

**Application Number:** 16/10497 Full Planning Permission

**Site:** MERRYFIELD PARK, DERRITT LANE, SOPLEY BH23 8AU

**Development:** Development of 22 dwellings comprised: 7 houses; 4 chalet bungalows; 2 pairs of semi-detached houses; 1 terrace of 3 houses; 1 terrace of 4 houses; garages; cycle stores; parking; roadways; landscaping; demolition of existing buildings

**Applicant:** Bellway Homes Wessex

**Target Date:** 21/09/2016

**Extension Date:** 14/09/2016

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16/10497

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Green Belt

Countryside outside the New Forest

Archaeological Site

Flood Zone 1

HSE Pipeline Cons Zones

Adjacent to New Forest National Park

**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
7. The countryside
8. Biodiversity and landscape

**Policies**

**Core Strategy**

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS4: Energy and resource use

CS7: Open spaces, sport and recreation  
CS10: The spatial strategy  
CS12: Possible additional housing development to meet a local housing need  
CS13: Housing types, sizes and tenure  
CS14: Affordable housing provision  
CS15: Affordable housing contribution requirements from developments  
CS17: Employment and economic development  
CS24: Transport considerations  
CS25: Developers contributions

#### Local Plan Part 2 Sites and Development Management Plan Document

DM3: Mitigation of impacts on European nature conservation sites  
DM2: Nature conservation, biodiversity and geodiversity  
DM4: Contaminated land  
DM20: Residential development in the countryside  
DM23: Employment 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 - Design of Waste Management Facilities in New Development  
SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 The erection of up to 80 dwellings with the retention of up to 11 existing buildings with a total floor area of no more than 1,309 square metres for B1 use and a museum all with associated access point, the provision of SANGS and open space, the provision of a footpath along Derritt Lane and the demolition of all buildings and structures on the site with the exception of those retained for the B1 or museum uses - Outline application all matters reserved (11408) Granted with conditions on the 15th December 2014.
- 6.2 Development of 80 houses, public open space, SANGS, footpaths, allotments, access roads, landscaping, boundary treatments, demolition of existing buildings, street lighting - Details of appearance, landscaping, layout, scale and access to outline planning permission granted under 11408 (10914) Granted with conditions on the 28th October 2015.

#### **7 PARISH / TOWN COUNCIL COMMENTS**

- 7.1 Bransgore Parish Council: Accept a decision under delegated powers
- 7.2 Sopley Parish Council: Accept a decision under delegated powers. But wish the following comments to be noted after the Parish Council Meeting held on 16th June 2016. Sopley Parish Council have reservations regarding the change in direction of the Merryfield Park

development at the eastern end with a change from B1 to residential. It is not understood by the Council whether the initial inclusion was a requirement to be granted planning permission, and that this is now a reversal that was always desired by the contractor.

The concerns of the specifics of the application relate to impact on the roads and community facilities. Derritt Lane is already a congested road at peak times with 1000s of vehicle movements per day, especially at the junctions at either end. The increase in domestic usage on top of the development thus far will continue to add risk and some adverse impact. In order to support the application, we would require a number of infrastructure investments in the community. Improvements to Derritt Lane to handle increased traffic, especially around the bridge which is flood prone and has blocked the road for weeks on end in recent years. The road level should be raised especially on the west side to prevent this. Improvements to the junction in Sopley, which currently is prone to near misses and collisions. Additional traffic increases the risk of a serious incident. Investment in the Sopley community that the development is part of. Key recipients would be Sopley Parish Hall, which acts as a cultural hub for the parish and surrounding area, and Sopley School, the nearest school to the development.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection
- 9.2 Archaeologist: No objection subject to condition
- 9.3 Tree Officer: No objection subject to condition
- 9.4 Urban Design Officer: Acceptable layout and design subject to conditions
- 9.5 Open Space Officer: Acceptable subject to a Section 106 Agreement
- 9.6 Natural England: No objection subject to condition
- 9.7 Ecologist: No objection subject to condition
- 9.8 Natural England: No objection
- 9.9 Hampshire County Council (Education): No comment received to date
- 9.10 Hampshire County Council Minerals and Waste: No objection subject to condition
- 9.11 Hampshire County Council (Flood Management): No objection subject to condition
- 9.12 Strategic Housing Officer: The proposed housing mix/ tenures are acceptable and accord with policy
- 9.13 Environmental Health (historic Land use): No objection subject to condition

- 9.14 Wessex Water: Foul water disposal will connect to the public sewer system. Existing arrangements constructed under the first phase of development allow for a pumped discharge from the site discharging through a rising main and new connection at Derritt Lane. Flows then drain to Wiltshire Gardens sewage pumping station and onwards to Christchurch STW. Design capacity is available to accept foul flows from this second phase of development without significant impact on service levels.
- 9.15 Southern Gas: There are low, medium and intermediate gas pipes near the site. The applicant will need to be aware of the regulations

## **10 REPRESENTATIONS RECEIVED**

5 letters of objection concerned that the proposed development will be detrimental to the fabric and sustenance of the village of Sopley and the hamlet of Avon. The consequential effect on the communities of Ripley and Shirley are also in need of consideration and suitable planned mitigation. The current plans have insufficient contribution to mitigate the impact on these areas of population and therefore will seriously affect their sustainability. Impact on public highway safety. There is no consideration for the effect upon traffic flow through the tiny villages of Sopley and Avon (and Winkton). School issues have not been addressed. The sewage system is in adequate. Concerns relating to contamination. The site is adjacent to New Forest National Park and very close to Rose Cottage.

## **11 CRIME & DISORDER IMPLICATIONS**

Crime Reduction Officer: No comments received to date

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £23,040 in each of the following six years from the dwellings' completion, and as a result, a total of £138,240 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 this development has a CIL liability of £152,206.11

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.

The concerns raised by Officers in relation to the layout have been addressed through successful negotiations and the submission of revised plans. Officers can now support the application.

## 14 ASSESSMENT

### 14.1 Introduction

- 14.1.1 Merryfield Park or Sopley Park (now known as Heatherstone Grange) extends to around 10.5 hectares and was previously a former RAF base first developed in the immediate post war period as a residential camp for radar personnel comprising a large group of buildings. The Park had contained some 91 buildings of various sizes laid out in rows of regimented huts to the east with more diverse forms of buildings scattered around the remainder of the site.
- 14.1.2 The site is currently being redeveloped with 80 dwellings, allotments, museum, Site of Alternative Natural Green Space, public open space, new footpaths and access roads, following planning permissions under reference 11408 (The 'Outline') and 10914 (The 'Reserved Matters'). The permission had also included 11 of the existing buildings (which are located on the eastern part of the site) to be retained for employment uses (Class B1). These buildings remain in situ and are not currently used for any employment use. Apart from the museum building and the existing buildings on the eastern part of the site, all other buildings have now been demolished and a number of the approved houses have been built. None of the recently built dwellings have been occupied. Works have also been carried out to implement the footpath link along Derritt Lane and the land to be provided for the Site of Alternative Natural Green Space (SANGS) and Public Open

Space is being laid out.

- 14.1.3 This full planning application relates to the eastern part of Merryfield Park, which previously formed part of the wider approved development of the site. As part of the approved application, the permission would retain 11 existing buildings (13 in total) for employment uses. This application proposes to demolish these existing buildings and to replace them with 22 dwellings, garages and car ports, public open space, landscaping, footpaths and internal roads.
- 14.1.4 It should be noted that the existing buildings at 91 and 93 have been used for residential purposes for more than 4 years. This situation is the same for Unit 92, however, this building is outside the application site. The application proposes to provide replacement dwellings for units 91 and 93.
- 14.1.5 The proposal seeks to create a housing development that forms an integral part of the rest of the site. The scheme would comprise a mixture of chalet style bungalows, detached houses, semi-detached houses and terraces. In total 10 of the dwellings would be market dwellings with 10 affordable dwellings to include 4 starter homes, 2 affordable rent and 4 intermediate housing. It is also proposed that the approved emergency access is used as a formal access into the site to serve the development.
- 14.1.6 This application site extends to some 0.7 hectares comprising 13 single storey buildings laid out in a uniform nature with simple pitched roofs. The majority of the buildings are rectangular in shape but there are a few smaller square shaped buildings. For the most part the buildings reflect the appearance of the buildings that previously existed on the whole site which have now been demolished. Areas of grass and hardstanding used for car parking lie around the existing buildings. An existing Public Right of Way runs through the north east boundary of the site. There are a number of good sized trees running along Derritt Lane and along the eastern boundary of the site, the majority of which are covered by a Tree Preservation Order.

## 14.2 Policy

- 14.2.1 The application site falls outside the defined built up area of Bransgore, and is therefore subject to countryside policies. The site is also located in the designated Green Belt and the eastern boundary abuts the New Forest National Park. There are no site specific policies or policies for the comprehensive development of Merryfield Park. On this basis, the Council will need to rely on the National Planning Policy Framework and the non-site specific policies of the Local Development Plan in assessing the development of the site.

## 14.3 Green Belt Test

- 14.3.1 The application site is located within the Green Belt and therefore the proposal must also be assessed against Green Belt policies. Policy CS10 of the Local Plan Part 1 (Core Strategy) seeks to retain and support the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions. One of these exceptions is the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater

impact on the openness of the Green Belt and the purpose of including land within it as compared to the existing development..

- 14.3.2 The eastern part of the site is congested with buildings with pockets of open grassed areas between and in front of the buildings. There are also areas of hardstanding used for car parking and the internal road runs up to the eastern boundary of the site. The far east of the site is slightly more open. Buildings are sited close to the northern boundary. The existing buildings are single storey with pitched roofs and side gable ends rising to around 4-5 metres in height with a floor area of 17 metres in length by 7 metres wide.
- 14.3.3 The supporting Planning Statement states that the total combined floor area equates to 1,148 square metres and span the majority of the site and their design together with the roads and hardstanding have a negative impact on the openness of the Green Belt. The statement contends that if these were to be used for employment purposes, either offices or light industrial, this would lead to considerable activity with parking, storage and deliveries which would further impact on the openness of the site. The proposed combined floor space equates to 2,265 square metres, however, the statement considers that the overall layout has been designed to reduce the impact on the Green Belt. This includes a careful arrangement of spacing between buildings and gardens, building heights and design.
- 14.3.4 In assessing the case made and whether the proposal has a greater impact on the openness of the Green Belt, although the number of proposed buildings and overall floor space is above that of the existing buildings, the Courts have held that the concept of "openness" in the Green Belt is not simply about the quantum of development but includes an assessment of how "built-up" the site would appear following redevelopment as compared to before redevelopment. Moreover, the proposed layout does provide a number of positive benefits in terms of visual impact.
- 14.3.5 The proposed dwellings would broadly be sited in the same position as the existing buildings. An area of Public Open Space would be created to the north east of the site and would remain open and a large open garden group would be provided to Plot Nos 85-89. Equally a large open area would be created in the central courtyard between the rear elevations of the dwellings. The positioning of Plots 83 and 84 would be sited further away from the north boundary which would create a positive benefit when viewing the site from the north.
- 14.3.6 There is the fallback position to consider in this case if the buildings were to remain in employment use. Uses within Class B1 tend to require considerable car parking spaces, which would result in the creation of hardstanding areas around the buildings. Indeed, it is likely that each building would require a minimum of 5 car parking spaces and cycle parking facilities which would further encroach into the site.
- 14.3.7 Overall it is considered that the proposed development would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development and would therefore not be inappropriate development in the Green Belt which would accord with Policy CS10 of the Local Plan Part 1 and Paragraph 89 of the National Planning Policy Framework.

#### 14.4 Residential development in the countryside.

- 14.4.1 Policy DM20 of Local Plan Part 2 relates to new residential development in the countryside and states that additional residential development should only be permitted for affordable housing or agricultural workers dwellings. Core Strategy Policies CS12, CS14, CS15 and CS22 relate to new residential development and in particular allocated affordable housing schemes for local needs in both rural areas on exception sites or on the edge of towns and villages across the District.
- 14.4.2 In assessing the proposal against these policies, the proposed development of Merryfield Park is not supported by one particular policy given the proposal is for both open market dwellings and affordable housing and the site is fairly unique in that it is a large brownfield site located just outside the built up area. The proposal does not accord with Local Plan Part 2 Policy DM20 which does not generally allow for new residential dwellings in the countryside and planning permission would therefore normally be refused for this proposal unless there are material considerations that would justify a departure from policy.
- 14.4.3 Eleven of the existing buildings can be retained for employment purposes (Class B1 Use). A case could be made to either convert or redevelop these buildings into residential purposes. Nevertheless, the proposal does provide 10 affordable type dwellings and the site does not comprise open countryside, but is a previously developed site containing many derelict buildings, which do not positively contribute to the character of the area, where there is an opportunity to make positive enhancements. Accordingly, it is for the District Council to determine whether a proposal for new housing in its area is acceptable in planning terms and for the proposal to be assessed against Paragraph 89 of the National Planning Policy Framework (NPPF), which is considered in greater detail below.

#### 14.5 Retention of employment uses in the countryside.

- 14.5.1 In terms of the loss of employment uses on the site and the provisions of Policy CS21 of the Local Plan Part 1 (Core Strategy), the applicants, who are the current owners of the site do not consider it is suitable to retain the existing employment uses and believe that it would be more appropriate to provide additional housing. The approved application had sought to retain 11 of the existing buildings for employment purposes to enable existing companies operating from Merryfield Park at that time to be re-housed. However, none of the existing buildings are currently used for employment uses and the buildings that remain are in a relatively poor condition.
- 14.5.2 While Policy CS21 seeks to retain existing employment sites in rural areas for continuing employment use, none of the buildings are being used for employment purposes and the overall objective to retain an element of employment on the site is not considered practical. On the basis of changes to national legislation that permit the change of use from employment uses to residential and taking into consideration the suitability of employment situated at the end of a housing development, it is considered that the principle of redeveloping the site for residential



purposes would be acceptable.

#### 14.6 Layout and Design Considerations

14.6.1 The existing buildings on the site do not positively contribute to the character of the area, however, any proposed residential development will need to respect the rural context and close proximity of the site to the New Forest National Park. As such, the proposed development will need to create a high quality development that responds to the sensitive nature of the area.

14.6.2 The approved development to the west of the site has been designed to reflect the rural context of the area and the works that have already been constructed are to a very good standard. Accordingly, it is considered that the proposal will need to reflect the design qualities and concept achieved within the approved development to the west of the site.

14.6.3 The proposed layout seeks to follow the design concept of the previously approved development, incorporating a mixture of cottage styles and Arts and Crafts houses. The trees along Derritt Lane and to the east of the site would be retained and the proposed layout respects the open views from the north. Plot Nos 83 and 84 are slightly lower building forms and would be positioned away from the north boundary of the site with an area of Public Open Space provided on the north east boundary enabling the Public Right Of Way to continue through the site.

14.6.4 The proposed dwellings are shown to be designed to a high standard using appropriate materials. Dwellings are arranged to front onto the roads providing garden groups to the rear. A slightly more intense development of houses would front onto the access from Derritt Lane, but the staggered arrangement of houses would help break up the massing of buildings and allow some space for front gardens and greenery. Reasonably sized rear gardens are provided for the majority of the development, but much smaller garden areas are provided for the proposed one and two bedroom dwellings, which is considered to be acceptable.

14.6.5 Overall, the proposed development has been designed to respect the rural characteristics of the site and create a development that follows the design concept of the approved development already under construction.

#### 14.7 Affordable Housing

14.7.1 In accordance with Core Strategy Policy CS15, the proposed development would need to make an Affordable Housing contribution of 50% of the total number of units proposed. In addition, 35% of the total dwellings should be social rented and 15% of the total dwellings intermediate housing. At least 50% of the affordable housing provided should be family housing.

14.7.2 Of the 22 dwellings that are proposed, 10 dwellings would be private market dwellings, 2 would be replacement dwellings with 10 affordable dwellings. The Affordable Housing Dwellings would comprise 4 Starter

Homes, 4 Shared Ownership Dwellings and 2 would be Affordable Rented Dwellings.

- 14.7.3 While the proposed housing mix does not fully accord with policy CS15, the applicants are seeking to provide 4 Starter Dwellings to accommodate the Government's new initiative to promote the provision of Starter Homes. The Government see Starter Homes as a means to provide low cost homes for qualifying first time buyers and the Government's main objective is for at least 20% of dwellings on major sites to be built as Starter Homes. Starter Homes are a new form of Affordable Housing, and will be offered for sale to qualifying first time buyers between the ages of 23 and 40 at no more than 80% of open market value, capped at £250,000.
- 14.7.4 The Housing and Planning Act 2016 was enacted on 12 May 2016, which is now law. The secondary legislation (meaning Regulations) are needed to bring into force the provisions of the Act. The first set of Regulations came out on 25 May 2016 (The Housing and Planning Act 2016 (Commencement No.1) Regulations 2016) and the second set of Regulations came out on 11 July 2016 (The Housing and Planning Act 2016 (Commencement No.2, Transitional Provisions and Savings) Regulations 2016).
- 14.7.5 The Part of the Act that defines Starter Homes as affordable housing (section 159) has not yet come into force, and accordingly, the Government's current definition of affordable housing does not include Starter Homes. It is the intention that Starter Homes will fall within the definition of Affordable Housing and therefore Starter Homes will count 'as' or 'towards' the overall affordable housing provision. Moreover, under the terms of section 4 of the Act, there is a general duty for Councils to promote the supply of Starter Homes and that will come into force on 1 October 2016 as a result of the second set of commencement regulations. Accordingly, the Government's stance on Starter Homes should be given significant weight.
- 14.7.6 For this reason it is considered that New Forest District Council should support the provision of Starter Homes on this site. While technically this does not accord with our adopted Core Strategy policy CS15, which does not include Starter Homes, it will become a duty of all Councils to promote this form of development from 1<sup>st</sup> October 2016. This is therefore an ideal opportunity for this Council to welcome the new Government initiative even though it is not technically in force for another few weeks. A proportion of shared equity and rented homes are still retained under this new approach.
- 14.7.7 In balancing out the issues, and in anticipation of the change to the definition of affordable housing, reflecting the Government's general direction of travel on Starter Homes. The proposed housing mix is supported by the Council's Strategic Housing Officer.
- 14.7.8 The affordable housing will need to be secured through a Section 106 Agreement. As it stands the Section 106 Agreement is being progressed with the applicant.
- 14.8 Habitat Mitigation
- 14.8.1 The site is within approximately 1km of the New Forest Site of Special

Scientific Interest which is part of the New Forest Special Area of Conservation. The site is also within 2.5 km of the New Forest Special Protection Area (SPA/RAMSAR). The eastern boundary of the application site borders the New Forest National Park. The proposed dwellings would be in close proximity to the New Forest SPA and delivery of effective mitigation is required to ensure adverse effects are avoided and this is set out in Policy DM3. The Council have assessed the proposal against the impact on the New Forest National Park in accordance with Section 62 of the Environment Act 1995.

- 14.8.2 Policy DM3 of the Local Plan Part 2 requires the recreational impacts of new developments on the New Forest European Nature Conservation Sites and the Solent Coast European Nature Conservation Sites to be adequately mitigated. As set out in Policy DM3, for a residential development of less than 50 dwellings there is no requirement to provide on site habitat mitigation. Normally, the requirement would be either to contribute to funding the Council's suite of mitigation projects, or provide a mitigation project to mitigate the impact of the proposal.
- 14.8.3 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.8.4 Moreover, it is considered that the development's impact on the National Park would be very limited and the proposal would not harm the landscape importance and qualities of the National Park. The increase in traffic generation compared to the approved employment uses would be minimal, and the majority of any traffic generated would be into Bransgore or towards Sopley and not through the local forest roads. The existing approved employment buildings along the eastern end of the site would be replaced with residential and accordingly, it is not anticipated that further development would encroach close to the National Park.

#### 14.9 Public Open Space

- 14.9.1 In accordance with Policy CS7, the proposed development would have to make provisions 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
- 14.9.2 The proposed layout would provide an area of informal public open space which could include children's play to the north east of the site. An additional area of public open space would be provided to the south of the site. Based upon the proposed population, the proposed development will provide sufficient public open space that would accord with Policy CS7.

- 14.9.3 The proposed on site public open space and maintenance contributions would need to be secured through a Section 106 Agreement and the land transferred to New Forest District Council or other body. As it stands the Section 106 Agreement is being progressed with the applicant.
- 14.10 Arboricultural Considerations
- 14.10.1 The submitted illustrative layout plan and tree protection plan suggests that all of the key protected 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.
- 14.11 Residential Amenity Considerations
- 14.11.1 With regard to residential amenity, the two neighbouring residential properties which could be impacted upon are No 92 Merryfield Park and Rose Cottage. The relationship of proposed unit 84 to No 92 would be acceptable. No first floor windows are proposed on the side elevation facing No 92. In terms of Rose Cottage, this property fronts onto Derritt Lane and bounds the eastern boundary of the site. The proposed unit No 85 is sited a sufficient distance away from Rose Cottage not to impact on their light or outlook. Three roof lights are proposed on the rear elevation, however the distance from these windows to the boundary of Rose Cottage measures more than 17 metres, which is acceptable. However, the proposed first floor side window on the side elevation which serves a bathroom will need to be fitted with obscure glass to maintain a reasonable level of privacy.
- 14.11.2 The proposed dwelling on unit 89 would be sited close to Rose Cottage. Although there are some trees along the common boundary, the proposed dwelling on unit 89 is sited a sufficient distance away from the rear elevation of Rose Cottage. The proposed first floor windows on the rear elevation would have oblique views into the rear of Rose Cottage approximately 15 metres from the common boundary, which is considered to be a reasonable distance.
- 14.11.3 Accordingly, it is considered that the proposal would not have any adverse impact on the living conditions of the neighbouring properties, and overall the proposed use of the site for residential purposes would have a better relationship compared to the approved employment uses.
- 14.12 Highways
- 14.12.1 The Highway Authority do not raise any objections to the proposal to use the approved emergency access as a secondary access into the site. The visibility splays are acceptable and there are no objections to two entrances into the site. Indeed, the creation of the footpath along the eastern end of the site which involves the narrowing of Derritt Lane would reduce the speed of traffic at this point.

14.12.2 In terms of car parking, the level of car parking throughout the site accords with the Councils adopted supplementary planning document. The majority of the dwellings provide in excess of the recommended provision, although a small number of units are slightly below the recommended provision this would be reasonable.

#### 14.13 Drainage & Flooding issues

14.13.1 The application site is within Flood Zone 1, and is therefore within a low flood risk area. A Flood Risk Assessment and Drainage report has been submitted with the application. 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 will also be needed on the final drainage design together with details on maintenance and this can be dealt with by conditions.

#### 14.14 Other matters

14.14.1 The Ecologist raises no objections and considers that the ecology report submitted is adequate given the planning context of the development and previous survey work at the site. A range of measures are proposed to mitigate impacts on protected species and these will require careful timetable and management if plans for development proceed. As the efficacy of the measures relates to their effective implementation and coordination with site works it would be desirable for a pre-commencement condition to enable the Council to ensure final details are appropriate and that they provide sufficient management of operations.

14.14.2 Comments have been received from Hampshire County Council (HCC) Minerals and Waste Department, which state that the site is within a mineral safeguarding area and that there are potentially viable mineral deposits. HCC have recommended conditions so that minerals that can be viably recovered during the development operations and brought to use and a method statement required to record the quantity of recovered mineral. However, it would now be unreasonable to seek such a condition at this stage on this site (0.7 hectares), when the remainder of the site is currently being developed for housing with no requirement to recover minerals.

14.14.3 In terms of drainage, it is proposed that the foul drainage would be directed into the existing foul sewer system in the Wiltshire Gardens pumping station which is operated by Wessex Water. To date, Wessex Water has not commented on the proposal. However, as part of the approved development under application 11408, a pumping station would be constructed to deal with the additional capacity from the proposed development. In addition, there will be no surface water connections to the public foul sewerage systems and surface water will be drained via Sustainable Urban Drainage Systems.

14.14.4 Concerns have been expressed that the proposed development would put greater pressure on the amenities in the area such as schools and

doctors. It is accepted that the provision of additional houses will put pressure on the local amenities in the area, however, the creation of 20 additional dwellings is not considered to be such an excessive scale of development to result in significant pressure on these facilities and equally, there could be wider benefits to local shops and businesses in the area which are likely to receive additional customers

14.14.5 In terms of contamination, the Environmental Health Officer considers that a site investigation is required to characterise the site regarding potential contamination to ensure that the site is suitable for the proposed use. Also many of the buildings are derelict and are thought to have Asbestos Containing Material (ACM) incorporated in them. In order to prevent contamination of the site, surrounding highways and to prevent harm to surrounding residents, receptors and future site users, submission of information relating to asbestos identification, management and/or safe certified removal, depending on the nature, type and condition of the ACM's on the site will be required. The main regulatory interest is in ensuring that all licensed and notifiable non-licensed work with asbestos is carried out with the appropriate controls and training in place, to protect the environment and others in the area from the risks to health that exposure to asbestos causes. Accordingly, the Environmental Health Officer raises no objection to the principle of the proposed development subject to the imposition of contaminated land conditions.

#### 14.15 Conclusion

14.15.1 In summary, the proposed development to replace the existing buildings which were previously approved to be retained as employment uses with new dwellings would be acceptable and would comply with the Green Belt test set out in the NPPF. The proposed layout and design would be appropriate in this rural context and there will not be any adverse impact on residential amenity, trees, ecology or public highway safety. A Section 106 Agreement is required to secure the affordable housing mix to include starter homes, the on site public open space and habitat mitigation (non infrastructure).

14.15.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	10	10	0
Financial Contribution			

### CIL Requirements

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	2488.35	153	1825.35	1825.35	£80/sqm	£152,206.11

Affordable = 510 square metres

Subtotal:	£194,732.26
Relief:	£42,526.15
Total Payable:	£152,206.11

\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index$

### 15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by the 30th October 2016, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure Affordable Housing contributions on site, On-site public open space with maintenance contributions, and Habitat Mitigation non infrastructure Contribution.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th October 2016, the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

**Reason(s) for Refusal:**

1. The proposed development would fail to make 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.
  
2. The proposed development would fail to make any contribution to enhance or create off-site provision 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.

**Conditions to be attached to any consent:**

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

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

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

15.295/SS-01-1 Rev C, 15.295/SL-01 Rev J, 15.295/SS-01-2 Rev C, 15.295- GA-01, 15.295-GA-02, 15.295-B4.1-02, 15.295-B4.1-01, 15.295-B2.1-04, 15.295-B2.1-03, 15.295-B2.1-02, 15.295-B2.1-01, 15.295-H11.2-02, 15.295-H11.2-01, 15.295-H11.4-02 Rev B, 15.295-H11.4-04 Rev B, 15.295-H11.4-03 Rev B, 15.295-H13.1-02 Rev C, 15.295-H13.1-01 Rev C, 15.295-H15.3-02 Rev C, , 15.295-H15.3-01 Rev C, 15.295-S01.1-02 Rev A, 15.295-S01.1-01 Rev A, 15.295-S05-02 Rev B, 15.295-S05-01 Rev B, 15.295-S02.2-02 Rev A, 15.295-S02.2-01 Rev A, 15.295-S02.1-02 Rev A, 15.295-S02.1-01 Rev A, 15.295/SL-02 Rev D, 15.295/TP-01 Rev C, 15.295/RP-01 Rev B, 15.295/SL-01 Rev J, 15.295/LP-01, 15.295-ED-01, 15.295/RP-01 Rev B, 043.0006.003, 043.0006.002, 15.295/MP-01, 15.295/op Rev C

Reason: To ensure satisfactory provision of the development.

3. The dwellings and garages shall only be constructed from the materials as detailed on plan 15.295/MP-01 unless otherwise agreed by the Local Planning Authority.

Reason: To ensure an acceptable appearance of the buildings in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.



4. The dwellings and garages hereby approved shall be constructed in accordance with the slab levels in relationship to the existing ground levels as set out on drawing 15.295/SP-01 unless otherwise agreed in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The development hereby permitted shall not be occupied until the spaces shown on plan 15.295/SL-01 Rev J for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 15.295/SL-01 Rev J for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

6. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted ACD Arboricultural Impact Assessment, Method Statement (ref BELL20505aia\_ams Rev A) the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Prior to the commencement of development, and in accordance with the submitted Abbas Ecology Report dated April 2016, a detailed biodiversity, mitigation and enhancement strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

8. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

9. The boundary treatment, enclosure details and hard landscaping details including roads and footpaths throughout the site shall only be constructed and carried out in accordance with the details shown on Drawing No's 15.295/SL-01 Rev J, 15.295-ED-01 Rev A unless otherwise agreed by the Local Planning Authority.

Reason: To ensure an acceptable appearance of the buildings in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

10. Before development commences (excluding the demolition of the existing buildings), a detailed scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location) for the whole site including individual dwellings;
- (c) the detailed design of all areas of public open space to include details of the play equipment and the boundary treatments to these areas
- (d) the details of a landscape management and maintenance plan
- (e) a method and programme for its implementation and the means to provide for its future maintenance.
- (f) details of any external lighting or street lighting
- (g) details of the wooden bollards

The development shall only take place in accordance with the approved details.

Reason: To ensure that the development takes place in an appropriate

way and to prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

11. All planting, seeding or turfing comprised in the approved details of landscaping as set out in condition 10 shall be carried out in the first planting and seeding seasons following the occupation of the 10th dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the New Forest District outside the National Park Core Strategy.

12. 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 13 to 15 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 16 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 CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. 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 CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. 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 CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.

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 CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

17. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years (as stated in the remediation scheme), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *Model Procedures for the Management of Land Contamination, CLR 11*.

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 CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy)

and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

18. Before the construction progresses above slab level, and notwithstanding the submitted elevational plans, the precise window design details to include details of window heads, cills and reveals shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure the scheme is of an appropriately high design quality and sympathetic to its rural edge context, in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

19. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall only take place in accordance with the approved Written Scheme of Investigation including the requirements set out under 1-6 of this condition. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and requirements set out in 1-6 of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

20. The first floor window on the side [east] elevation of the approved dwelling identified as unit 85 and the first floor window on the side [south] elevation of the approved dwelling identified as unit 89 shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

21. Notwithstanding the submitted Escher Silverman Flood Risk Assessment reference ES1516/FRA-PH2-C, and prior to commencement of development (excluding the demolition of the existing buildings) details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

22. Before development commences (excluding the demolition of the existing buildings) details of the means of the future maintenance of the watercourse within or on the boundary of the site and / or proposed drainage assets, sustainable urban drainage system etc shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling / building.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

**Notes for inclusion on certificate:**

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.

The concerns raised by Officers in relation to the layout were addressed through successful negotiations and the submission of revised plans.

In discharging condition No 6 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here  
<http://www.newforest.gov.uk/article/16478/>

This decision relates to amended plans received by the Local Planning Authority on the 2nd and the 19th August 2016

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
September 2016**

**Item No: 3f**  
Merryfield Park  
Derritt Lane  
Sopley  
16/10497  
SZ1898

Scale 1:3000

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

