

Application Number: 15/11797 Outline Planning Permission

Site: Land North of LOPERWOOD LANE, CALMORE,
TOTTON SO40 2RL

Development: Up to 80 dwellings; open space; drainage
(Outline Application with all matters reserved)

Applicant: Howard Sharp & Partners LLP

Target Date: 18/03/2016

Extension Date: 19/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Executive Head of Economy, Housing and Planning

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS9: Settlement hierarchy
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Development of land for social housing (53182) - refused 10/8/94
- 6.2 Development of land for social housing (57320) - refused 28/9/95
- 6.3 Residential Development (65846) - refused 21/4/99 - appeal dismissed

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: recommend refusal - the site layout shows that the site is capable of comfortably incorporating the proposed houses whilst remaining green and spacious and in keeping with the surrounding area. However, the site is not within the settlement boundary and is not allocated. No compelling reason has been given as to why this application should be allowed whilst being clearly contrary to policy

8 COUNCILLOR COMMENTS

- 8.1 Cllr Britton: objects - conflict with policy as the site lies outside the settlement boundary; unsuitable access; additional traffic would cause highway safety problems; concerns that the proposal could cause additional flooding problems; increased pressures on local schools and health services.
- 8.2 Cllr Penman: objects - contrary to policy; proposal could increase flooding problems in local area; proposal will generate significant additional traffic resulting in congestion and highway safety issues; increased pressures on local schools and health services; this part of Calmore cannot take the number of homes proposed.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Natural England: No objection - agree with the view reached in the applicant's Habitat Regulations Assessment (that needs to be adopted by the LPA as competent authority) that the proposal is not likely to have significant effects on the New Forest SPA/SAC/Ramsar/SSSI. LPA needs to ensure that the proposal provides mitigation measures in accordance with its own SPD / policy.
- 9.3 Land Drainage:- No objection - the lead Local Flood Authority (HCC) would deal with any planning application

- 9.4 Hampshire County Council (Flood Management):- the general principles of the surface water drainage proposals are acceptable; more detail will be needed for a full planning application; a revised drainage strategy should be submitted before development commences
- 9.5 Hampshire County Council (Education):- No objection subject to paying a contribution of £530,136 towards an expansion project in the Totton area to mitigate the impact of the development on educational infrastructure.
- 9.6 Ministry of Defence:- No safeguarding objections
- 9.7 Waste & Recycling Manager:- advise that the internal access must be wide enough to accommodate a 26t refuse collection vehicle; appropriate turning heads should be provided; properties must have rear access to their gardens to enable refuse to be transferred.
- 9.8 Tree Officer:- No objection subject to tree protection condition
- 9.9 Urban Design:- No design objection - the design is well thought out and is likely to provide a place that is likely to be contextually appropriate, practical and attractive.
- 9.10 Ecologist:- No objection subject to details of biodiversity mitigation and enhancement being secured by condition
- 9.11 Policy:- The proposal is contrary to policies CS10 and CS22. The site is not required on the basis of a lack of housing land supply; the application seeks to pre-empt the Local Plan Review process; the proposal should secure 50% affordable housing and on-site SANGS provision at the rate of 8 hectares per thousand people.
- 9.12 Archaeologist:- No objection subject to condition
- 9.13 Environmental Health:- No comment
- 9.14 New Forest Access for All:- Access to dwellings should be flat, level and without steps; development should be designed to allow easy access for wheelchair users / people on scooters.
- 9.15 Southern Water:- cannot accommodate the needs of the development without additional local infrastructure; requests a condition if development is approved.
- 9.16 New Forest National Park Authority:- the proposal is contrary to the Council's adopted development plan; no weight can be given to the site's possible allocation through the Local Plan Review 2016-2036 due to the very early stage in the plan-making process and due to the fact that the allocation includes a range of uses including greenspace provision and employment land and therefore it is far from clear that the site would be allocated for housing development; the application is highly premature; do not accept the applicant's interpretation for calculating 5 year housing land supply; the applicant's LVIA does not adequately assess impacts on the National Park.
- 9.17 Southern Gas:- advise of site's proximity to gas main

- 9.18 Conservation Officer:- No objection - considers that 80 dwellings could be successfully achieved without adversely compromising the setting of the adjacent Listed Building
- 9.19 Environmental Health (pollution):- No concerns raised
- 9.20 Landscape Officer: no objection subject to conditions. The indicative layout, incorporating the existing landscape features using the topography effectively and recognising the benefits of maintaining green margins in association with existing boundary features will provide a framework for development that can retain some of the visual aspects of the rural character of the adjacent landscape.

10 REPRESENTATIONS RECEIVED

- 10.1 69 letters of objection from local residents to original plans and 33 further objections to amended plans:- Development in this countryside location would be contrary to Local Plan policy; loss of greenspace; adverse landscape and visual impact; loss of village / rural character; 80 dwellings would be overdevelopment of the site; dwellings would be too high; development would have an overbearing impact on other nearby dwellings; additional light pollution; increased traffic creating additional congestion to detriment of highway safety; suggested access would not be safe due to poor visibility; proposal would result in increased parking on local roads to detriment of highway safety; development would result in increased flood risk to adjacent land; additional noise pollution; adverse impact on local wildlife; contrary to conditions of a will; additional pressures on local schools, health services and local infrastructure; adverse impact on setting of Listed Building; lack of need; inadequate sewerage system; design will encourage antisocial behaviour; adverse impact on amenities of local residents.

11 CRIME & DISORDER IMPLICATIONS

See Assessment Report below

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive up to £92,160 in each of the following six years from the dwellings' completion, and as a result, a total of up to £552,960 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report, it is not possible to determine the CIL liability associated with the proposed development. This would need to be determined as reserved matters stage.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council

take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, there have been pre-application discussions with the applicants. There have also been lengthy discussions with the applicants since the application was first registered and this has enabled a number of detailed concerns to be satisfactorily addressed. However, given the in-principle objection to residential development of this land (of which the applicant is aware) it is not felt possible to negotiate on this application to secure an acceptable outcome.

14 ASSESSMENT

Introduction

- 14.1 The application site is an area of farmland that is situated between Loperwood Lane to the south and Loperwood to the north. The A326 Totton western bypass is situated to the west side of the site beyond a public footpath which runs adjacent to the site's western boundary. The site is bounded on its eastern side by the King George Recreation Ground and play area. Beyond the north-eastern corner of the site, a new residential development comprised of 24 dwellings is currently being constructed.
- 14.2 The site extends to 4.41 hectares and is gently sloping, with the higher parts set on the site's western boundary, and the lowest parts are located adjacent to the site's south-eastern boundary which abuts the rear gardens of a number of dwellings along Calmore Road. The site is fairly open and is currently grazed by horses. There are, however, some isolated mature trees as well as a more significant area of scrub and

trees around a small pond within the central part of the site. Some of these trees are protected by a Tree Preservation Order. The site's boundaries are typically marked by thick hedgerows and mature trees. The site's eastern boundary in particular has a significant number of mature trees that are protected by a Tree Preservation Order.

- 14.3 To the south side of Loperwood Lane, facing the application site, is Calmore Cottage, which is a Grade II Listed thatched property. Other residential properties to the south side of the site comprise a mix of mainly mid-twentieth century dwellings set within fairly generous sized garden plots.
- 14.4 The submitted application is an outline application that seeks to build up to 80 dwellings on the site, including public open space and drainage. The application does not seek approval of any matters of detail. The application is, however, accompanied by an illustrative layout plan and by detailed supporting documents that address a number of detailed site and policy issues. It should be noted that the application proposals have been amended since the application was first registered, the number of proposed units having been reduced.
- 14.5 It should also be noted that a number of applications for residential development of this site were refused during the 1990s, the most recent of which was also dismissed at appeal, with the appeal inspector concluding that the development was unjustified residential development in the countryside that would have caused material harm to the local landscape.

Policy Considerations

- 14.6 The application site falls outside the defined built-up area of Totton and Eling, and is therefore subject to countryside policies. The proposed development would be contrary to Local Plan Part 2 Policy DM20, which does not allow for new residential dwellings in this countryside location. Planning permission should therefore be refused for this proposal unless there are material considerations that would justify a departure from policy.
- 14.7 The applicants recognise that their proposals are contrary to policy. However, they believe that a decision contrary to policy is justified. Specifically, they are of the view that a five year supply of housing cannot be demonstrated within the District. Furthermore, they consider that the Council's Core Strategy policies on housing are out of date, are inconsistent with the National Planning Policy Framework (NPPF), and do not adequately reflect current needs. Because, in their view, the Council does not have an up-to-date plan setting out a housing requirement for the district, they consider that little weight should be attached to the site's countryside location, and instead they consider the application should be considered in terms of the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 14.8 Based on objectively assessed housing needs, which have identified a need for between 11,600 and 13,000 extra homes for the period 2006-26, the applicants have calculated that New Forest District (outside the National Park) have a housing supply of just 1.08 to 1.25 years. They therefore consider there to be a serious shortfall in housing land supply assessed against need, and consequently, they consider this supports the immediate release and development of the site, noting that

previous Local Plan inspectors have recommended that the site be allocated for housing.

- 14.9 Currently, the Local Planning Authority calculates its housing land supply against Core Strategy Housing requirements. On this basis, the Council has 8.45 years of housing land supply, which is well in excess of the 5 year housing land supply that Central Government expects Local Planning Authorities to provide for. Therefore, based on the housing land supply requirements that are set out in the Core Strategy there would be no justification to release this site for housing.
- 14.10 In response to NPPF requirements, the Council has produced a Strategic Housing Market Assessment (SHMA), which was published in September 2014. For the years 2011-2031 this suggests that 587-687 houses a year will be needed in order to meet objectively assessed housing needs. However, the SHMA makes it clear that the identified figures take no account of land supply or development constraints within the District, including Green Belt, the National Park, Areas of Outstanding Natural Beauty and areas subject to European nature conservation designations. The NPPF and Planning Practice Guidance are clear that these constraints will affect the potential supply of land for housing and are relevant factors in determining policies for housing provision. Furthermore, a government statement issued in December 2014 makes it quite clear that:-

"the outcome of a Strategic Housing Market Assessment is untested and should not be seen as a proxy for a final housing requirement in Local Plans. It does not in itself invalidate housing numbers in existing Local Plans."

Accordingly, objectively assessed housing needs that are identified through a SHMA are only a starting point in determining future housing provision. They do not invalidate housing numbers set out in the Council's adopted Core Strategy / Local Plan, and they cannot in themselves justify a development that is contrary to current development plan policies.

- 14.11 The Council has commenced a Local Plan Review which will identify suitable sites to meet objectively assessed housing needs. The levels of need identified by the Council's SHMA should be tested through the Plan Examination process, as should potential allocations which are proposed to meet identified needs. The Council has in its recently published Document "Local Plan Review 2016-2036 Part 1: Planning Strategy Initial Proposals for Public Consultation (July 2016)" actually proposed that the application site be considered for future allocation for housing development as part of a much larger area to the north of Totton. However, it must be stressed that this is only a consultation document that carries no weight at the present time. The possibility that the land could be allocated for housing development in the future is not a reason to allow the land to be developed now. The correct way of establishing what sites should be allocated and developed for housing is to allow the Local Plan Review to follow its due process, and until this Review is sufficiently advanced, there can be no justification for permitting development in a countryside location, contrary to policy, taking into account that the Council has a 5 year land supply based on its adopted Core Strategy, and having regard to the government advice referred to above.

Landscape and Design Considerations

- 14.12 Any residential development of this site will inevitably result in a significant urbanisation of the area that will be to the detriment of the site's existing rural character, and harmful to the site's status as an area of countryside on the edge of Totton.
- 14.13 Assessed against the Council's own Landscape Character Assessment (LCA), the site exhibits many of the key characteristics and features of the Copythorne Forest Farmlands Landscape Character Area. As such, the site is one of the very last remaining pieces of land in Totton that still link the town with the forest, and this is fundamental to the distinctive character of Calmore, enabling it to be considered more as a village type neighbourhood than simply part of the suburban town. If residential development were to be accepted in this location, then it is important that the site's landscape character and rural edge context should inform the scale, layout and density of any such development.
- 14.14 The applicants have carried out their own Landscape and Visual Impact Assessment (LVIA) to support their proposals. This is a detailed document which concludes that the development will respect local landscape character, and will contribute well to the overall setting of Loperwood and the edge of Totton.
- 14.15 The Council's Design / landscape team have not fully considered the applicant's LVIA, and therefore, at the time of writing, they have yet to give detailed feedback on the LVIA. However, they have given detailed consideration to the applicant's Design and Access Statement and the associated illustrative supporting information. Their conclusion is that the design of the development has been well thought out and is likely to provide a place that is contextually appropriate, practical and attractive.
- 14.16 From the applicant's submissions and supporting illustrative material, it is clear that significant green infrastructure would be at the heart of the scheme, providing high quality new green space for the enjoyment of the new residents and the wider area. The illustrative plans indicate that the new greenspaces would be well integrated with the existing public open space to the east and with the public footpath to the west. The illustrative plans also indicate a development with significant cumulative garden groups where taller shrubs and some trees could be provided to retain a rural edge character. As a whole, the high proportion of open space and greenery that would be provided on this development would ensure that it has the capacity to be an attractive development, appropriate to its rural edge.
- 14.17 The Council's Urban Design Officer has expressed some concern with certain aspects of the applicant's SANGS creation and management plan, and is particularly concerned that areas of SANGS should not be fenced off, (which could have the effect of severing the SANGS and reducing its value as green infrastructure). Having regard to the submitted landscape strategy drawing, which has some sensible ideas, it is felt that these are matters that could be reasonably resolved through a reserved matters application.
- 14.18 The illustrative layout would offer a hierarchy of connected routes and pedestrian friendly streets, including streets with relatively green frontages where there would be scope to plant trees for shade and to

break down the dominance of hard surfacing. The illustrative layout suggests streets with good natural surveillance. When viewed in combination with the areas of open space that would be created, it is felt that the applicants have adequately demonstrated that it would be possible to provide a high quality and contextually appropriate layout with a development of up to 80 dwellings.

- 14.19 The applicant has submitted a storey heights plan, which indicates that the development would be overwhelmingly 2-storeys high, but with a significant proportion of those dwellings being 1 and a half storeys high. The suggested scale of development would respect the rural edge and would appear to draw on more traditional building forms nearby. A 'Storyboard' drawing suggests the use of good quality materials and detailing that would respect local distinctiveness. The applicant has, therefore provided sufficient supporting information to be able to conclude that a development of up to 80 dwellings could be acceptable in terms of its scale and appearance.
- 14.20 Overall, the applicants have satisfactorily demonstrated that up to 80 dwellings could be provided on the site in a way that would be well designed and with an acceptable change to landscape character, were the principle of development to be accepted. However, given the proposal is not acceptable in principle, the balance must be very much in favour of maintaining the existing rural landscape character, which would inevitably be harmed by any significant development (as recognised in the 1999 appeal decision).

Arboricultural Considerations

- 14.21 The submitted illustrative layout plan and tree protection plan suggests that all of the key protected trees (including a number of particularly fine, mature oak trees) will be retained, and that dwellings could be set sufficiently far away from these trees as not to compromise the future health of these trees. Therefore, subject to conditions, the proposal would be acceptable from an arboricultural perspective.

Heritage Considerations

- 14.22 Notwithstanding the more modern twentieth century development around it, Calmore Cottage still sits within its context of a rural lane with an open countryside outlook to the north. The cottage has visible and tangible breathing space within the landscape which contributes heavily to its setting. Development on the application site would sit much higher in the landscape than Calmore Cottage. The illustrative layout suggests a small green to the front of Calmore Cottage that would be overlooked by houses in the new development. With their illustrative material, the applicants have adequately demonstrated that a development of up to 80 dwellings could be accommodated on this site without harming the setting of the Listed Building. Obviously, much more detailed information would need to be submitted at reserved matters stage to ensure that the development's relationship to the Listed Building is an acceptable one.

Habitat Mitigation Contributions

- 14.23 In line with Local Plan Part 2 Policy DM3, new residential development provided for in the Local Plan is expected to mitigate potential recreational impacts on both the New Forest and the Solent European

Nature Conservation Sites. Specifically, for schemes of more than 50 dwellings, there is a requirement to provide Suitable Alternative Natural Greenspaces (SANGS) on the site or close to it based on a standard of 8 hectares of SANGS per 1000 population. In this case, it must be noted that the proposed development is not provided for in the Local Plan and therefore the mitigation measures required by the Local Plan cannot necessarily be assumed to be enough. This is because the mitigation requirements that have been drawn up by the Council in its Local Plan and related Supplementary Planning Document (SPD) are designed only to mitigate the development provided for in the Local Plan.

- 14.24 The applicant has submitted a Shadow Appropriate Assessment in support of their proposals. They have put forward some detailed mitigation measures, the most important of which is the provision of on-site SANGS. The applicant's supporting statement indicates that 1.62 hectares of SANGS is needed for a development of 80 dwellings (based on the Council's Local Plan Part 2 Policy DM3). The applicant suggests that they are able to provide 1.62 hectares of SANGS, as is confirmed by the supporting illustrative layout plan. Natural England have raised no objection to the application, accepting that the proposed illustrative layout plan would be likely to be successful in mitigating the recreational impacts of the new development on designated European sites.
- 14.25 Natural England have indicated that, as the competent authority, it is the Local Planning Authority's responsibility to produce a Habitats Regulations Assessment (HRA). Their advice that the proposal will not be likely to have significant effects on the New Forest SPA/SAC/RAMSAR/SSSI is on the basis that the Local Planning Authority adopt the HRA/ Shadow Appropriate Assessment produced by the applicants. Therefore, it is confirmed that the Local Planning Authority accepts and adopts the applicant's Shadow Appropriate Assessment, but with the caveat that there be a degree of flexibility on path surfaces and fencing (2 concerns raised by the Council's design team) to ensure that the SANGS complement the design of the whole development. It is not felt such flexibility would affect the fundamental conclusion that the development is one that could be provided without having significant effects on the relevant European sites. However, the on-site habitat mitigation measures needed to comply with policy do need to be secured within a Section 106 legal agreement. The applicants are agreeable to entering into a such an agreement, although at the time of writing it remains to be completed.
- 14.26 It should be noted that as well as providing on-site SANGS, there is a policy requirement for new residential development to secure SANGS maintenance contributions (based on a rate of £56,000 per hectare of SANGS land) and a SANGS monitoring sum (based on a rate of £50 per dwelling). These contributions would also need to be secured through a Section 106 legal agreement. At the time of writing, the contributions remain to be secured.

Public Open Space

- 14.27 In line with Core Strategy Policy CS7, the development is one that would be expected to secure provision towards public open space. As the development site is in excess of 0.5 hectares, appropriately designed informal public open space and children's play space should be provided on

the site. As the number of bedrooms in the development is not yet known, the precise public open space requirement cannot currently be determined, although the applicant's illustrative plans show appropriate areas of public open space being provided through a combination of SANGS land and additional areas of public open space land.

- 14.28 The Local Planning Authority allows for the on-site public open space requirement to be met in part through the on-site SANGS provision. However, not all informal open space areas will be suitable for inclusion as SANGS, and more formal children's play areas should not normally be contiguous with SANGS areas. Nonetheless, the submitted plans give sufficient assurances that the necessary level of public open space (including areas for children's play) could be provided in an acceptable manner in connection with the level of development proposed. Ultimately, the public open space requirement and contributions towards its future maintenance will need to be secured through a Section 106 legal agreement. The applicants are agreeable to entering into such a legal agreement in respect of these matters, although at the time of writing the legal agreement remains to be completed. Until such time as the legal agreement is completed, the development would not accord with the requirements of Core Strategy Policy CS7.

Affordable Housing

- 14.29 Because the development is not an allocated site and is within the countryside, there is no policy that expressly covers the amount of affordable housing that should be provided on the site. In line with the requirements of Core Strategy Policy CS15, there is no doubt that development of this site should make provision towards affordable housing, the question is how much? As the development is a greenfield site, it is felt that part a) of Core Strategy Policy CS15 best fits the application proposals, and on this basis it is considered that 50% of the proposed dwellings should be provided as affordable housing. This would reflect the affordable housing requirement on the adjacent land that is currently under development. It is understood that the applicants are agreeable to securing half the dwellings for affordable housing, of which 35% of the total dwellings would be for social rented housing and 15% of the total dwellings would be for intermediate housing. However, at the time of writing a Section 106 legal agreement remains to be completed to secure any affordable housing.

Transportation & Highway Considerations

- 14.30 The application is accompanied by a detailed Transport Assessment. The Highway Authority have confirmed that this Assessment adequately demonstrates that the existing highway network would be able to absorb safely any additional vehicular movements generated by the proposals. The Highway Authority are satisfied that more detailed access / parking related issues can be left to a reserved matters application.

Residential Amenity Considerations

- 14.31 The application will have some impact on the amenities of nearby properties with the neighbouring dwelling "The Oaks" and 291-299 Calmore Road (odd numbers) being the most affected due to their common boundaries with the application site. Because the application is only outline, the precise position of dwellings is not known. However, 291-299 Calmore Road all have long gardens (30 to 40 metres in depth) and therefore, even though layout is not

a matter for detailed approval at this stage, it is felt that there is no reason why the development could not be designed so as to avoid adversely affecting the privacy and amenities of these neighbouring dwellings. Likewise, with careful positioning of first floor windows there should be no reason why an acceptable relationship to the neighbouring dwelling at "The Oaks" should not be achievable. The development would inevitably generate additional noise, but not to a level that would be detrimental to the amenities of existing residents.

- 14.32 Because of the site's proximity to the A326, there is potential for occupants of the proposed residential development to be affected by noise. The application is accompanied by a noise impact assessment, which concludes that occupants of the proposed development would have acceptable levels of amenity, subject to appropriate mitigation measures being incorporated into the development. The Council's environmental health officer has not raised any concerns.

Drainage & Flooding issues

- 14.33 The application site is within Flood Zone 1, and is therefore within a low flood risk area. The applicants have indicated that they intend to dispose of surface water through a Sustainable Drainage System (SUDS) and they have also submitted a Flood Risk Assessment to support their proposals. The County Council Flood and Water Management Team have considered this document. They indicate that the general principles for the disposal of surface water are acceptable. More information would be needed at reserved matters stage including detailed information on exceedance flows and the routing of these. More information will also be needed on the final drainage design together with details on maintenance, noting that Southern Water have indicated that they are unable to accept the proposed flows in their systems. However, these are matters that could be reasonably resolved through conditions and at reserved matters stage. For now, the applicants have provided adequate information on drainage and flooding issues. It can be reasonably concluded that the development could be provided with an acceptable (and sustainable) drainage system, without causing additional flooding elsewhere.

Other concerns

- 14.34 The application is accompanied by an ecology report. The Ecologist indicates that surveys carried out to date have not revealed any significant impact on protected species, although there would be some loss of semi-improved grassland habitat. However, this would be justified subject to appropriate mitigation and compensation measures being provided. Overall, it is not considered the development would adversely affect the ecological interest of the site.
- 14.35 The application is accompanied by an archaeological desk based assessment, which concludes, on the balance of probabilities, that archaeological remains are unlikely to be encountered on the site. The conclusions of this report are accepted by the County Archaeologist. As such, the application does not raise any archaeological concerns.
- 14.36 The New Forest National Park lies to the west side of the A326, and is therefore in close proximity to the application site. The A326 and the vegetation growing between this road and the application site does provide a strong visual buffer to the National Park. While development on the

application site would not be without impact on the National Park, and while the National Park Authority's comments on the applicant's LVIA are noted, it is felt that the development would not have a material adverse impact on the special qualities of the National Park (at least in visual terms) given the existing visual buffer.

- 14.37 Concerns about crime and antisocial behaviour would be most appropriately considered at reserved matters stage, when a detailed layout is known.
- 14.38 A number of local residents have indicated that the proposed development would be contrary to the terms of a will. However, this is a civil / legal matter that falls outside the scope of planning control.
- 14.39 The County Council Education department have requested a significant education contribution. However, they have not been able to clearly demonstrate where and how the requested money would be spent and how this would be related to the impact of the development. On this basis, it is not felt that there would be an adequate justification to require the applicants to make an education contribution.

Summary & Conclusions

- 14.40 The overriding issue is whether there are material considerations to justify a departure from the Council's adopted Local Plan policies. It is not disputed that the National Planning Policy Framework and National Planning Policy Guidance must carry significant weight. However, in considering whether there is a case to release this site for housing now, it is considered that the applicants have not given sufficient weight to the government's advice in its ministerial letter issued in December 2014, which makes it clear that housing numbers in existing local plans are not invalidated by Strategic Housing Market Assessments. Accordingly, it is not accepted that the Council's Development Plan policies are in material conflict with National Planning policies. Having regard to all relevant material considerations, it is not considered that there is a clear or compelling case to permit the proposed residential development at the current time contrary to policy, and as such, the application is recommended for refusal, taking into account also the lack of a Section 106 legal agreement to secure specific policy requirements.
- 14.41 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	50%		
Financial Contribution			
Habitats Mitigation			
Financial Contribution	8 ha / 1000 population		

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in the inappropriate and unjustified residential development of an area of land that is outside the defined settlement boundary and which is therefore within the countryside. As such, this significant proposal would result in the unwarranted and harmful urbanisation of this countryside area, contrary to Policy CS10 of the Core Strategy for New Forest District outside of the National Park and Policy DM20 of the Local Plan Part 2: Sites and Development Management.
2. In the absence of a completed Section 106 legal agreement to secure appropriate habitat mitigation measures, the proposed development would constitute an unsustainable form of development that would be contrary to Policy CS1 of the Core Strategy for the New Forest outside of the National Park and the Policies of the National Planning Policy Framework in that the recreational 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 would not be adequately mitigated. The proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest Local Plan Part 2: sites and Development Management.
3. In the absence of a completed Section 106 legal agreement to secure any on-site public open space or any provision towards its future maintenance, the proposed development would fail to adequately secure any contribution towards the creation, enhancement and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.

4. In the absence of a completed Section 106 legal agreement to secure any affordable housing, the proposed development would fail to secure any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, there have been pre-application discussions with the applicants. There have also been lengthy discussions with the applicants since the application was first registered and this has enabled a number of detailed concerns to be satisfactorily addressed. However, given the in-principle objection to residential development of this land it was not possible to negotiate on this application to secure an acceptable outcome.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
August 2016**

Item No: 3i

Land north of
Loperwood Lane
Calmore Totton
15/11765
SU3314

Scale 1:3000

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

