

Application Number: 17/10906 Full Planning Permission

Site: Land of 99 WAINSFORD ROAD, PENNINGTON, LYMINGTON,
SO41 8GG

Development: 10 houses; access; Public Open Space, parking and landscaping

Applicant: AJ Developments

Target Date: 21/09/2017

RECOMMENDATION: Service Man P & BC Grant or Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Public Right of Way
Part of Site within New Forest National Park
Part Site of Special Scientific Interest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

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

6 RELEVANT PLANNING HISTORY

6.1 Application to the New Forest National Park Authority for alterations to existing access to serve 10 no. new dwellings in association with New Forest District Council Planning Application (17/00572). Refused on the 29th August 2017.

The application was refused for 4 reasons including the impact on the SSSI, loss of vegetation, absence of any meaningful open space which would lead to significant increase in recreational pressure on Pennington Common, impact on public right of way, visibility splays will be outside application site.

6.2 Application to the New Forest National Park Authority for alterations to existing access to serve 10 no. new dwellings in association with New Forest District Council Planning Application (17/00836) Pending decision

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: Recommend refusal. Given that the proposed access to this site has been refused permission by the New Forest National Park Authority on both policy grounds and in support of the concerns of neighbouring landowners any revision to the proposed development is, at best academic.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Tree Officer: no objection subject to condition

9.2 Ecologist: no objection subject to condition

9.3 Natural England: no objection subject to condition

9.4 Hampshire County Council Highway Engineer: no objection subject to condition

9.5 New Forest National Park Authority: comments will be reported at the meeting in relation to their current application for an access submitted post the previous refusal noted by the Town Council, pending a decision for the access.

- 9.6 Waste recycling manager: No objection
- 9.7 Hampshire County Council Lead Local Flood Authority: comments will be reported at the meeting.
- 9.8 Hampshire County Council Rights of Way Officer: no objection subject to condition
- 9.9 Urban Design Officer: providing that the access is deliverable and open space brought into management/adoption, no objections raised. A landscape condition would be needed.
- 9.10 Open Space Officer: no objections subject to a Section 106 agreement to secure Public Open Space, maintenance contributions and transfer of land to either the Town Council or this Council.
- 9.11 Southern Water Authority: A formal application to Southern Water Authority is required for a connection to the public foul sewer.

10 REPRESENTATIONS RECEIVED

7 letters of objection concerned that the proposed development would have an adverse impact on the appearance and tranquility of the adjoining part of the National Park as well as the built environment. The proposed development is too dense and out of character. Concerns that additional vehicle movements would cause noise, pollution and general disturbance to the neighbourhood and wildlife, including badger run. The track is a public right of way and this track has been maintained by residents who are accessed off this track for the last 20 years. There is inadequate room for two vehicles to pass and the increase in use would cause considerable danger to walkers and their dogs. Concerns over the access, visibility and increase in traffic generation onto Wainsford Road. The submitted transport statement is inaccurate. The proposed development would result in overlooking. The site location and block plan are inaccurate. The red boundary line encroaches on the land of No 97. There are no details of the trees, shrubs and hedgerow removal adjacent to No 97. The visibility splay at the entrance to Wainsford Road is within No 97 and not the application site.

11 CRIME & DISORDER IMPLICATIONS

No elevation considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus net increase in dwellings £12, 240 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.
- c)

Based on the information provided at the time of this report this development has a CIL liability of £87,964.80.

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.

This planning application follows pre application advice, in which Officers considered the principle of the development acceptable subject to any comments received. A few concerns were raised with the original submission and the application has been amended to address these issues including further details in relation to the effect on the Public Right of Way.

14 ASSESSMENT

- 14.1 The application site comprises approximately 0.58 hectares of open land to the rear of several houses fronting onto Wainsford Road within the western part of Pennington. The land subject to this application was previously used as a plant nursery, however, the former structures and outbuildings have now been removed, and the land is currently vacant and overgrown with trees around its boundaries, a number of which are protected by a Tree Preservation order. A small part of the existing garden at No 99 Wainsford Road forms part of the application site including the access track which runs between No 99 and 101 Wainsford Road leading onto Wainsford Road. Although the application site lies within the built up area, a small area of the existing gravel track in front of Nos 101 and 99 Wainsford Road is located within the New Forest National Park and Site of Special Scientific Interest.

- 14.2 This full planning application proposes 10 houses, comprising 8 detached dwellings and one pair of semi detached houses with access onto Wainsford Road. An area of public open space is also proposed. The existing access track onto Wainsford Road would be retained, enlarged and re-surfaced using the same gravel material. The proposed houses would be sited at the end of the access track laid around a cul de sac arrangement with the dwellings fronting onto the road and their rear gardens backing onto the boundaries of the site. It should be noted that the New Forest National Park Authority are dealing with a separate planning application for alterations to and increase in the use of the access, which is pending a decision. It should also be noted that a significant amount of the proposed development including the 10 houses, open space, landscaping and new access lies within the New Forest District Council area . Only a small part of the existing gravel access in front of No 99 and 101 lies within the New Forest National Park.
- 14.3 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties, public highway safety matters, ecology, the effect on the SSSI, drainage/ flooding, and the effect on the New Forest National Park.
- 14.4 In assessing the effect on the character of the area, the site lies within Character Area 8 - Pennington Village of the Lymington Local Distinctiveness Document. The illustrative map shows the application site and highlights the important tree groups around the perimeter of the site. The document also states that 'Rural workers' cottages and former agricultural buildings scattered along the southern edge of the Common (Wainsford Road), all the way down North Street to Pennington Cross still define the significant character of the village today, despite the many alterations and infill developments that have occurred in recent years.
- 14.5 The site is accessed from Wainsford Road which is a narrow semi-rural lane with no pavements or footpaths, in which traditional cottage style detached and semi-detached dwellings front close up to the highway edge with views onto Pennington Common. The dwellings which front onto Wainsford Road are tightly grouped together with short front and rear garden areas. Several larger detached dwellings lie to the rear of Wainsford Road, including Nos 101, 99 and 89a and these properties are sited on more spacious plots surrounded by trees and vegetation creating a more verdant character. When viewed from Wainsford Road, the dense vegetation and trees are a strong feature and the views of 101, 99 and 89a are limited. It should also be noted that No 101 is empty and is very dilapidated.
- 14.6 Along the western boundary of the site there is a 'tree lined' gravel track which is a Public Right of Way with fields and paddocks immediately adjacent which form part of the New Forest National Park. The character of the area changes dramatically to the south and east of the site in West Close and Wainsford Close, where post war semi-detached houses back onto the application site. These dwellings are of a relatively uniform layout and design and have long rear garden areas.

- 14.7 The proposed houses would be sited at the end of a new internal road, and would be set well back from Wainsford Road. The main views into the site would be from the public footpath to the west and when viewed from the adjoining neighbouring properties. The overall design approach is to create a 'green street' in which the dwellings would front onto the road, set behind hedges and trees with long rear gardens. Along the southern and eastern boundaries it is proposed to plant new trees replacing those recently felled. This would accord with the Lymington Local Distinctiveness Document which seeks to create a landscaped feature including trees, around the perimeter of the site. An area of public open space is proposed on the western boundary of the site adjacent to the public footpath.
- 14.8 The proposed development has been designed so that the dwellings would have a high level of space around the buildings and deep rear gardens which would give the opportunity for new tree planting. Equally there is a good opportunity to provide soft landscaping throughout the site to respond to the more spacious and verdant character of the area. Visually the proposed dwellings have been designed as traditional cottages which would reflect the more traditional character of Wainsford Road. An element of variety has been added in the design, to avoid repetition. Overall the dwellings have been designed to a high standard and would make a positive contribution to the character of the area and given the existing tree coverage and limited public vantage points, the proposed development would be a good use of the land and would be contextually appropriate in this area.
- 14.9 The proposed development would result in a change to the character of the existing access track adjacent to Wainsford Road, given the widening of the track and removal of vegetation. However, there is sufficient space for new soft landscaping around the existing track to maintain the general verdant qualities of this area when viewed from Wainsford Road.
- 14.10 The National Park Authority have recently refused planning permission for the small part of the entrance to the site that lies within the National Park for the reasons set out in section 6 of this report (above). They are currently considering a new application for this part of the development. The decision on this application can be made in isolation from the National Park's application, if the National Park Authority decide to refuse their application this would be for the applicant to challenge through the appeal process. Your officers are of the view 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 response of your Officers to the concerns raised by the National Park Authority in refusing the first application are as follows:
- i. Impact on SSSI - this is covered in the Ecological Report and Natural England have commented on this issue and raised no objection subject to condition.
 - ii. Loss of vegetation - this can be dealt with by the proposed landscaping condition.
 - iii. Absence of any meaningful open space that would increase recreational pressure on Pennington Common. The development would incorporate public open space on the site in accordance with our policy.

- iv. Impact on the public right of way - this matter has been the subject of consultation with the Rights of Way Officer at Hampshire County Council who has raised no objection subject to condition.
- v. Visibility splays are outside the application site, this is dealt with by condition and the development cannot be commenced until the splays are provided.

- 14.11 The provision of informal public open space shown to be provided on site would meet the policy requirements and its location within the corner of the site adjacent to the footpath would be acceptable. Some form of 'low key' play provision would also need to be provided within this area and this can be integrated into the design of the overall public open space and not be a distinct fenced off play area. The provision of open space within this area would help protect the existing large trees along the western boundary and provide a buffer to the New Forest National Park.
- 14.12 With regard to residential amenity, there are a number of residential properties that would be affected by the proposed development. Concerning the neighbouring properties in Wainsford Close, the distance from the rear elevations of plots 6, 7 and 8 to the rear boundary measures between 15 and 17 metres and more than 35 metres to the rear elevations of 1, 2 and 3 Wainsford Close. It is considered that these distances would be acceptable and would not result in any adverse impact on the privacy of these neighbours.
- 14.13 In terms of Nos 12-16 Pennington Oval, no first floor windows are proposed on the side elevation of plot 6. Given the oblique angled views from the proposed first floor rear windows which would face the far end of the rear gardens of these neighbours, it is considered that the proposal would not result in any unacceptable overlooking to these neighbouring properties.
- 14.14 Concerning Nos 8 and 9 West Close, the distances from the proposed rear windows of plots 2, 3, 4 and 5 to the rear boundaries measures between 14 and 16 metres and more than 21 metres to the rear of No's 8 and 9 West Close. It is considered that due to this degree of separation, the proposal would not unacceptably impact on the privacy of these neighbours. It should also be noted that new tree planting is proposed on the rear boundary of the site which would help screen the development from the neighbours to the rear in West Close.
- 14.15 In terms of the impact on No 101 Wainsford Road, the proposed dwellings on plots 1 and 10 would be sited a sufficient distance away from that neighbouring property. In addition these two proposed dwellings would be orientated so that their main windows do not face towards No 101. No first floor windows are proposed on the north elevation of plot 1 and while a first floor window is proposed on the side elevation of plot 10, the distance from this window to the boundary of 101 measures 13 metres, and would face the far end of their rear garden, which would not result in any unacceptable overlooking.
- 14.16 The proposed access would run between Nos 99 and 101 Wainsford Road. The change from a garden nursery to 10 dwellings may increase the noise and disturbance to these residents. However, there is space for sufficient soft landscaping to be planted to reduce the visual impact. The access is a considerable distance away from the main

dwelling at No 99. The concentration of the proposed development is sited away from No 101. Concerning the impact on No 99, the distance from the proposed dwellings on plots 9 and 10 would be more than 32 metres which would be acceptable.

- 14.17 In relation to public highway safety matters, the Highway Authority does not raise any objections to the proposal and considers that subject to the widening of the existing access, the proposed number of dwellings can be acceptably accommodated. It is considered that the proposed access is appropriate to serve the proposed development with adequate visibility splays available. The site would provide sufficient space for manoeuvring to allow larger vehicles to access and egress the site appropriately and in a forward gear.
- 14.18 While it is considered that the proposal would result in additional traffic generation onto Wainsford Road, due consideration should be given to the previous use of the site as a garden nursery, which would have resulted in a certain level of traffic movements of larger vehicles. The existing access track would be widened adjacent to Wainsford Road to allow two cars to pass. Both the transport report and Highway Authority have confirmed that sufficient visibility splays can be created in both directions. It should be noted that planning permission can be granted with a condition for the visibility splays to be provided prior to assessment of development and it would be the responsibility of the applicant to ensure that the condition can be adhered to.
- 14.19 The proposed development would accord with the Council's document 'Parking Standards Supplementary Planning Document' adopted in October 2012. Four of the proposed dwellings would have at least three car parking spaces each and the smaller three bedroom dwellings would have two spaces, which would broadly accord with the recommended car parking guidance. It should also be noted that there is a parking bay that can accommodate 3 spaces in front of plot 8.
- 14.20 In terms of ecological matters, a detailed Ecological Assessment and report has been submitted. The site is located immediately adjacent to the New Forest Site of Special Scientific Interest (SSSI), with the gravel driveway of the site located within the SSSI. Pennington Common lies opposite the site. The site also lies within 500 metres of the New Forest Special Area of Conservation. During the site surveys, 9 adult and 5 juvenile slow worms and 1 grass snake were found. The Ecological Assessment concludes the site holds low ecological value, however the site is immediately adjacent to an area of high ecological value (New Forest SSSI). Ecological enhancements are proposed including sowing of wild flower seed mixes, erection of bird and bat boxes, planting of native trees and enhancement of the retained tree line around the perimeter of the site. A construction method statement would reduce any impacts upon the SSSI and the immediately adjacent Upper Pennington Common while enhancements for the site would result in increased bio diversity on the site.
- 14.21 Natural England and the Ecologist do not raise any objections and consider that, subject to a condition being imposed for works to take place in accordance with the recommendations of the ecological report, the proposals would be acceptable. It will be necessary to condition the details of the Construction Environment Management Plan to be agreed prior to development commencing and, given local records of badger

activity, that plan should also consider mitigating any potential harm to badgers.

- 14.22 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.
- 14.23 The Tree Officer considers that the proposed development will not have any adverse impact on the protected trees subject to conditions. An arboricultural tree report sets out the details of the trees and protection measures, together with provision of new tree planting throughout the site including the re-establishment of trees around the perimeter of the site.
- 14.24 Concerning the impact on the users of the Public Right of Way, the proposed development would share access with Lymington and Pennington Footpath 56 near Wainsford Road. The public footpath currently crosses approximately 20 metres of the gravel track linking Pennington Common to Pennington. The proposal seeks to upgrade the surfacing of the footpath and given the number of dwellings proposed, there is likely to be an increase in the use of the access, although due consideration should be given to the fact that the existing track was previously used by larger vehicles when the nursery was in operation.
- 14.25 The Rights of Way Officer considers that the key issues are the impact of residential traffic on walkers using the footpath and damage to the surface and ongoing maintenance liability/ responsibility. The Rights of Way Officer considers that provided mitigation is proposed and put in place, the proposal would not have an adverse impact on the users of the footpath. The mitigation proposed by the applicant is to provide clear signage indicating the route of the footpath and informing car users of the pedestrian right of way where overlap occurs, ongoing maintenance of the track tied to properties/ the management company in perpetuity; and small investment into remaining footpath to offset the likely increased footfall from increased local population. Subject to a detailed scheme of mitigation, which can be secured by condition, the proposal is supported by Rights of Way Officer.
- 14.26 Concerns have been expressed that the site and location plans are inaccurate in that the red line of the application site encroaches on neighbouring land. In addition, concerns have been expressed that the plans do not illustrate what trees, shrubs and hedgerows will be removed adjacent to the access track. In response, the applicant has confirmed that the red line, of the application site does not encroach onto the adjoining owners land. The existing access track in front of Nos 99 and 101 Wainsford Road is unregistered land and the applicant has followed the correct procedure in advertising the site in the local newspaper and completing Certificate C. The applicant has provided revised plans to clearly show what trees, shrubs and hedgerows would be removed and

retained, and it is considered that the full details of the landscaping proposals can be submitted by condition.

- 14.27 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.28 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.29 In conclusion the site lies within the built up area where the principle of residential development is acceptable, and while there are a number of constraints within and adjacent to the site, the technical issues have been addressed and it is considered that the proposed development would be appropriate and sympathetic to the area. It is also considered that the proposed development would have an acceptable relationship to the neighbouring properties and there are no objections relating to public highway safety matters.
- 14.30 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	999.6	0	999.6	999.6	£80/ sqm	£87,964.80 *
Subtotal:	£87,964.80					
Relief:	£0.00					
Total Payable:	£87,964.80					

* 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:

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

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to the completion, by 31st January 2018, 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 the on-site Public Open Space, to include informal and children's play, together with maintenance contributions, and the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st January 2018, the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

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: 8828/300 Rev B, 8828/301 Rev A, 8828/302 rev A, 8828/303, 8828/304, 8828/305, 8828/306., 8828/307, 8828/308, 8828/309, 8828/500, 8828/310, 8828/300, 8828/501, 8828/500, 8828/312 Rev A

Reason: To ensure satisfactory provision of the development.

3. 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).

4. The development hereby permitted shall not be occupied until the spaces shown on plan reference 8828/300 Ref B for the parking of motor vehicles have been provided. The spaces shown on plan 8828/300 Rev B for the parking of motor vehicles shall be retained and kept available for the parking 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).

5. 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);
- (c) areas for hard surfacing and the materials to be used including the details of re-surfacing the access track;
- (d) other means of enclosure;
- (e) the details of play equipment and footpath within the public open space
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

6. All external works (hard and soft landscape) as approved under condition 5 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Before development commences, 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.

8. 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 Arboricultural Impact Assessment, Method Statement Ref - GH1669.1 and the Tree Protection Plan Ref - GH1669.1a and in accordance with the recommendations as set out in BS5837:2012. Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No development, demolition or site clearance shall take place until specifications and samples of the product of the Cellular Confinement System to be used and design of the access road from a structural engineer as stated in section 4 of the Arboricultural Method Statement are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

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).

9. Prior to the commencement of development, including site clearance, further details of biodiversity mitigation, compensation and enhancement shall be submitted to, and approved in writing by the Local Planning Authority. These shall include measures as outlined in the Phil Smith Ecology Report dated June 2017 including a Construction Environmental Management Plan. 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 Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

10. Before development commences, details of the means of disposal of foul water from the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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 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

11. No development shall commence on site until the access, including the footway and/or verge crossing, shall have been constructed and line of sight of 2.4 metres by 43.1 metres East and 2.4 metres by 58.2 metres West provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

12. 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.

13. All materials, equipment and machinery to be used in conjunction with the development hereby approved shall be stored in a designated compound, outside the SSSI, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

14. Prior to the commencement of development, details of a scheme of

mitigation, enhancement and long term maintenance to the public right of way shall be submitted to, and approved in writing by the Local Planning Authority. These shall include details on signage indicating route of the footpath across development and informing car users of the pedestrian right of way where overlap occurs, details of the surfacing and long term maintenance of the track. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To reduce the impact of the proposed development on the enjoyment and users of the existing public right of way in accordance with in accordance with Policy CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

15. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot and the spatial characteristics of the area the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution to enhance or create the 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.

Notes for inclusion on certificate:

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

This planning application follows pre application advice, in which Officers considered the principle of the development acceptable subject to any comments received. The submitted application was amended to address some concerns over the layout of the development and additional provide details in relation to the effect on the Public Right of Way.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 23rd August 2017
3. In discharging condition No 12 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/>

4. Note for applicant.

In addition to the imposed conditions, Natural England consider that strict guidelines are given through the carrying out of the approved development in order to protect the special interest on the site and nearby European and Internationally designated sites, and this shall include the following:

- The applicant shall carry out operations in such a way as to give rise

to as little damage as reasonably practical to the SSSI/SPA/RAMSAR to a minimum by accessing the development site from the landward side only.

- All contractors working on the site should be made aware of, and a map made available to show the boundaries of the SSSI/SPA/RAMSAR

5. Note to applicant.

The applicant should be made aware of the requirements set out as informative notes on the 25th July by the Rights of Way Officer.

Further Information:

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New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee**
November 2017

Item No: 3a
Land of 99
Wainsford Road
Pennington Lymington
17/10906
SZ 3094

Scale 1:1250

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

