA and Ramsar sites and supporting habitat, construction noise within the application site should be kept below 69dBA max either alone or in combination with other developments (measured at the sensitive receptor which is the nearest point of the SPA/Ramsar or supporting habitat), or works timed so that they do not coincide with the bird overwintering period (i.e. October to March inclusive).

No development shall take place between 1st October and 31st March inclusive unless a detailed mitigation scheme to minimise the impact of construction activities on Solent waders and brent goose sites has been submitted to and approved in writing by the local planning authority.

These details shall form part of the Construction Environmental Management Plan (CEMP).

Development shall be implemented in accordance with the approved mitigation scheme.

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

32. Protected Species and Lighting

Prior to the commencement of the development, details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The details, which shall comply with the recommendations of the Institution of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2021), shall take account of bats / other ecological receptors and shall include a "sensitive lighting design strategy for biodiversity" in line with BCT / ILP Guidance Note 08/23

'Bats and artificial lighting at night' (or subsequent updated guidance) for all areas to be lit. A revised and updated Lighting Strategy Plan for the application site detailing the lighting scheme and predicted light levels shall be submitted to and been approved in writing by the Local Planning Authority.

The strategy shall:

- i) identify those areas/features on site that are particularly sensitive for bats (or other ecological receptors) and that are likely to cause disturbance in or around their breeding sites and resting places or along important commuting routes used to access key areas of their territory, for example, for foraging; and
- ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour (lux) plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and that dark corridors will be maintained. All external lighting shall be installed in full accordance with the specifications and locations set out in the approved strategy / details, and these shall be maintained thereafter in accordance with the strategy.

Reasons: 1. To safeguard both residential amenities and ecological interests / protected species.

2. In order to safeguard the amenities and safety of residential occupiers.

33. **Biodiversity Net Gain: Monitoring and Management Plan**

Prior to the first occupation of any residential dwellings the details of a biodiversity net gain package of on-site (supplemented if necessary off-site of BNG) in a Biodiversity Net Gain Monitoring and Management Plan covering a period of 30 years from commencement of each development phase - shall be submitted to, and approved in writing by, the LPA. This package, whether on or off site or a combination of the two, should secure the identified 10% BNG arising from the development and include:

- i. An updated calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric Calculation July 2021 (or a metric based on the latest guidance);
- ii. If offsetting is needed the details of the BNG project including its location;
- iii. A timetable for the provision of the BNG project;
- iv. Details of the management of the BNG project;

- v. Details of the future monitoring of the BNG project in perpetuity. The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such; and vi. Written confirmation that the required number of offsetting BNG units had been secured.

The BNG monitoring report should be produced by a suitably qualified and experienced Ecologist and shall include the following for the target habitats:

- a) Credentials of the ecologist undertaking the monitoring;
- b) Assessment of habitats against the objectives and target condition defined in the management plan / assessment;
- c) Habitat type, extent and condition;
- d) Any presence recorded of target species;
- e) Date stamped photos accompanied by detailed site notes on extent of growth and condition using indicators in the management plan with any other notes of interest;
- f) If the target species /habitat is not present, provide detailed site notes on factors that are / could hinder growth or establishment;
- g) Detailed specific recommendations (where appropriate) on management actions to promote growth / establishment of target species / habitats including timescales for undertaking actions and marked site plans to show the actions;
- h) Photographs from the fixed monitoring points detailed in the management plan using high quality images

Reason: To ensure Biodiversity Net Gain is secured as part of the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management), NFDC interim Biodiversity Guidance and the 144 Environment Act 2021.

34. **Badger Survey**

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

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

35. **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:

- i. Updated ecological surveys, where necessary, to identify shifts in the ecological baseline condition as required (such as to support EPS derogation licence applications) in order that revised impact avoidance and mitigation measures can be adopted as required; and
- ii. Mitigation measures to protect and mitigate against harmful construction impacts on protected wildlife species as set out in the Ecological Impact Assessment, EcoSupport (February 2025).

This includes (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;
- Sensitive Lighting Strategy for Bats (Condition 32)
- The identification of a suitable reptile receptor area on site, the subsequent management of this area to maintain and increase its suitability for reptiles and then capture and relocate any reptiles within the wider site into this area;
- Full Dormice mitigation strategy as outlined in the Ecological Impact Assessment.

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.

36. **Biodiversity Mitigation and Enhancement Plan**

Prior to commencement of development a detailed Biodiversity Mitigation and Enhancement Plan including site plans showing the exact location within the application site of each feature for the placement of the wildlife enhancements set out in the Ecological Impact Assessment, EcoSupport, February 2025.

This includes the installation of a number of ecological enhancements are proposed including bat boxes, bird boxes, hibernacula, hedgehog highways, dormouse bridges etc.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered in accordance with Local Plan policies DM2 and ENV 3.

37. Rear Garden Lockable Gates

All the residential dwellings in Plots as set out in the Site Layout (Brightspace Rev. J) **except** Plots 1, 2, 3, 4, 5, 52, 53, 54 and 62, hereby permitted shall not be occupied until the rear or side access gate has been fitted with a suitable key operated lock that operate from both sides of the gate.

Reason: To satisfy National Planning Policy Framework Paragraph 135 criterion (f).

38. Children Play Space

Prior to the first occupation of the proposed residential dwellings, details of the proposed children's play area comprising a Local Equipped Area for Play (LEAP) that is to be located at least 20m from the nearest residential dwelling and of a minimum size of at least 553 square metres.

The LEAP should be in accordance with the design strategy set out in the Landscape Principles Document, Pegasus Rev. 08D, October 2024 and sited in accordance with the Landscape Framework Plan, Pegasus, Drawing No. P22-1239-0006 Rev. D (24/04/2024) and shall be submitted to and approved in writing by the Local Planning Authority.

The play equipment should compliment the character of the wider public open space and be comprised of timber materials, mounds, boulders and logs. Play equipment shall be aimed at 7+ years (e.g. basket swings, wide slides, rotating equipment). The proposed play area boundary treatments defining play spaces should include earth mounds, ornamental planting and hedgerows. The LEAP shall be fully enclosed and have at least two self-closing gates which open outwards and a maintenance gate and provision of seating, safety surfacing, disabled access, gates, litter bins, cycle stands and signage.

The LEAP shall be completed, subject to suitable safety certification by suitably qualified third-party inspector and made available for use prior to the first residential dwelling being occupied.

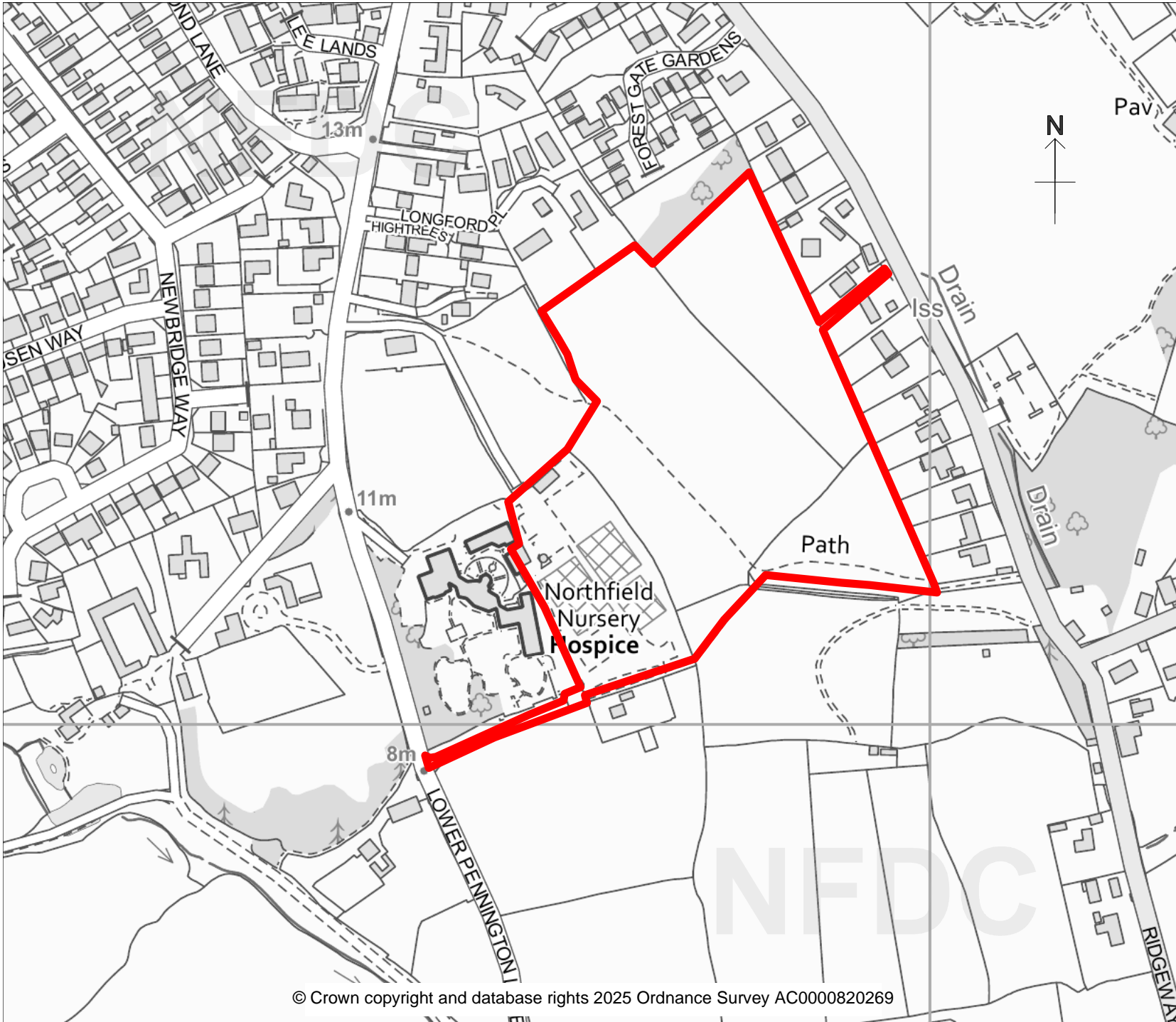
All play equipment and street furniture, and other facilities in connection with the use of the LEAP play area shall be kept available for the public use in perpetuity and managed in accordance with the details agreed in the allied s106 planning obligation.

Reason: To ensure that the development provides a suitable set of safe play spaces for the local community.

Further Information:

Robert Thain

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New Forest

DISTRICT COUNCIL

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 New Forest District Council
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 SO43 7PA

PLANNING COMMITTEE

April 2025

SS6 Land east of Lower Pennington Lane
 Pennington
 Lymington
 22/11424

Scale 1 3586

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