

**Application Number:** 16/10764 Full Planning Permission

**Site:** Land at BUCKLAND MANOR FARM, ALEXANDRA ROAD,  
LYMINGTON SO41 8NN

**Development:** Development of 87 dwellings comprised: 21 detached houses; 5 bungalows; 26 pairs of semi-detached houses; 3 terrace of 3 houses; garages; parking; landscaping; junction access; estate roads, footpaths; SANG; open space; 10 allotments

**Applicant:** Pennyfarthing Homes Ltd

**Target Date:** 12/09/2016

**Extension Date:** 31/01/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Consideration (October 2016 and February 2017). This item is only before Members because the agreed date for completion of the Section 106 Agreement was not achieved. The scheme remains the same as that originally considered by Members in October 2016.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Part of site in countryside (SANGS)

Part of site in Green Belt (SANGS)

Allocated site

Right of Way running along the eastern boundary of the site (Footpath 61)

Buckland Rings Conservation Area to the north east of the site which includes Grade II Listed Building. Situated to the north of Listed Building is Ancient Monument

Tree Preservation Orders along the east boundary of the site and a group protection Tree Preservation Order along the southern boundary of the site

## 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

## 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  
CS8: Community services and infrastructure  
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  
CS24: Transport considerations  
CS25: Developers contributions

## Local Plan Part 2

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites

## **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 - The Delivery of Affordable Housing (on Development Sites) through the Planning Process  
SPD - Design of Waste Management Facilities in New Development  
SPD - Housing Design, Density and Character  
SPD - Lymington Local Distinctiveness  
SPD - Parking Standards  
SPD- Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

6.1 95 dwellings, garages, parking, 10 allotments, open space - Outline with details of means of access and layout (11427) Withdrawn on the 10th March 2015

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

Lymington and Pennington Town Council: it would not be appropriate for the Town Council to comment as there is a conflict of interest, as an adjoining landowner over whose lane the development site would be accessed should planning permission be granted.

## **8 COUNCILLOR COMMENTS**

None

## 9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: The revised Transport Statement has addressed most of the points raised within the Highway Authority's concerns with the exception of the provision of a footway link between the western access and the promoted Bus stop in Alexandra Road to the south of the site. This footway if provided would create a useful link for pedestrians from the proposed footway at the western access to the site to the existing footway network linking with the schools in Pennington to the south. The above link might be provided on land currently within the highway and could therefore be implemented by way of a S278 agreement with the Highway Authority.
- 9.2 Tree Officer: No objection subject to condition
- 9.3 Open Space Co Ordinator: The location and size of the public open space (informal and children's play) would be acceptable. A financial contribution for off site formal public open space would be required. Maintenance contributions would also be required.
- 9.4 Urban Design Officer: In principle the proposal will be acceptable
- 9.5 Strategic Housing Officer: Does not support the proposal given the amount of affordable housing is well below the policy requirement.
- 9.6 Hampshire County Council Education Authority: The development lies in the catchment area of Lymington Infant and Junior and Priestlands Secondary Schools. The proposed development would require a financial contribution towards Infant and Junior Schools. The funding will be used to increase the places available through building alterations/ extensions to provide the additional places required to meet pupil forecast.
- 9.7 Southern Water Authority: Cannot accommodate the needs of the development without additional local infrastructure. It is advised that in order to accept the additional flows, there will be a requirement to provide additional off site sewers or improvements to existing sewers to provide sufficient capacity to service the proposed development. These upgrades can be requisitioned along with the new offsite sewers under Section 98 of the Water Industry Act. A condition is requested if development is approved.
- 9.8 Rights of Way Officer: No comment received to date
- 9.9 Natural England: Comments will updated when available
- 9.10 Ecologist: No objection subject to condition
- 9.11 Hampshire County Council Minerals and Waste: The proposed development lies within the mineral and waste consultation area (MWCA) – Minerals section. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present. The purpose of this policy is to protect potentially economically viable mineral resource deposits from needless and unnecessary sterilisation. The policy seeks to encourage the

recovery, where possible, of potential viable mineral resources prior to development, this concept is known as prior-extraction. Prior-extraction offers potential opportunities to reuse recovered minerals within the development itself or upcycle them to nearby aggregate recycling facilities. This in turn has strong potential to reduce the amount of waste generated through excavation on site as well as reducing the need for imported construction material. The County Council as the MPA take this opportunity to request further exploratory work to be undertaken on site and submitted to the MPA in the form of a minerals safeguarding report or assessment. This report should include empirical data of underlying geological stratigraphy captured by borehole or trial pit sampling, as well as recommendations on how the use of any minerals present could be maximised. This will enable the MPA to interpret the data and provide a position in relation to Policy 15 and make a recommendation for the extent of prior extraction and for suitable conditions to be incorporated if appropriate. In the absence of further information on the mineral potential of the area and/or how this mineral potential will be handled by the development, the proposal is considered to be contrary to Policy 15 of the adopted HMWP.

- 9.12 Hampshire County Council (Flood Management):- The general principles of the surface water drainage proposals are acceptable; more detail will be needed as part of a more detailed design phase to include infiltration test, and evidence that exceedance flows and run off in the excess design criteria have been considered. In addition, confirmation on general maintenance regimes of the surface water management includes SUDS features.
- 9.13 Environment Agency: No comment received to date
- 9.14 Archaeologist: Although there are no archaeological sites currently recorded at this location, the general archaeological potential of this area, close to the coast, overlooking a stream and close to Buckland Rings, could encounter archeological remains. Any detailed application should be accommodated by a Heritage Statement that considers the archaeological potential of the site or a archaeological condition attached to any outline planning permission in order to secure or indicate the need for such a statement at a future date.
- 9.15 Conservation Officer: The submitted heritage statement assess the impact and significance of the archaeology of the site. However while recognising the proximity of Buckland Manor and Buckland Conservation Area makes no assessment of the significance of these assets and the impact of the proposals on that setting and relationship with the wider agricultural setting. Without this assessment it would be premature to make any judgements on the proposal.
- 9.16 Environmental Health (historic land use): No objection subject to conditions. The proposal is for a large amount of residential dwellings with gardens and provision is made for allotment use - therefore a desktop study and preliminary risk assessment of the site as a minimum is required to ensure the site is suitable for this sensitive end use. This department was contacted previously for an opinion as to whether ground gas monitoring would be required as part of the ground investigation that was being carried out. Therefore previous investigations have been undertaken at the site but not submitted with the application.

## 10 REPRESENTATIONS RECEIVED

10.1 23 letters of objection (including one from the Lymington Society) concerned with the following:

- In allocating the site the Inspector stated that 80 houses should be provided on the site and the policy also states that the site should be developed for 80 houses. The proposal for 87 is well beyond what is expected and would have a greater impact on public highway safety
- Impact on public highway safety through an increase in traffic. This includes a danger to the existing roundabout at the junction of Alexandra Road and the A337. There are also concerns over increase in traffic on Fullerton Road and surrounding residential roads. Concern over two accesses into the site and the possible 'race track' of the circular route. The accesses have poor visibility splays. Has the layout provided for sufficient car parking and spaces for visitors?
- Will there be any traffic calming in Alexandra Road/ speed restrictions
- Against development on Green Belt Land
- Lack of affordable houses
- The amenity land should be within the site not outside
- The proposed development on the eastern boundary is too crowded against the existing housing estate and public footpath
- The site is too dense and the layout should reflect the transition between countryside and town
- Are there any proposals for the land to the north of the site
- Concerns over loss of privacy/ overlooking onto the residential properties in Paddock Gardens. These houses should be replaced with bungalows. Possible noise and disturbance to these residents. A green corridor needs to be located along this eastern boundary or the allotment needs to be sited along these boundaries.
- Impact on wildlife and protected species. In particular the proposed SANGS which will have bats and badgers. In addition the land to the north of the site and to the south of Buckland Manor accommodates a lot of wildlife. This has not been reflected in the Ecological Report
- Concern over loss of water pressure from the proposed development and sufficient new infrastructure should be installed.
- The northern buffer zone needs to be much wider with significant tree and hedgerow planting
- Provision should be made to improve and upgrade footpath 61. The footpath is overgrown and needs enhancements
- There needs to be protection of trees and hedgerows along the footpath to protect the privacy of the residents in Paddock Gardens
- Impact on local infrastructure

- Concern over the proposed housing mix. The new housing mix requires Parliament to pass a revision to the Housing and Planning Bill and this application should wait until the Bill has been passed into Law. There should be more private houses located to the east of the site
- The Police stated that there should only be one exit, not two onto Alexandra Road because of policing matters. In addition, the Police are against the joining of development to footpaths
- While the proposal to open up Jimmy Bays is a benefit, there are concerns that this will be very boggy for children and potentially dangerous. There is a pond, stream and open ditches within this area which could be a hazard for children. How can safeguards be put in place
- Concerns over the allotments in relation to lighting bonfires and smoke
- This site lies within the Buckland Stream water body, designated under the Water Framework Directive. This water body is currently assessed as at "moderate" status. Any potential scheme to improve the status of the water body, as part of the development proposals, should be undertaken and at the very least no deterioration in status should occur as a result of the development and we would encourage improvements/enhancements where possible.
- No residents were consulted by the applicant
- The area of land to the east is not dense development and the D & A Statement is incorrect.
- The submitted ecological report is flawed and is not valid. In relation to the Great Crescent Newts the surveys should be carried out at the correct time of the year and the report and surveys have not assessed whether there are Newts on the site. The surveys should not be carried out at a future date. There are many protected species on and near the site including a badger sett.

## **11 CRIME & DISORDER IMPLICATIONS**

Crime Reduction Officer: no comment received to date

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £100224 in each of the following six years from the dwellings' completion, and as a result, a total of £601344 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 £677,054.73.

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

### Introduction

This planning application was considered by the Planning Development Control Committee on 12th October 2016 and the resolution was that the Service Manager Planning and Building Control be authorised to grant planning consent subject to the completion of the requisite Section 106 Agreement by 30th January 2017. A further extension until 30th March 2017 was agreed by this Committee at their February meeting. Unfortunately, the Agreement was not completed in time although it has now been completed. As a result, the decision can now be issued.

Changes to the front elevations of plots 36 and 37 which changes the first floor windows which would now be glazed with obscure glass and the windows re-configured so that there are fewer first floor windows facing the neighbouring properties at Paddock Gardens were agreed by this Committee at its February meeting. The following paragraphs replicate the Committee Report of October 2016.

## 14.1 Introduction

- 14.1.1 The site comprises an open field and part of an area of woodland (known as Jimmy Bays) extending in total to just over 6 hectares in size located to the north of the built up area of Lymington. The land is generally flat. There is a narrow strip of trees and mixed hedgerow along the southern boundary which provide a screen along Alexandra Road. Along the eastern boundary of the site there is a Public Right of Way (Footpath 61). To the north of the site are agricultural fields with various large and relatively modern farm buildings within the Buckland Rings Conservation Area. Within the group of buildings sits, Buckland Manor which is a grade 2 listed building. There is no direct vehicular access into the site, and the nearest highway is Alexandra Road. Just beyond the eastern boundary of the site, there is a modern housing development known as Paddock Gardens, which comprises predominately detached bungalows and two storey dwellings situated around a single large open area with the rest of the housing situated off small cul de sacs. A number of the dwellings within this housing estate have their rear gardens backing onto the eastern boundary of the site.
- 14.1.2 On the southern boundary of the site, there is a relatively high density housing development known as Bramble Walk and Redwood Close, which are small courtyard and cul de sac developments. Bramble Walk is a modern housing development comprising semi-detached and terraced two storey housing set out in a relatively uniform layout with extensive areas of hardstanding with limited soft landscaping and greenery, with areas mainly dominated by open car ports and car parking spaces to the front of the dwellings. In Redwood Close, the housing development is uniform with a mixture of detached and semi detached dwellings, but the layout is more spacious with the houses having well landscaped front gardens.
- 14.1.3 This full application proposes 87 houses, garages, footpaths, areas of public open space including children's' play, Site of Alternative Natural Green Space (SANGS), landscaping, ten allotments and two accesses onto Alexander Road. The proposed houses would comprise 21 detached houses, 5 bungalows, 26 pairs of semi-detached houses, 3 terraces of three houses. The proposed housing mix would comprise 44 private market housing and 43 affordable housing including 17 affordable rent and 26 starter homes. The proposed housing would be a mixture of 1, 2, 3 and 4 bedroom houses.
- 14.1.4 The proposed layout entails two new access points onto Alexandra Road. The proposed layout has been designed with the residential properties located around a single 'loop road' with further houses served off smaller cul de sacs. The main informal open space would be provided along the western part of the site adjacent to the existing woodland area known as 'Jimmy Bays', with a landscaped footpath link running along the southern and northern boundary. The woodland area to the west known as 'Jimmy Bays' would form the habitat mitigation (SANGS) with footpath connections gained from the informal open space. A children's play area is proposed in the central part of the site overlooked by proposed houses. It is proposed to provide ten allotments on the north east side of the site with a small car parking area.



14.1.5 Visually the majority of the proposed dwellings would be two storeys in height with five bungalows proposed on the north west side of the site. The proposed dwellings would be designed as very simple conventional building forms including a mixture of pitched and hipped roofs.

## 14.2 Policy

14.2.1 In terms of the policy context, Policy LYM2 of the Local Plan Part 2 allocates this site for residential development to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Council's Core Strategy. The policy requires 70% of the dwellings for affordable housing. The policy sets out how the site shall be developed with a list of site -specific criteria which is set out below:

- Provision of vehicular, pedestrian and cycle access from Alexandra Road, and pedestrian links to the public footpath along the eastern boundary of the site;
- Provision of measures to mitigate the recreational impact of the development on European nature conservation sites in accordance with Policy DM3, to include the provision on or close to the site of publicly accessible land designed to provide Suitable Alternative Natural Green Space (SANGS);
- Retention and enhancement of important trees and hedgerows on site boundaries;
- Provision of a green buffer landscape feature including a recreational footpath along the northern boundary of the site connecting with woodland to the west;
- On site provision of public open space in accordance with Policy CS7, including the provision of play space(s) for both younger and older children located within the residential development; and
- Provision of suitable land for a minimum of 10 full size allotment plots within the site.

The sub text to the policy states that the development of the site will provide up to around 80 new homes and significant areas of green infrastructure, particularly along the northern boundary of the site. It highlights the need to create a substantial green infrastructure corridor linking the public footpath to the east with the woodland to the west of the site to create an additional wildlife corridor and contribute towards the mitigation of the recreational impacts of the development. The sub text goes on to state that the site layout and density of development should reflect the transition between the town and countryside within this development and make provision for publicly accessible natural green space (SANGS) which will mitigate recreation impacts of the development on European sites.

14.2.2 In assessing whether the proposal meets the policy requirements as set out under LYM2, the proposal seeks to provide 87 dwellings, which would be 7 additional houses above the expected level of housing identified in the subtext to policy LYM2. Whether the increase in the

number of houses above this figure would be acceptable would be dependant on the acceptability of the layout and design for the site which lies on the rural edge of Lymington and whether the other policy requirements that need to be achieved including the provision of SANGS, public open space, allotments, substantial landscaped areas and appropriate access/parking are included.

14.2.3 In assessing the individual policy requirements set out in LYM2, it is considered that the proposal has broadly fulfilled the criteria. The layout shows a reasonably wide footpath across the north boundary of the site with green areas and adequate space for soft landscaping. Accordingly, it is considered that the provision of a green buffer landscape feature including a recreational footpath along the northern boundary of the site connecting with the woodland to the west would be acceptable. The layout includes the provision of 10 allotments in the north east corner of the site with a car parking area, which would be acceptable. The proposal has also shown the provision of vehicular, pedestrian and cycle access from Alexandra Road, and pedestrian links to the public footpath along the eastern boundary of the site. The other key policy requirements are set out below.

14.2.4 The proposed SANGS land is located outside the built up area and within designated Green Belt. Within the proposed SANGS land, no new buildings or structures are proposed, other than a new footpath link. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New footpaths could be considered as inappropriate development, subject to a number of express exceptions listed in paragraph 89 of the Framework. These exceptions include the provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Having regard to paragraph 89, buildings proposed in connection with activities of this sort do not fall within an agricultural use category, but it is reasonable in this instance to assess the proposed SANGS as being essential facilities for outdoor recreation. As such, the proposal is not inappropriate development for the purposes of the Framework.

### 14.3 Landscape and Design Considerations

14.3.1 The site's location on the rural edge of Lymington with open countryside to the north would require a high quality design and layout. There are no natural features on the site to define the northern boundary but the site is well defined to the west by woodland. All of the proposed layout should form an attractive soft transition between the development and the open countryside.

14.3.2 The design concept of the proposed layout is acceptable. Houses would front onto a network of roads and cul de sacs with areas of public open space and footpath connections throughout the site. It is proposed to create a shared surface around most of the circular loop which can slow traffic and offer pedestrian comfort. A good degree of natural surveillance would be provided throughout the site onto the public realm from the proposed houses. The short cul de sacs would be constructed using high quality block paving and there is sufficient new tree planting throughout the site including new trees within front and rear garden areas.

- 14.3.3 The rural edge to the north links the existing footpath network with the habitat mitigation land within Jimmy Bays offering various choices as to walking routes around an area of amenity value. The northern boundary would be defined with a landscaped footpath link with rear gardens backing onto the rural edge. New trees and planting would be installed along the northern boundary, but this is not to create a dense screen, but to allow the trees to punctuate the dwellings. The trees along the southern boundary, for the most part would be retained with a footpath providing a link between the west and east of the site. The inclusion of 'Jimmy Bays' woodland area as part of the overall habitat mitigation is considered to be a significant benefit. Not only is the woodland a significant landscape feature, the layout would also provide a good opportunity to provide public access into this area for the community with new footpath connections between the open space and proposed housing areas. Overall, the open space alongside the woodland and the provision of the woodland area as mitigation land together with the inclusion of the tree belt along the south has enabled a fairly sympathetic rural edge to be created.
- 14.3.4 Plots would be reasonably sized offering front and rear garden areas with on site car parking and garages, creating space and greenery to the front of the site. This would minimise cars being visible on the road network. Some areas of slightly deeper gardens than might typically be expected in modern development, together with a central open space with opportunities for tree planting are also included in the layout allowing greenery to offer a strong presence in some parts of the scheme.
- 14.3.5 Visually, it is unfortunate that the design of the dwellings do not offer much distinctive character, and there is little sense of design quality coming through the scheme. The dwellings are however perfectly adequate simple building forms and if the houses are built using good materials and detailing, this will help create a higher quality development. The applicants have provided details of some of the materials to be used on the buildings, which although not formally agreed, does help indicate that a higher quality development will be achieved in this context.
- 14.3.6 Overall the proposed layout is acceptable in this location, however in order to ensure a high quality of streets and places is delivered, the final details of hard and soft landscaping, boundary treatments and details within the public open space and SANGS will need to be dealt with by comprehensive conditions.

#### 14.4 Habitat Mitigation Contributions

- 14.4.1 The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) which is a European site. The site is also listed as Solent and Southampton Water Ramsar Site and also notified at a national level as Lymington River Reed beds Site of Special Scientific Interest (SSSI). The application site is also in close proximity to the New Forest SPA/ Ramsar/ Special Area of Conservation(SAC) and SSSI.
- 14.4.2 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. For residential

development, the required suite of mitigation measures includes the provision of SANGS, access and visitor management measures and monitoring. Policy DM3 states that on sites of 50 or more dwellings, the full mitigation requirements should be met by provision of SANGS on-site or close to the site, based on a standard of 8ha of SANGS per 1,000 population. As set out in Policy LYM2 of the Local Plan Part 2, it states that provision of required measures to mitigate the recreational impact of the development on European nature conservation sites in accordance with Policy DM3, can include the provision on or close to the site of publicly accessible land designed to provide Suitable Alternative Natural Green Space (SANGS).

14.4.3 Based on proposed population numbers, a minimum of 1.8 hectares of habitat mitigation land would be required. Areas of informal public open space required by Policy CS7 can be accepted as part of the mitigation contribution where it can be demonstrated as contributing towards SANGS requirements. The proposed development includes an area of 1.89 hectares of habitat mitigation (SANGS) land, which comprises the woodland area to the west of the proposed housing known as 'Jimmy Bays'. This area of land is appropriately sited immediately adjacent to the public open space and proposed housing which would accord with the policy requirements set out in Policy DM3 and LYM2.

14.4.4 It is considered that the proposed layout of the SANGS would provide an attractive natural green space including a recreational walking route which would connect to the proposed areas of public open space and housing. The area of land comprises dense trees, pond and open green areas and although the final details of landscaping will need to be resolved to create the mitigation site, the submitted mitigation scheme and management plan for this area provides an overall strategy that is acceptable in principle and these final details can be dealt with as part of a Section 106 Agreement.

14.4.6 As such, subject to the completion of a Section 106 legal agreement to secure the onsite SANGS, it is considered that the potential recreational impacts of the proposed development on designated European sites would be adequately mitigated. Such an obligation will also need to ensure that the SANGS is laid out and ready for use in accordance with the approved scheme prior to the occupation of the first dwelling and then the land subsequently transferred to the District Council for ownership and management of this area. 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). 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.

#### 14.5 Open space

14.5.1 In accordance with Policy LYM2, on site provision of public open space shall be provided in accordance with Policy CS7, including the provision of play space(s) for both younger and older children located within the residential development. Policy CS7 of the Core Strategy sets out the requirements for public open space with a minimum of 3.5 hectares per 1000 population and this would be either on site or off site through a financial contribution.

14.5.2 Based upon the proposed population an area of 0.46 hectares of informal open space and 0.045 hectares of children's play is required and the proposed layout would meet the minimum policy requirement. The proposed layout would include a large area of informal open space to the west of the site adjacent to Jimmy Bays' and an area on the central part of the site which would also be used for children's play. Areas of recreational footpaths provided through the site would count towards the public open space. All public open space areas would be overlooked by the proposed housing

14.5.3 It is considered that the proposed location and quantity of the public open space would be acceptable, although the final details of the design, type of equipment, and landscaping will need to be resolved and this can be secured within the Section 106 Agreement. The proposed public open space 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.

#### 14.6 Affordable Housing provision

14.6.1 Policy LYM2 allocates the site for residential development specifically to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy. The policy indicates that on sites that are deemed acceptable under Core Strategy Policy CS12, the 70% affordable housing element should be comprised of a minimum of 40% social rented housing and 30% intermediate affordable housing. The remainder of the site (i.e. the non-affordable housing element) should be developed for low cost market housing, which could include starter homes, self-build units and extra-care housing. The proposal will provide 44 private market houses (50%) and 26 starter homes (30%) and 17 affordable rent (20%). This would constitute a significant shortfall of affordable housing that would not meet the aims and objectives of policy. However, Policy CS15 does state that where it can be demonstrated that provision of the target level of social rented and/or intermediate affordable housing is not economically viable, the Council will; first, seek to maximise the potential for affordable housing contributions from that development by allowing a higher proportion of intermediate housing to be provided to meet the overall housing target; secondly seek to negotiate a percentage of affordable housing as close as possible to the target level set in this policy, have regard to a site specific economic viability assessment.

14.6.2 The applicant's reason for reducing the proportion of affordable housing units is because they feel that the scheme would not be financially viable if it were required to secure a greater proportion of affordable housing than the 50% level of provision that is now proposed. The application also seeks to provide an element of Starter Homes within the affordable housing mix embracing the Government initiative to provide Starter Homes. Essentially the purpose of the viability report and appraisal is to test the ability of the site to accommodate affordable housing and to establish a quota that enables deliverability as close as possible to the planning policy requirement.

- 14.6.3 In considering the applicant's arguments on viability, it is first important to recognise changes in Central Government Planning advice since the Council's Core Strategy was adopted in October 2009. In particular, the National Planning Policy Framework (NPPF), which was adopted in 2012, makes it clear that Plans should be deliverable. Therefore Paragraph 173 of the NPPF makes it clear that *"the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to the development, such as requirements for affordable housing ... should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*
- 14.6.4 Alongside the NPPF, the Planning Practice Guidance gives further information about how viability should be considered in the decision making process and reintegrates the NPPF in requiring landowners to receive competitive returns and to be incentivised to bring sites forward for development, in comparison with other options available.
- 14.6.5 Even though the site was only allocated for residential development (and brought into the built-up area) on the basis that it would secure 70% affordable housing, it is clear from recent national planning policy advice that it is not reasonable to apply Core Strategy Policies CS12 and CS15 in a rigid and inflexible manner. These policies must be applied with an appropriate degree of flexibility, having regard to the particular viability considerations being put forward by the applicant.
- 14.6.6 The Council requested the District Valuer to give detailed consideration to the viability report and appraisal. Having regard to all relevant costs, the District Valuer considers that a scheme that secures 70% affordable housing would not be viable and therefore considers that a reduction in the affordable housing contribution would be justified. If the proportion of affordable housing is reduced to 50% of units, including a significant element of Starter Homes then the development land value and the Threshold Site Value will be approximately in balance, and accordingly the District Valuer considers that a reduction in the proportion of affordable housing units to 50% of units is reasonable. Accordingly, Officers consider that based upon the submitted viability assessment and the response from the District Valuer, a proposal that provides a reduction in the number of affordable housing would be acceptable.
- 14.6.7 Furthermore, while it is very unfortunate that the level of affordable housing will be significantly less than that required by policy, the proposal would provide a significant number of starter homes as part of the affordable housing mix. The main reason for the change of approach is 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.

- 14.6.8 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).
- 14.6.9 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.
- 14.6.10 For this reason it is considered that New Forest District Council should support the provision of a substantial proportion of Starter Homes on this site. Whilst 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 in October 2016. This is therefore an ideal opportunity for this Council to welcome the new Government initiative. A proportion of rented homes are still retained under this new approach.

#### 14.7 Nature Conservation and ecology

- 14.7.1 The character and nature of the site and the use of the woodland area to the west and a belt of trees along the southern boundary of the site gives a high potential for protected species to be on the site. An ecological report that accompanies the application confirms the site was found to support a low population of slow worm and common lizard and adjacent habitats, in particular in Jimmy Bays woodland a badger sett was recorded. Bat activity surveys identified fairly constant levels of activity on the site including Jimmy Bays woodland.
- 14.7.2 The Ecologist states that in relation to the great crested newt it would be likely that sufficient mitigation could be provided to ensure harm was avoided and therefore the development would still be feasible, subject to measures being in place. In addition the habitat suitability index for the closest waterbody provides evidence that it is not likely to be of high potential for the species.
- 14.7.3 The Ecologist has assessed the ecological report and concludes that this is acceptable and a number of potential impacts on protected species are identified and appropriate mitigation measures are proposed. The Ecologist raises no objection subject to planning conditions.

## 14.8 Highway and Transportation Issue

- 14.8.1 The proposal is to create two access points into the site from Alexandra Road, one to the west and the other to the east. The western access is proposed in the form of a bellmouth with right turn lane and is positioned near the corner of Alexandra Road. The eastern access is proposed in the form of a simple priority junction. The supporting transport statement explains that the western access arrangement would fit within the highway and site boundary. No footways are proposed at this junction, however, internal footpaths are proposed to support pedestrian desire lines and connect to a crossing point onto the existing Alexandra Road footway to the south. The provision of the new entrance points would result in the loss of some trees and a verge. The application has been accompanied by a Transport Impact Assessment. Policy LYM2 states that vehicular, pedestrian and cycle access into the site should be from Alexandra Road. There are no other road networks nearby to serve the proposed development and accordingly, the creation of an access onto Alexandra Road would be acceptable. Two access points are proposed and there is nothing in the policy that prohibits the creation of two access points onto Alexandra Road.
- 14.8.2 Alexandra Road is a local distributor road with a 30 mph speed limit. There is a footway on the south boundary and the road benefits from street lighting. Visibility splays have been shown to be provided which demonstrate adequate visibility in accordance with the recorded speed surveys. A tracking investigation demonstrates that refuse vehicles servicing the site will not effect the safe operation of the highway network.
- 14.8.3 In terms of car parking, the level of car parking throughout the site accords with the Councils adopted car parking standards supplementary planning document. The majority of the private dwellings provide in excess of the recommended provision and the level of parking for the affordable housing including starter homes would accord with the recommended guidance. There are also some car parking spaces provided on the street for visitors.
- 14.8.4 The Highway Authority have stated that the provision of a new footpath is needed at the western access to the site to the existing footpath network linking with the schools in Pennington to the south. This link may be provided on land currently within the highway and could therefore be implemented by way of a Section 278 agreement with the Highway Authority.

## 14.9 Heritage Considerations

- 14.9.1 The north-eastern boundary of the allocation is close to the south western corner of the Buckland Conservation Area. The Conservation Area has a rural character, centred on the Buckland Rings hillfort, which is a Scheduled Monument. The southern boundary of the Conservation Area already abuts an existing housing estate. The proposed development will be visible in views into and out of the Buckland Conservation Area and there will be views towards and away from Buckland Manor, which is a Grade II listed building.



14.9.2 In accordance with the National Planning Policy Framework applicants are required to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

14.9.3 The application has been submitted with a Heritage Assessment which assesses the impact and significance of the archaeology of the site. However while recognising the proximity of Buckland Manor and Buckland Conservation Area makes no assessment of the significance of these assets and the impact of the proposals on that setting and relationship with the wider agricultural setting. The applicants will be updating their Heritage Assessment based upon these concerns and the assessment and comments will be updated accordingly.

#### 14.10 Other Issues

14.10.1 With regard to residential amenity, such a large development as that proposed would evidently have some impact on the amenities of neighbouring properties. The proposed dwellings identified on plots 36-39 and plots 35 and 40 would face the properties in Paddock Gardens, namely No's 31, 32 and 39. The distance from the front and side elevations of the dwellings to the side and rear boundaries to the dwellings in Paddock Gardens measures approximately 15 metres. It is considered that this is an acceptable distance so as not to result in an adverse impact.

14.10.2 In relation to tree matters, situated on the sites southern boundary adjacent to Alexandra Road is a linear group of mature, Monterey Pine trees, some of which are protected by a Tree Preservation Order. Adjacent to the sites eastern boundary, there are a number of mature and early mature Oak trees protected by a Tree Preservation order. Along the western part of the site is a woodland, known as Jimmy Bays, which would be used as the habitat mitigation land and tree works would be required which could include new tree planting and natural restoration.

14.10.3 Several trees would need to be removed to accommodate the 2 new entrances and alterations to the existing highway, however, the loss of the trees marked for removal would be acceptable. Moreover, the proposed accesses have been positioned in an area where there will be minimal tree removal. This would leave the remaining belt of trees intact and it would continue to provide an important screen along Alexandra Road between the existing and proposed housing. The tree officer does not raise any objections and considers that the proposed layout and distances from the trees will not cause any concerns in relation to potential pressures to prune or remove trees in the future.

14.10.4 There is an existing Public Right of Way along the eastern boundary of the site which would run parallel with the proposed development. A long stretch of the existing footpath would be overlooked by the proposed housing (identified as 36-39 which would provide good natural surveillance onto the footpath. While part of the Right of Way would be bounded by the proposed allotments, taking into consideration the existing footpath is currently not overlooked, the proposed development would be a significant improvement.

- 14.10.5 In relation to flooding matters and surface water drainage, the site is not located in a high risk Flood Zone and is not an area considered to have 'substantial potential flood risk'. There has also been no evidence of historical flooding across the site. The application is supported with a Flood Risk Assessment and the overall strategy to deal with surface water on the site is by infiltration drainage features in the form of geocellular storage which would principally be located beneath the non adopted roads to the west of the site. Additional treatment could be provided by utilising permeable surfacing for private drives and water butts. Hampshire County Council (Flood Management) states that further details of the proposals is required and this is a matter that can be dealt with by condition.
- 14.10.6 Concerning foul drainage, Southern Water Authority consider that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. It is advised that in order to accept the additional flows, there will be a requirement to provide additional off site sewers or improvements to existing sewers to provide sufficient capacity to service the proposed development. In addition, there will be a requirement to provide an offline relief sewer. The applicants engineers have discussed this matter with Southern Water Authority prior to the submission of the application and explain that these upgrades can be requisitioned along with the new offsite sewers under Section 98 of the Water Industry Act 1991. Southern Water Authority do not raise an objection but have advised that should planning permission be granted a condition would be required to seek the full details of foul drainage.
- 14.10.7 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.
- 14.10.8 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, in response to the HCC request for a condition, it would now be unreasonable to seek such a condition when this matter was not set out in the Core Strategy Policy and there is no mechanism or thresholds in place.
- 14.10.9 The representations that have been made that the Crime Reduction Officer (Police) do not support the provision of the two access points onto Alexandra Road and the layout of the site in where houses would be linked onto footpaths is not correct. The Crime Reduction Officer has not commented on the application. Moreover, the correct planning approach is to ensure proposed housing is linked to footpaths for permeability. An objection that the provision of two accesses onto Alexandra Road would increase the potential for crime related matters is not a reason to refuse planning permission.

## 14.11 Conclusion

14.11.1 In summary it is considered that the proposed development broadly meets with policy LYM2. The proposed layout and design would create an acceptable development that would pick up the transition between the built up area and countryside. The proposed development is not considered to adversely impact on residential amenity, trees, flooding or ecology. The proposed development would provide sufficient habitat mitigation land that meets with the policy requirements.

14.11.2 The submitted viability appraisal has been accepted by the District Valuer and while this would result in a significant reduction in the number of affordable houses, the proposal does reflect the Governments general direction of travel on Starter Homes, it is recommended that this Committee agree to officers position on the proposed affordable housing mix. The proposed development will need to secure a number of elements through a Section 106 Agreement, which the applicants are willing to complete.

14.11.3 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>	70%	50%	20%
No. of Affordable dwellings	61	43	-18
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>	1.8	1.8	0
Financial Contribution	56,000 per ha £50 per dwelling	56,000 per ha £50 per dwelling	0 0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	8119.66		8119.66	8119.66	£80/sqm	£677,054.73 *

Subtotal:	£677,054.73
Relief:	£0.00
Total Payable:	£677,054.73

\* 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:

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

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

2. Notwithstanding the details submitted under plan 5457-PL005 F, and before development commences, the samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

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

5457-PL-003a Rev F, 5457-PL-501, 5457-PL-502 Rev B, 5457-PL-132 Rev A, 5457-PL-300 Rev A, 5457-PL-001 Rev B, 5457-PL-111 Rev A, 5457-PL-120, 5457-PL-104-Rev A, 457-PL-110 Rev B, 5457-PL-121, 5457-PL-122, 5457-PL-124, 5457-PL-130, 5457-PL-131, 5457-PL-200 Rev A, 5457-PL-210, 5457-PL-100 Rev A, 5457-PL-101 Rev A, 5457-PL-102 Rev A, 5457-PL-103 Rev A, 5457-PL-105, 5457-PL-106, 5457-PL-107, 5457-PL-109, 5457-PL-108, 5457-PL-201, 5457-PL-202, 5457-PL-203, 5457-PL-301, 5457-PL-400

Reason: To ensure satisfactory provision of the development.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure 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 5457-PL-005 F for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 5457-PL-005 F 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. Before development commences, details of the means of foul sewerage disposal 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 sewerage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

7. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location) for the whole site including individual dwellings;
- (c) the detailed design of all areas of public open space and SANGS to include details of the play equipment
- (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) the detailed specification design and details of the swale and landscaped bund
- (g) the details of the enclosure to the allotment

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

8. All planting, seeding or turving comprised in the approved details of landscaping as set out in condition 7 shall be carried out in the first planting and seeding seasons following the occupation of the 60th 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.

9. 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.

10. Prior to the commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees, in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 14021-AA3-DC and Plan Ref: 14021-BT6 dated 02/09/16, shall be implemented, and at least 3 working days notice shall be given to the Local Planning Authority that the approved tree protection measures have been installed before any other works are carried out.

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 of the National Park (Core Strategy).

11. Prior to the commencement of development, and in accordance with the submitted Lindsay Carrington Ecological Services REport dated October 2014 and updated January 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.

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12. 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).

13. Notwithstanding the submitted Peterbrett Flood Risk Assessment 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. The details shall include the following:
  - Infiltration tests to BRE365 need to be completed to confirm the infiltration rates used.
  - Provide details that exceedance flows and runoff in excess of design criteria have been considered, to include calculations and plans to show where above ground flooding might occur and where this would pool and flow.
  - Provide confirmation on general maintenance regimes of the surface water management train including SuDS features, and who is going to be undertaking it

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.

14. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details on the on site provision for contractor's parking, construction traffic access, the turning of delivery vehicles, lorry routing, provisions for removing mud from vehicles, and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

15. No development shall start on site until the following details have been submitted to and approved in writing by the Planning Authority.

(a) a specification of the type of construction for the roads and footpaths, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels together with details of street lighting and the method of disposing surface water;

(b) a programme for making up the roads and footpath.

The development shall be carried out in accordance with the approved details before any part of the development is occupied unless otherwise first agreed in writing by the Planning Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

16. Before the commencement of development, full details of the external lighting that is to be provided in association with the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details, and no external lighting shall be installed thereafter, outside of the residential curtilages of the approved dwellings, unless details have been first submitted to and approved in writing by the Local Planning Authority.

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

17. 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 18 to 20 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 21 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).

18. 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).

19. 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).

20. 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).

21. 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 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, 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 19.

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).

22. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period 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).

23. The first floor windows on the side [west] elevation of the approved dwelling identified as plot 31, the first floor windows on the side (south) elevation to plots 79 and 80 and the first floor windows on the side elevation (north west) of the approved dwelling identified as plot 28 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).

24. Notwithstanding the provisions of the Town & Country Planning General Development Order nothing over 600mm in height shall be placed or permitted to remain within the visibility splays indicated on the plans.

Reason: In the interest of highway safety and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

25. No development shall start on site until plans and particulars showing details of the provision of bin/cycle storage within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate cycle parking and bin storage facilities are provided and to promote sustainable travel in accordance with Policies CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.

26. The first floor windows on the front (north -east) elevation of the approved dwellings identified as plots 36 and 37 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).

**Notes for inclusion on certificate:**

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 8th September 2016.
2. 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 have been addressed through successful negotiations and the submission of revised plans. Officers can now support the application.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
April 2017**

**Item No: 3m**

Land at Buckland Manor Farm  
Alexandra Road  
Lymington  
16/10764  
SZ3096

Scale 1:2500

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



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