

Application Number:	24/10401 Full Planning Permission
Site:	LAND EAST OF, LOWER PENNINGTON LANE, PENNINGTON, SO41 8AL
Development:	<p>Hybrid planning application for the demolition of the existing dwelling and the erection of 30 dwellings and associated access, open space and landscaping, as:</p> <p>Detailed permission is sought for 26 dwellings including 15 age-restricted affordable dwellings (over 55s); access off Lower Pennington Lane and internal road layout; provision of alternative natural recreational green space; public open space and local area of play; and car parking for Oakhaven Hospice.</p> <p>Outline permission is sought for 4 custom built units, each to be developed as separate phases of development. (Access in detail with appearance, landscape, layout and scale as reserved matters.)</p>
Applicant:	Stoneriver Homes Ltd and Belco Holdings Ltd
Agent:	Intelligent Land Ltd
Target Date:	02/09/2024
Case Officer:	James Gilfillan
Officer Recommendation:	Service Manager - Grant
Reason for Referral to Committee:	One of the Councils Strategic Sites

1 SUMMARY OF THE MAIN ISSUES

The main issues are:

- A. The Principle of the Development, including Greenbelt, Housing Land Supply and National Policy Context
- B. Housing Mix, Self-build Housing and Affordable Housing
- C. Character, Design, Layout and Landscape, including Public Open Space
- D. Highways and Access
- E. Residential Amenity
- F. Ecology and Habitat Mitigation
 - i) Ecology and Protected Species
 - ii) Recreational Activity Impact on New Forest and Solent Habitats
 - iii) Nitrate Neutrality and Impact on the Solent Special Protection Area (SPA) and Special Area of Conservation (SAC).
- G. Other Matters including Developer Contributions

2 SITE DESCRIPTION

The site is made up of agricultural fields and a residential plot on the east side of Lower Pennington Lane adjacent to the existing residential area of Pennington to the southwest of Lymington. It is part of the Strategic Allocation SS6 'Land to the east of Lower Pennington Lane', that covers a larger area of land to the east of this application site, as far as Ridgeway Lane. It falls within the built-up area of Lymington and Pennington as defined by the local plan policies map.

There is a 3-bed residential bungalow located in the north-west corner of the application site, accessed from Lower Pennington Lane via the existing gravel track crossing the site.

Lower Pennington Lane borders the western edge of the application site. There are residential properties to the north, backing on to the site. To the south is Oakhaven Hospice, a large residential care home. To the east and south-east is the remaining land within strategic allocation SS6, where planning application ref:22/11424, proposing residential-led mixed-use development of up to 82 dwellings was recently (April 2025) refused at NFDC Planning Committee.

There are mature trees and hedgerows across the site and around the edges. Many of the trees are protected by Tree Preservation Orders. There is a field drainage ditch across the centre of the site flowing north to south, linked to a ditch along the southern boundary edge.

A Public Right of Way (PROW) linking Lower Pennington Lane with Ridgeway Lane crosses the application site from the north-west corner to the south-east corner, where it continues across the adjoining land within Local Plan policy SS6. The definitive route follows the north and east edges of the site, but a desire line has been formed diagonally across the east half of the application site.

The New Forest National Park abuts the southern boundary of the Local Plan policy SS6 allocation site but is separated from this planning application site by the land to the south-east within the policy SS6 allocation.

The land allocated for development by Local Plan policy SS6 was removed from the South West Hampshire Green Belt, when the NFDC Local Plan part 1: Planning Strategy was adopted in 2020. The boundary of which abuts the southern boundary of the planning application site. However, works to provide access to additional parking spaces proposed on the applicants' site, for use by Oakhaven hospice, are located within the Green Belt.

3 PROPOSED DEVELOPMENT

Hybrid planning application for the erection of 30 dwellings and associated access, open space and landscaping, consisting of:

Demolition of the existing bungalow.

Detailed planning permission for 26 dwellings including 15 age-restricted affordable dwellings (over 55 years); access off Lower Pennington Lane and internal road layout; provision of alternative natural recreational green space (ANRG); public open space (POS) and local area of play; and car parking for Oakhaven Hospice.

Outline planning permission for 4 custom build residential dwellings. Detailed designs for Access are provided with this application. Matters of Appearance, Landscape, Layout and Scale are reserved for consideration by future applications.

The application is supported by the following reports:

- Air Quality Assessment. Waterman Infrastructure and Environment, received 30/04/24
- Archaeology Assessment. Wessex Archaeology, received 30/04/24
- Design and Access Statement. Scott Worsefold Assoc's, received 03/06/24
- Ecological Impact Assessment & Biodiversity Net Gain. Ecosupport, received 11/03/25
- Energy and Sustainability Statement. Hydrock, received 30/04/24
- Flood Risk Assessment. CGS Civils, received 30/04/24
- Foul and Surface Water Drainage Strategy report, rev P2. CGS Civils, received 13/06/24
- Hayden's Arboricultural Consultants Tree Survey and AIA, rev A, received 14/05/25
- Historic environment desk-based assessment. Wessex Archaeology, received 30/04/24
- Landscape and Visual Appraisal. Indigo Landscape Architects, received 11/03/25
- Lighting Impact Assessment. Design for Lighting, received 11/03/25
- Mineral Resource Assessment. Land & Mineral Management, received 30/04/24
- Noise Planning Report. Waterman Infrastructure and Environment, received 30/04/24
- Nutrient Neutrality budget report. Ecosupport, received 30/04/24
- Planning Statement. Intelligent Land, received 30/04/24, updated 11/03/25
- Transport Statement. Paul Basham Assoc's, received 28/05/24
- Travel Plan. Paul Basham Assoc's, received 11/03/25
- Utilities Statement. Hydrock, received 30/04/24
- WCHAR Assessment. Paul Basham Assoc's, received 28/05/24

4 PLANNING HISTORY

Application Site

Proposal	Decision Date	Decision Description	Status	Appeal Description
XX/LYB/14103/1 Bungalow and car port.	10/05/1973	Granted Subject to Conditions	Decided	
XX/LYB/14103 Dwelling for agricultural holding.	12/01/1973	Granted Subject to Conditions	Decided	

Adjacent sites.

Proposal	Decision Date	Decision Description	Status	Appeal Description

SS6 Land East of Lower Pennington Lane				
22/11424 Outline application for the erection of up to 82 Dwellings, including Access, Highways Works, POS, ANRG, Landscaping and Drainage Attenuation.	15/04/25	Refused	Decided	

This application was refused for the following reasons.

- The application fails to demonstrate that an appropriate means of vehicular access and cycle access can be provided from both Lower Pennington Lane and Ridgeway Lane to the detriment of the ease of use and safety of users of motorised vehicles.
- The application fails to demonstrate an appropriate means of sustainable drainage systems and as such the proposal provides insufficient information and evidence to fully demonstrate that the proposed development could be developed in a way that will be safe for the lifetime of the development, appropriately flood resistant and resilient from surface water and will not give rise to or exacerbate surface water flooding.
- By virtue of its built density the proposal would overdevelop the site and the proposal will fail to be sympathetic to the surrounding built form, spaces and landscape features of the area resulting in an adverse impact upon local character and residential amenity.

Further reasons, relating to the failure to secure a S.106 legal agreement to make provision for delivery of Affordable Housing, Public Open Space, Alternative Natural Recreation Greenspace, Highway Infrastructure including Public Right of Way improvements, financial contributions towards mitigating impacts on New Forest and Solent habitats, highway improvements and residents travel plan, were included.

22/01024 Access; attenuation basin; associated works and landscaping relating to NFDC Strategic Housing Allocation SS6 (Application determined by NFNPA)	17/04/25	Refused	Decided	
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This application was refused for the following reasons.

- In the absence of a positive recommendation from New Forest District Council in relation to planning application reference 22/11424 for NFDC Strategic Housing allocation ref: SS6, there is no justification for the proposed access; attenuation basin; associated works and landscaping within the New Forest National Park.
- In the absence of a completed S.106 planning obligation to secure the provision of off-site highway and pedestrian access works, the proposed development would fail to provide safe and suitable access to the site by all users, contrary to paragraph 115 of the NPPF.

Oakhaven Hospice, Lower Pennington Lane				
23/11094 Redevelopment of the single-storey in-patient unit (IPU) building to form a new two-and-a-half storey IPU building with ancillary staff facilities and office space; construct two-storey education pavilion to replace the existing sheds.	12/06/24	Granted Subject to Conditions	Decided	
XX/LYB/08889/1 Convalescent and rest centre.	01/03/65	Granted Subject to Conditions	Decided	
XX/LYB/08889 New convalescent and rest centre.	08/10/63	Granted Subject to Conditions	Decided	
XX/LYB/08490 Conversion of existing premises for use as a convalescent home.	30/01/63	Granted	Decided	

5 PLANNING POLICY AND GUIDANCE

Relevant Legislation

Planning and Compulsory Purchase Act 2004.

Planning (Listed Buildings and Conservation Areas) Act 1990

National Parks and Access to the Countryside Act 1949

Levelling Up and Regeneration Act ('LURA') (2023)

National Planning Guidance

National Planning Policy Framework (NPPF) 2024

Planning Practice Guidance

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR8: Community services, Infrastructure and facilities

Policy STR9: Development on land within a Minerals Safeguarding Area or Minerals Consultation Area

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

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy HOU3: Residential accommodation for older people

Policy CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards
Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM5: Contaminated land
DM9: Green Infrastructure linkages

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development.
SPD - Planning for Climate Change. Adopted April 2024
SPD - Lymington Local Distinctiveness
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

Draft Lymington and Pennington Neighbourhood plan 2025

Pre-submission draft 2025

LP1: A Spatial Strategy for the Town
LP5: Walkable Neighbourhoods
LP6: High Quality Design
LP7: Providing a Balanced Mix of Dwellings to Meet Local Needs
LP9: Safer Lanes Network
LP10: Active and Healthy Travel
LP11: Net Zero Carbon Building Design
LP12: Urban Greening and Canopy Cover

Lymington and Pennington Town Council is in the process of creating a Neighbourhood Plan (NP) for Lymington & Pennington which is intended to provide a policy framework to resolve and manage the long-term success of the Town. The forward to the plan states that unlike the Local Plan, the Neighbourhood Plan is concerned with small sites which can be developed rather than the larger, strategic allocations of NFDC. As an emerging neighbourhood plan, this document is a material consideration in the determination of this application, but the weight given to it at this pre-examination and pre-referendum stage should be limited.

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council (April 2025): Recommend Refusal

This Council objects to this application and recommends refusal unless the following matters are addressed:

1. The age specification of over 55 is removed as this defies the object of affordable housing.
2. Density concerns (the adjacent housing application site was refused on lower density numbers)
3. We would like NFDC to apply policy ENV3 favourably to enable the density in this application to be permitted

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

New Forest District Council

Archaeologist: Objection

The Historic Environment desk-based assessment has not adequately established the character, nature and extent of any surviving archaeological deposits, or described the significance of any surviving archaeological deposits affected by the proposal. There is insufficient information to make a determination.

Conservation: Comment

The Historic Environment desk-based assessment has not considered the potential of buildings at Oakhaven hospice to be Non-designated Heritage Assets. Further archaeological investigations may be required and the Landscape Visual Impact Assessment does not identify heritage assets.

Ecologist: No objection subject to conditions.

Confirms that likely significant effects on the integrity of protected habitats in the New Forest and Solent will occur and mitigation should be secured and an appropriate assessment undertaken. There are no habitats on site that preclude development occurring. Sufficiently thorough surveys of the site for protected species have been undertaken and appropriate mitigation proposed or can be secured by way of additional conditions. Statutory Biodiversity Net Gain applies and is conditional of any planning permission given.

Environmental Health (Contamination): No objection.

The site is in an area of low radon gas levels. However, there are no ground contamination concerns.

Environmental Health (Pollution): No Objection subject to conditions

- Air Quality. No objection. The air quality impact assessment is reliable and a condition for dust management during construction should be secured.
- External lighting. No objection. The lighting impact assessment and report presents a satisfactory lighting strategy that is unlikely to result in adverse impacts to residential amenity. The strategy should be secured by condition.
- Noise. No objection. The noise planning report, its methodology and findings reliable. Compliance with its conclusions and implementation of its good acoustic design measures should be secured by condition.
- Construction. A Construction Environmental Management Plan should be secured by condition. Oakhaven hospice should be considered a highly sensitive receptor in the risk assessment for the management plan.

Environmental Design: Comments

At first glance the layout responds positively to the existing landscape structure, with dwellings generally addressing open spaces and existing mature trees being incorporated within them. The revised route for the PROW is welcomed. However, there are several concerns and pinch points.

- ANRG space does not meet 30m radius.

- Self-build houses subject to outline application, need to provide natural surveillance to ANRG.
- Full hard and soft landscape details required.
- Landscape management and maintenance required, including defining public-private areas around flats.
- Design details of the swales, slope angle and planting, preferring gentle slopes and naturalistic marginal planting.
- Details of LAP are required.

Further comments have been received on 30/06/25, advising. Further consideration has been given to the issues identified above and it is understood a number of these could be resolved by the reserved matters or through the imposition of suitably drafted conditions.

Whilst it is recognised that the proposed ANRG space meets the quantum required, it does not meet all the dimensional requirements, notably the 30m radius as set out in the local plan for a strategic site, albeit recognising that this is only for part of the allocation. The acceptability of this shortfall needs to be considered by the decision maker.

Housing Strategy and Development: Objection

The provision of 50% of the scheme as affordable housing in line with the tenure objectives of the local plan is welcomed. Consideration of the unit size mix across the entire strategic allocation (Considered alongside 22/11424) is a reasonable approach. Whilst circa 13% of applicants for affordable housing in the New Forest are over 55 years old, it is not preferential to limit occupancy in this manner, nor considered necessary for the reasons set out by the applicant.

Open Space Officer: Comments

Sufficient ANRG space is proposed. Under saved local plan policy CS07 sufficient play space is provided. Approximately half the amount of informal POS is provided for on site and no formal POS is proposed for. A condition could be used to secure details of the play equipment, a financial contribution for off-site formal POS could be secured. Proposed paths and PROW are welcomed. Details of drainage headwalls should be secured. Details of landscape features and structures should be secured.

Tree Team: No objection subject to conditions

Amended plans have reduced the potential conflict between the proposed development and trees on site, including revisions to drainage infrastructure. Trees required for removal to facilitate the development can be adequately compensated for by replacement planting. Conditions can be used to secure appropriate construction design and techniques are employed to protect trees from the development and during construction.

Hampshire County Council

Countryside Services - Rights of Way: No objection subject to conditions and S.106.

Public Right of Way FP83 crosses the site, linking Lower Pennington Lane with Ridgeway Lane. The principle of the revised route for the footpath is acceptable. This would require formalising by way of application under S.257 of the Town & Country Planning Act (1990). The existing route will have to be preserved and unobstructed during construction until the new route is provided. A commuted sum should be secured for future maintenance of the new footpath. In order to provide a suitable surface for pedestrians continuing along the footpath towards Ridgeway Lane, across the adjoining site within SS6, a financial contribution towards an

improved surface should be secured.

Education: No objection

The application has been reviewed in relation to education provision in the local area. Based on this review this development will not have any significant impact on education provision in the local area, and catchment schools, and no developer contribution will be sought towards local education provision in relation to this planning application.

Highways: Objection subject to S.106

The planning application provides a safe and sufficient access design to meet the needs of the development and preserve highway safety along Lower Pennington Lane. Off-site works are required to ensure pedestrian safety and to support sustainable modes of travel.

A positive recommendation for the proposal cannot yet be given due to the unresolved issues listed below.

- Confirmation of delivery mechanism required for provide tactile paving at A337 Milford Road and South Street
- Confirmation on delivering of footway on Lower Pennington Lane
- Confirmation of agreement to contribution amount for surface improvements to Footpath 83
- Amend Site Layout Plan to demonstrate the diverted Footpath 83 within the site connects to the section outside the site.
- Confirmation of agreement to contribution amount towards Pennington Cross Roundabout.

Minerals and Waste Planning: No objection subject to conditions.

The site falls within the Mineral safeguarding area. Whilst there may not be sufficient value in the minerals on site to justify extensive prior extraction, a condition should be imposed to secure the use of existing materials on site during construction of the proposed scheme, including and changes in levels and landscaping that can rely on lower grade/quality materials.

Lead Local Flood Risk Authority - Surface Water Drainage: No objection.

The drainage principles provided are satisfactory, conditions should be applied to secure detailed designs of the drainage infrastructure and detailed proposals for its subsequent maintenance.

Others

Hampshire & IofW Fire & Rescue Service. No objection.

Comment on the need to comply with Building regulations fire safety specifications, encourages inclusion of automatic fire protection systems, thorough testing of fire safety systems and invites contact to discuss firefighting water supply.

Natural England. No objection.

The development is considered to give rise to impacts on important protected habitats close to the application site. NFDC has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

NHS Hampshire. No objection.

This application has been reviewed from a primary care perspective and the response has been informed by the Health Contributions Approach which was jointly prepared with NHS England.

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

NatureSpace. No objection.

The site falls within 250m of ponds with potential to support Great Crested Newts (GCN). Surveys of the ponds conclude a likely absence of GCN. Given the separation distance to the ponds and the presence of roads and buildings in the intervening land it considered there is negligible potential for GCN to be on site.

Scottish and Southern Electric. Comment.

Highlight the presence of a low voltage underground cable crossing the site.

Southern Water. No objection.

Sufficient foul sewerage disposal can be provided to serve the development.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

8 letters have been received objecting to the proposals on:

Disjointed approach that the strategic allocation isn't being considered as a single development in order to avoid consideration of cumulative effects.

Character

- Pavement will urbanise Lower Pennington Lane.
- The scheme will be detrimental to the organic look and feel of the hedgerows.

Amenity.

- Affordable housing is adjacent to Oakhaven hospice administration building, so age restriction for tranquillity isn't necessary.
- Impact of noise from large vehicles traveling across the poor road surface detrimental to amenity.
- General disturbance to quiet way of life caused by construction and the development.
- Position of the access will cause tremendous noise and pollution from the numerous car movements that will occur.
- Nighttime light pollution.

Housing

- Too much housing for the elderly and not enough affordable housing in Lymington.
- Affordable housing for over 55's does not consider the needs of younger people.
- Affordable housing should be true affordable housing in accordance with Homes England

Highways

- Lower Pennington Lane cannot accommodate the additional traffic.
- Improvements to lighting and pavements required along Lower Pennington Lane before more traffic can be accommodated.
- Lanes should be treated as shared surfaces, being shared between all users.
- Lower Pennington Lane is unsafe for pedestrians due to speeding vehicles
- Lower Pennington Lane is well used by cyclists and pedestrians, especially in summer months when the camp site is busy.
- Construction traffic must be accommodated on site to maintain safe travel along Lower Pennington Lane.
- Lack of visitor parking space for the flats.
- Changes to the PROW must not cause any safety issues for properties that share boundaries.
- Larger proportion of large vehicles travelling along Lower Pennington Lane than surveys suggest, especially during the summer when motorhomes and caravans are visiting the camp site.

Ecology

- Important that the established brambles, trees and bushes along existing boundaries are maintained.
- Plans to relocate existing wildlife is detrimental to the character and habitats of Lower Pennington Lane.

Sustainable development

- No reference to the inclusion of solar PV.

Infrastructure

- No provision for improved medical or education facilities.
- Concerns regarding foul sewerage to accommodate additional wastewater.

1 letter has been received supporting the proposals

- Well thought out design compatible with existing character of the lanes.
- Support for the revised route for the public right of way.
- Support for retaining the landscape buffer along the western edge of the site.

Oakhaven Hospice

Oakhaven Hospice is grateful for the engagement from the parties involved with regard this planning application. Oakhaven's concern with regard both planning applications related to SS6 has been to protect the privacy, tranquillity and safety of our patients, visitors and staff.

Oakhaven hospice has no objection to the planning application. The buffer area and additional planting protects privacy and tranquillity from the proposed built development. The age restriction on the flat blocks is essential to protect privacy and tranquillity of the hospice. The position of the access will reduce traffic levels past the hospice and the provision of 6 parking spaces will help address safety issues.

Pennington and Lymington Lanes Society (PALLS).

This development cannot be considered in isolation, forming as it does part of a larger strategic housing site. We object to the cumulative impact of both

developments and do not consider that a safe and sustainable development of this scale can be accommodated without materially damaging the character and environment of the lanes. PALLS regrets that it cannot be more supportive of this proposal than might have been the case had it not formed part of the much larger, unsustainable development of the remainder of SS6.

PALLS is grateful to the applicant for engaging in pre-application dialogue and consultation with us and we appreciate the efforts made by the applicant to mitigate the effects of this development on the immediate and wider lanes network.

PALLS object to the loss of the embankment and landscape to widen the vehicle access into the site to accommodate two way traffic, and the urbanising effect of providing a pavement along Lower Pennington Lane.

10 PLANNING ASSESSMENT

A. The Principle of the Development, Greenbelt, Housing Land Supply and National Policy Context

Local Plan policy STR1 'Achieving sustainable development' sets the overarching requirements expected of developments to achieve sustainable development. The first three requirements are particularly relevant to this application;

- i) Ensuring housing needs are met by delivering development in sustainable locations;*
- ii) Requiring a context led approach to the design of development and secure a high quality design that maintains local distinctiveness, safeguards landscapes and heritage assets;*
- iii) Achieving environmental gains, avoiding or mitigating the impact of development on the integrity of protected habitats in the New Forest and Solent.*

Policy STR3 presents the strategy for locating new development, seeking to direct development to accessible locations that help to sustain the vitality and viability of the towns and villages of the plan area.

Policy STR4 sets a settlement hierarchy for the New Forest. The application site falls within Lymington, included in the list of 'Towns', the highest tier of settlements in the New Forest district that offer access to a wider range of employment, facilities and services, considered to be the most sustainable locations for large-scale development, such as the scheme proposed here.

The location of the development, within the built-up area of Lymington and Pennington, as defined on the policies map, is appropriate for the scale of the proposed development, in accordance with the requirements of STR3 and STR4.

Policy STR5 sets the housing need targets and the trajectory for delivering the housing to meet the overall identified need, against which the five year supply of land for housing is calculated. The delivery strategy identifies that circa 60% of the District's housing needs will be delivered by Strategic Site Allocations, of which this application site is located within.

The site is part of a larger site allocated for residential-led mixed-use development by Strategic Site policy SS6 (Land to the east of Lower Pennington Lane, Lymington), set out in full below:

- i. Land to the east of Lower Pennington Lane, Lymington as shown on the Policies Map is allocated for at least 100 homes and public open space, dependent on the form, size and mix of housing provided.**
- ii. The masterplanning objectives for the site as illustrated in the Concept Master Plan are to:**
 - a. Create a well-designed extension to the settlement of Lymington with a character and density that is respectful of the low density and rural edge character of the locality and surrounding properties.**
 - b. Provide a central greenspace serving as a focal point for the development that also defines a new rural edge and softens the transition to the open countryside of the adjoining New Forest National Park.**
 - c. Retain and enhance important tree belts, rights of way, hedge rows and incidental open spaces around the site boundaries as landscape features forming an important part of the character of the site and providing some screening for existing residential areas.**
 - d. Integrate the site into the built-up area of Lymington connecting to its footpath networks to central Lymington, Woodside Park and to the countryside.**
 - e. Provide points of vehicular access to the site from both Lower Pennington Lane and from Ridgeway Lane, connecting to provide a vehicular route through the site.**
- iii. Site-specific Considerations to be addressed include:**
 - a. The southern site boundary is the edge of the New Forest National Park, and the proposed site access at the south east corner is within the National Park.**
 - b. Development and access arrangements must respect the tranquillity, privacy and security of the Oakhaven hospice.**
 - c. Provision of additional visitor car parking for the hospice.**
 - d. Maintaining the public right-of-way across the site as a dedicated footpath.**

The planning application relates to approximately one quarter of the entire site allocated for development by local plan policy SS6. The concept master plan supporting the policy in the Local Plan presents a very broad approach to the layout of development and open space across the wider site. However, it does illustratively indicate that the land subject to this application is appropriate for a mix of residential development and supporting Public Open Space (POS) and Alternative Natural Recreational Greenspace (ANRG). The proposed scheme subject to this application proposes all of these forms of development and land use, in broad compliance with the illustrative Local Plan concept master plan.

When this application was submitted, the remaining three quarters of the land included in Local Plan policy SS6 was subject to a planning application for up-to 82 dwellings and supporting vehicular accesses, ANRG and POS (NFDC ref:22/11424).

Whilst that application was refused at NFDC Planning Committee in April 2025, there was nothing about that scheme, or the decision to refuse, that compromises consideration, approval or delivery of the scheme subject to consideration here.

There is nothing in Local Plan policy SS6 that prevents the strategic site from being divided up and brought forward by multiple planning applications individually. Furthermore, this should not and cannot preclude consideration of applications, assessment on their merits and discharge of the duty of the Local Planning Authority to determine planning applications made to it.

However, where in accordance with local plan paragraphs 9.37 and 9.38 the proposed development closely follows the principles presented by the illustrative concept master plan supporting the strategic site policy, there is no need for an alternative master plan to be prepared.

In principle the planning application is considered to closely follow the illustrative concept master plan supporting Local Plan policy SS6 and as such, there is no need for an alternative master plan to be prepared to demonstrate how an alternative approach can still meet the policy requirements.

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

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

It should be noted that the planning application will result in the loss of one existing house on the site. The loss of any residential dwellings will reduce the availability of housing in the district. However, the land occupied by the existing house is considered appropriate for development, as shown on the illustrative concept master plan, supporting policy SS6, so its loss was likely. In this instance its demolition releases land to be used in a more efficient and effective manner to deliver the requirements of Local Plan policy SS6, so the impact of its loss on housing supply is considered to be outweighed in the planning balance.

Being within the defined built-up area and on land allocated for housing-led mixed-use development, the principle of the development is acceptable and accords with policies STR3, STR4 and STR5, making a positive contribution to the successful implementation of policy SS6 and the development plans approach to meeting its identified housing needs.

South West Hampshire Green Belt.

Local Plan Policy ENV2 sets out that the openness and permanence of the South West Hampshire Green Belt will be preserved with particular regard to its stated purposes and those of national policy for the Green Belt. Development proposals in the Green Belt will be determined in accordance with national planning policy.

NPPF (December 2024) Section 13 (Protecting Green Belt land) sets out national planning guidance on development and the green belt. NPPF paragraph 154 sets out development in the Green Belt is inappropriate unless one of the listed exceptions applies. This includes criterion (h) which sets out that other forms of

development provided they preserve its openness and do not conflict with the purposes (as set out in NPPF paragraph 143) of including land within it. Criterion (h)(ii) sets out that this encompasses engineering operations which can demonstrate a requirement for a Green Belt location.

The land subject to Local Plan policy SS6 site was removed from the South West Hampshire Green Belt when the Local Plan was adopted in 2020 and the substantive development proposals are outside the Green Belt. However, the application site extends beyond the Local Plan policy SS6 allocated land, to include land at Oakhaven hospice, to provide a new hard surface to access parking spaces for use by the hospice.

The parking spaces proposed by the development to be available for use by the hospice, are located on the land allocated for development by Local Plan policy SS6 and are therefore within the built-up area as defined by the policies map, it is the circa 45sqm of hard surface required to be laid to access the parking spaces, from the existing driveway to the hospice, that is outside the built-up area and in the Green Belt.

The proposed hard surface would not have any built volumetric impacts and would only include the engineered hard surface to extend the existing vehicular access serving the hospice. Nor would it generate any additional vehicular traffic but accommodate existing visitors and staff who are already using the application site for parking.

Whilst it is considered there is no overriding requirement for this development to be in the Green Belt, in order to be a benefit for the hospice, make use of existing infrastructure serving the hospice to deliver the requirement of criteria (iii) (c) of Local Plan policy SS6 and that the hospice is within the Green Belt, there is good reason to undertake this minor development in the Green Belt.

It is therefore considered that the proposals will preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such the proposal accords with Local Plan policy ENV2 and the NPPF.

Housing Land Supply and National Policy Context

In determining planning applications decisions should be made in accordance with the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

For decision-taking this means: ‘...

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

Taking NPPF paragraph 11(c), if the proposed development accords with the local plan it should be approved.

If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five-year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.

The most recent five-year housing land supply statement published by the Council, confirms that there is 2.39 years of housing land available in the district.

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test set out in the first limb.

The remainder of this report will assess the application against the relevant policies of the development plan and relevant material considerations. The report concludes with a balancing exercise as per the requirements of paragraph 11d, limb 2 in the NPPF.

B. Housing Mix, Self-build housing and Affordable Housing

Local Plan Policies HOU1 and HOU2 seek to ensure that new residential development provides a mix and choice of homes by type, size, tenure and cost. Current evidence suggests that there is a need for a greater proportion of new stock to be smaller-to-medium-sized homes. A supporting table (Figure 6.1) within the Local Plan sets out the need for different house types within the District.

	1-2 bed	3-bed	4+ bed
Affordable rental homes	60-70%	25-30%	5-10%
Affordable home ownership	55-65%	30-35%	5-10%
Market homes	30-40%	40-45%	20-25%

Housing mix.

The planning application proposes to deliver 30 dwellings (a net increase of 29 dwellings, accounting for the proposed demolition of the existing dwelling). It proposes 15 dwellings to be affordable tenures, 11 dwellings will be private open market and 4 plots will be available for self and custom-build dwellings. The scheme proposes the following size and tenure mix.

	1-2 bed	3-bed	4+ bed
Market Homes	4 units 36%	7 units 63%	0%
Affordable Homes	15 units 100%	0%	0%
Self & Custom Build plots	0%	0%	4 units 100%

It should be noted that the self and custom build plots are not restricted to being four bedroomed and subject to consideration of Reserved Matter applications being approved, the resident-builder would be free to choose the design and size of the dwelling as suits their needs.

Furthermore, it should be noted that the affordable home provision includes ten 1-bedroom dwellings, and the affordable home provision consists of both houses and flats.

It is considered that the housing mix is set in favour of smaller family dwellings, which is consistent with the general principle of the indicative mix set out by Local Plan figure 6.1, and the desire of Lymington and Pennington Town Council, as set out in policy LP7 of the emerging LPNP, to make better provision for families as well as residents downsizing.

Self-Build housing.

The aspect of the planning application seeking outline planning permission is for the delivery of four plots to be made available for self-build and custom housing development. No detailed plans have been provided for these dwellings, allowing future owners to make individual Reserved Matters applications to suit their self-build wishes.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places two duties on the Council regarding self-build and custom housing:

- 1) A duty to have regard to their self-build and custom housebuilding register when carrying out its planning, housing, land disposal and regeneration functions. Paragraph 014 of the PPG (Self-build and Custom housebuilding) provides further guidance on this and sets out that the registers that relate to the area of a local planning authority and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self

and custom housebuilding.

- 2) A duty to grant, within three years, 'suitable development permission' to enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period. The 'duty to grant planning permission etc' only applies to Part 1 of the register. There is no legal requirement for the Council itself to provide self-build plots, nor for any of the permissions to be granted/made available to an individual or individuals on the register.

In October 2024 the total number of entries on the current self- and custom-build register was 239. The number of dwellings permitted between October 2020 and October 2024 considered to meet the definition of 'suitable development permission' was 72 dwellings. Based on these numbers, the demand for self/custom-build housing in the Plan Area is not currently met with there being a shortfall of 167 self/custom-build dwellings.

The supporting text to Local Plan policy HOU1, at paragraph 6.4, includes reference to plots for self-build and custom-build housing as being a form of housing considered to contribute to the range of housing to improve the diversity of housing choice required by Local Plan policy HOU1.

The Local Plan continues at supporting paragraph 6.11 to identify that the challenge of meeting general housing needs in the local population are such that the Local Plan cannot respond to all self-build aspirations. As such the approach of the application to providing a small number of plots for self-build housing is considered a positive response to striking a balance between general housing needs and providing a greater range and choice of housing types, contributing to a diverse community in accordance with Local Plan policy HOU1. A condition is included in the recommendation to ensure the identified plots are made available as self-build or custom-build housing.

Local Plan supporting paragraph 6.12 requires such a form of Self-build development to be secured by way of S.106 legal agreement, which is also to include a requirement that such plots will, in the first instance, be made available to applicants on the Council's self-build and custom housebuilding register, who are able to meet local connection criteria. Should there be no interest from applicants to the register who meet the local connection requirement, it would be considered reasonable to allow 'non-locals' wishing to build their own homes to occupy the plots in order to ensure delivery. These requirements could be readily secured by way of appropriately worded obligations contained within a S.106 legal agreement.

As such the inclusion of four serviced plots for self-build or custom-build housing is considered to potentially contribute positively to the diversity of the housing mix in accordance with Local Plan Policy HOU1.

Affordable Housing.

Adopted policy HOU2 sets the targets for delivery of affordable housing in the District. Falling within 'the rest of the plan area' in accordance with HOU2 ii) the scheme is required to deliver 50% affordable housing, which the scheme offers to do. Based on the proposed total of 30 dwellings, the scheme proposes 15 dwellings

to be provided as affordable housing in all tenures. The provision will be broadly split 70:30 between affordable (affordable rent and social rent) rent and affordable home ownership. The affordable rental properties would be split 50:50 between affordable and social rent in accordance with HOU2 criterion iii). This would be secured by a S.106 legal agreement.

With respect to the size mix of the affordable housing, the applicant was advised, by NFDC Officers at the pre-application enquiry stage, that prioritising the provision of the affordable housing in smaller unit sizes was acceptable and would assist in delivering close to a policy compliant unit size mix when considered alongside the 41 affordable dwellings included in the proposed development on the adjoining land within strategic site SS6 (22/11424). The affordable housing being provided by the planning application is proposed to be one and two bed units, in the following tenure mix.

	1-bed	2-bed
Social Rent	5 (33%)	
Affordable Rent	5 (33%)	
Shared Ownership		5 (33%)

This approach to the affordable housing size mix has been accepted by the NFDC Housing Strategy and Development officer. The tenure mix is sufficiently close to the 70-30% split between rent and ownership tenures to be compliant with Local Plan policy HOU2 criteria (iii). Whilst the application on the adjoining land (22/11424) was recently refused, it still forms part of the development plan as a strategic allocation, with an expectation that development will occur and a mix of affordable housing provided. As can be seen in Local Plan figure 6.1 above, the priority for affordable housing is smaller sized units, as such it is not considered necessary to revise the affordable housing size mix proposed by this application to provide a wider mix.

The supporting Planning Statement (Intelligent Land) confirms that the planning application proposes to make the affordable housing available to residents of over-55 years of age only. As indicated by the representation received from Oakhaven hospice, the applicant has proposed such an approach after discussion with Oakhaven hospice and is considered to be a means by which to preserve the tranquillity of the hospice site, as required by site-specific consideration iii) b) of local plan policy SS6.

However, whilst the tenure and size mix are considered acceptable, this proposed age restriction is not considered appropriate by the NFDC Housing Strategy and Development officer, as the provision of affordable housing on strategic sites should meet general housing needs.

The applicant has secured a breakdown of the age profile of applicants on the NFDC Housing Register. Across the district 15% of applicants are over 55 years old. Of all applicants expressing a preference to live in Lymington, 13% are over 55 years old. As such it is considered that limiting occupancy of the proposed affordable housing units to occupiers over 55 years of age would still meet an identified housing need.

Research undertaken in preparation of the existing Local Plan to identify housing needs and understand population demographics across the district (NFDC Demographic projections, JGConsulting 2017), indicates a significantly aging population, with almost half of the population in the plan area being over 55 years old by the end of the plan period in 2036. However, Local Plan policy HOU2 does

not make any specific provision for affordable housing provision based on age, except as set out in Local Plan supporting text paragraph 6.19, in the event of a planning application for older persons housing, where some forms or tenures of affordable housing would be incompatible with the nature or purpose of the substantive proposals.

However, whilst the demographics of the district demonstrate an aging population, current applicants for smaller 1-bedroomed units, on the NFDC Housing Register, who have identified the Lymington and Pennington area as their 'Area of Choice', approximately 75% are under 55 years of age.

In the absence of demonstrable evidence that the proposed age limit is fundamental to achieving the Local Plan policy SS6 aspiration of preserving tranquillity and amenity of Oakhaven hospice, the proposed age limit is not considered necessary or ensures the affordable housing being provided is meeting identified housing need.

However, recognising the Applicants desire for the age limit restriction and the support from Oakhaven hospice, it is considered that it could be possible to include clauses in a S.106 legal agreement that accept prioritisation to applicants on the NFDC Housing Register who are over 55 years old in the first instance, but allow younger age residents on the register should any of the proposed 15 dwellings not be occupied on first advertisement.

This arrangement, secured as part of a S.106 legal agreement, would meet the Applicants' proposals, but avoid vacancies, should insufficient applications from residents over 55 years old be received by the NFDC Housing Allocations team. Prioritising applicants over 55 years old on each subsequent re-let could also apply, to preserve the applicant's initial aspiration for the development.

This arrangement is considered to reasonably balance the circumstances of the proposed scheme, as set out. As such it is considered that subject to a S.106 agreement the proposed scheme accords with Local Plan policy HOU2.

C. Character, Design, Layout and Landscape

Local Plan Policy SS6 (Land to the east of Lower Pennington Lane) sets out a masterplanning objective of the policy is inter alia:

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

Local Plan Policy STR2 (Protection of the countryside and the adjoining New Forest National Park) sets out that development should not have an unacceptable impact on the special qualities and purposes of the adjoining New Forest National Park and its settings. In the determination and implementation of development proposals including planned growth, great weight will be given to ensuring that the character, quality and scenic beauty of adjoining New Forest National Park are protected and enhanced.

The LURA 2023 places a duty on the council to seek to further the purposes of the National Park, being:

(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified; and

(b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

Local Plan Policy ENV3 (Design quality and local distinctiveness) sets out that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate and attractive. New development will be required to address specific design criteria (i) to (vii).

Local Plan Policy ENV4 (Landscape character and quality) sets out that where development is proposed there is a requirement to retain and/or enhance the following landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context, addressing supporting design criteria (i) to (vi).

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

The prevailing character of the area along Lower Pennington Lane is residential, dominated by mature trees and landscape along plot boundaries extensively screening the predominately detached houses. There is no footway along the edge of the lane and a soft grass verge with ditches extend much of its length. This character occurs along Ridgeway Lane to the east. There have been modern infill housing developments such as Longford Place, Lee Lands, Forest Gate Gardens and Clarendon Park, that have matured to be part of the character of the area.

To the south of the application site buildings at Oakhaven hospice and the commercial nursery, to the east of the hospice, separate the planning application site from the New Forest National Park.

The application site falls within character area 10 'Rural Lanes' of the Lymington Local Distinctiveness SPD (LLDSPD). The document was published in 2011 so does not include designation of the application site, for mixed-use residential-led development by Local Plan policy SS6.

Of particular relevance to the application site is paragraph 4.10.7 of the LLDSPD which states,

' A footpath links Ridgeway with Lower Pennington Lane across open fields. This lane is again characterised by its varied width, verges, hedgerows and large trees and again is bounded by a variety of detached houses of various sizes each in a garden setting. A triangular green, with its oak trees and low cottage on the corner provides a highlight. From here northwards, there are several areas of infill of more intense estate-designed housing, more apparent in the lane than the more open cul-de-sacs (Forest Gate Gardens and Clarendon Park) which make up the backland from the northern section of Ridgeway Lane. All these more recent insertions of small 'estate' housing have their own distinct qualities and design themes running through them. It will be important to retain their common themes of form, material and detail which offer each a sense of place and to ensure that their edges and setting continues to underpin the important characteristics of the lanes which they abut.'

The conclusion of the chapter on the Rural Lanes character area of the LLDSPD identifies the following key defining elements that can positively inform new development'

- Rural lanes with varied green verges and ditches; with hedgerow boundaries and mature native trees
- Clusters of older rural cottages, their vernacular scale, form and craftsmanship underpinning the rural character of the area
- Views to open farmland, open parkland, the coast and Isle of Wight
- Spacious settings all around each building, offering opportunity for large species trees and wide gardens
- Consistency of forms detail and materials in small estate developments

The planning application proposes 15 detached houses, one pair of semi-detached houses and 13 flats across two buildings. As indicated on the detailed Site Layout plan, the dwellings will be arranged around two cul-de-sacs that extend into the site from the proposed vehicular access point from Lower Pennington Lane in the north-west corner. The majority of the dwellings will be served by the western cul-de-sac that runs parallel to Lower Pennington Lane, with a spur into the centre of the site, and terminating in a courtyard of parking serving the two blocks of flats. The second cul-de-sac follows the north boundary to access the eastern half of the site where the four self-build plots are positioned in the north-east quarter of the site.

The proposed green infrastructure will extend through the centre of the site and cover the majority of the south-east quarter of the application site. This takes advantage of the contribution the existing trees and ditch can make to the quality of the open green space and will include the revised route and upgraded surface for the Public Right of Way (PROW) across the site.

In principle it is considered that this layout closely aligns with the arrangement of built-form and green space indicated on the concept master plan supporting Local Plan policy SS6 and is therefore broadly acceptable.

The planning application proposes to demolish the existing house on the site. Located in the north-west corner, close to Lower Pennington Road, it is an unremarkable 1970's brick and tile bungalow, originally subject to an agricultural occupancy restriction. It is screened from view from Lower Pennington Lane by the mature landscape. Due to its position, set back from the road, and its size and style it does not readily reflect the character of the built form along Lower Pennington Lane. Nor will its demolition result in the loss of a building of high-quality architecture. As such there is no reason to resist its demolition on design grounds.

The planning application is supported by a Landscape and Visual Appraisal (Indigo Landscape Architects) (LVIA) assessing the likely landscape and visual effects of the proposed development on the overall landscape character of the area from eight viewpoints located within the public domain along Lower Pennington Lane and the PROW crossing the site.

The LVIA's assessment of the existing landscape baseline concludes (paragraph 5.4.1) that the existing landscape is of moderate importance and rarity whose character is moderately capable of accepting the change of the nature proposed by the planning application. The landscape is undesignated and contains residential development immediately adjacent to the area of assessment. The moderate value landscape has a moderate susceptibility to change resulting in a medium sensitivity to the effects of the development. (paragraph 5.4.2)

In assessing the impact of the planning application on the existing landscape the LVIA recognises (paragraph 9.2.3) that the application site is in a transitional landscape and does not have a particularly strong relationship with the rural landscape further south due to its immediate developed context and the dense belt of enclosing vegetation around the site and intervening vegetation in the wider landscape.

Due to the very flat nature of the topography in the area and the enclosing vegetation, the primary zone of visual influence of the development proposals is restricted to the surrounding area within 0.5km of the site. Views of the application site are contained by surrounding built form and vegetation and restricted to close distance views from adjoining gardens and PROW; there are no long-distance views; no receptors would experience “significant” effects; and only receptors in the public open space within the application site would experience more than slight to neutral effects.

As such it is considered that the planning application will preserve the character and appearance of the wider landscape around the planning application site in accordance with criteria iv), v) and vi) of Local Plan policy ENV4.

The proposed vehicular access is located in the north-west corner, close to the position of the existing access serving the existing property on site. However, the concept master plan suggests this could be the location of a non-vehicular access into the site but does also suggest an option for an 'in only' vehicular access to reduce traffic on Lower Pennington Lane and around Oakhaven Hospice.

The following chapter of this report, 'D - Highways and Access', assesses the acceptability of this proposed layout in technical highway terms. In respect to the character and appearance of the planning application site and area, it is considered that the works to the edge of the site will not have a material impact on the quality or extent of the landscape edge to Lower Pennington Lane.

Whilst the works to form the proposed access will result in a more engineered appearance, as there is already a break in the landscape along the verge of Lower Pennington Lane in order to allow vehicular access on to the application site and existing house, the scale and extent of works required to provide sufficient vehicular access to serve the proposed development will not require extensive loss of landscape along the verge. Furthermore, the proposed access will be consistent with the appearance and impact of the other junctions along Lower Pennington Lane, such as those with Fox Pond Lane, Lee Lands and Curzon Place, that adequately preserve the dominant presence of landscape defining the character of the area.

Representations have been received which object to the impact of the proposed access on the character and appearance of Lower Pennington Lane. As described above, the planning application site is allocated for development and is located within the built-up area as defined by the Local Plan policies map and as such the principle of development is expected and some change in character likely. Furthermore, as described above, it is not considered that these proposals for the vehicular access will have a material impact on the dominance of the landscape along the lane, to demonstrably harm the character and appearance of the wider area, which as described, already includes similar accesses to that proposed by this planning application.

Representations have also been received objecting to the impact on the character and appearance of Lower Pennington Lane of proposed highway works to

accommodate pedestrians safely. Consideration of the technical safety aspects is presented below in sub-section (D).

Lower Pennington Lane is partly within the built-up area of Lymington and Pennington including the area north of Oakhaven hospice, where the principle of development is established and the proposed highway works are located. The overall impact of the harm on Lower Pennington Lane is considered to be moderate and localised at certain places including south of the junction with Fox Pond Lane. Essentially, most of Lower Pennington Lane along its approximate 2.25km length between the junction with Ridgeway Lane and the Sea Wall car park to the south will not be directly impacted by the proposed highway work.

Policy LP9 of the emerging LPNP identifies the important characteristics of the lanes to the south of the town. Assessing the planning application against those contributing features it is considered that the design of the proposed footway does not result in the loss of any landscape frontage to the existing residential plots along Lower Pennington Lane, or any trees in the highway verge. Based on the submitted plan, it does not culvert the existing drainage ditch and at its northern end it joins an existing worn path beside the Cottage on the Green at the junction with Fox Pond Lane.

As such, it is considered that the impact of the proposed works on the character and appearance of Lower Pennington Lane will be very minor, restricted to the urbanising impact on the appearance of the highway and the dominant landscape setting will be preserved.

The LLD SPD paragraph 4.10.7 and defining elements, sets clear distinction between the older rural buildings that front Lower Pennington Lane and more recent infill small estate developments with their consistency in design and form. This is demonstrated by reviewing the density of these different areas within the Rural Lanes character area. The dwellings fronting Lower Pennington Lane have a low density of circa 11dph, compared to the infill estates of Lee Lands at circa 27dph and Clarendon Park at circa 16dph. The planning application has a density of circa 14.5dph, which includes the ANRG open space (that the local examples did not have to deliver). When calculated without the ANRG, the density is circa 22dph, consistent with other infill estates in the area and characterising the Rural Lanes character area.

Whilst reference to the density of a planning application allows comparison based on a numerical calculation, that does not consider what features of a place contribute to its character. It is considered that the density of the planning application is low. However, this does include the space provided by the ANRG included in the planning application and should be considered with regard to the guidance provided at paragraph 130 of the NPPF whereby optimal use of a site should be made in order to meet as much of the identified need for housing as possible.

It is considered that due to the proposed siting and layout of the planning application, with its single point of vehicular access and inward looking arrangement, behind the existing established landscape along the edge of the site, it relates to the small estate developments, identified as a feature that contribute to the character of the area, and will not compete with or erode the pattern and character of the older rural buildings fronting Lower Pennington Lane. And as such the density of the planning application would not be out of character with the prevailing pattern of development in the area.

The proposed layout of the dwellings along the west edge of the application site provides sufficient separation from the existing mature landscape along the western edge of the site, that forms the landscape verge to Lower Pennington Lane, to allow for the retention of that existing landscape and preserve the character and appearance of Lower Pennington Lane.

The Landscape Masterplan supporting the application, indicates a mixed native hedgerow will be planted along the western, rear, boundary of those proposed dwellings. This will contribute to the landscape setting of the site and Lower Pennington Lane and provide a degree of screening of the proposed built form in views from outside the site to the west.

By setting the proposed dwellings away from the western edge of the application site, retaining the existing mature trees, supplemented with additional trees, and the boundary landscape described, it is considered that the contribution of Lower Pennington Lane to character area 10 'Rural Lanes' as described by the LLDSPD and the contribution to the overall distinctiveness of Lymington and Pennington, will be preserved.

It is also considered that such an arrangement and proposal complies with the requirement of masterplanning objective criteria (ii) (c) of Local Plan policy SS6, whereby development of the site retains important tree belts and hedgerows around the site boundaries as landscape features forming an important part of the character of the site.

As shown on the supporting Site Layout plan, all the detached houses (plots 1-10 and 27-30) will have surface parking and garages within their residential curtilage, large private rear gardens with landscape enclosure and landscape frontages. This closely aligns with the prevailing character of the area and the small estate developments identified by the LLD SPD as being a feature of the area.

The architectural design, of the proposed houses continues this pattern of responding to the common themes of form, material and detail, characteristic of the small infill estate developments as described by the LLDSPD. There is a consistency in the architectural style and form across all the proposed houses, contemporary detailing adds richness to the elevations, whilst carefully located projecting bay windows add interest to corners and prominent side elevations. Some house types turn corners in order to work as a pair of buildings in the street, or to secure subtle variation in the appearance of the site and streetscenes, provide interaction and active frontage to spaces.

Whilst there is consistency in design, form and materials of the proposed houses, due to the spacious layout and arrangement of the planning application, this consistency does not lead to homogeneity or bland repetition to the detriment of the planning application and the quality of the place.

The Design and Access Statement (DAS) (Scott Worsefold Assoc's) supporting the planning application, at chapter 13, describes the proposals as offering architecture that is an investment in the local area that will enhance and reinforce its character.

It is considered that the contemporary vernacular design and style of the proposed houses will positively contribute to the character and appearance of the area. The richness and detailing will provide distinctiveness and be attractive. The DAS includes a schedule of materials, which includes a wide range of suitable materials. However, it is entirely appropriate to secure precise details of the materials, in order to ensure the quality of the development. A suitably worded condition is attached to

this recommendation.

As shown on the Site Layout plan, the planning application proposes a cluster of buildings around a central parking courtyard on the south-west quarter of the application site. These buildings consist of two blocks of flatted dwellings and a pair of semi-detached houses. Whilst the prevailing character of the area, as described above is predominately detached houses, it is considered that the larger buildings existing on the neighbouring Oakhaven hospice site provide context for the size of the proposed flatted blocks.

The blocks would contain three and ten flats respectively. The smaller block would be two storey, with part of the ground floor available as undercroft parking and individual store rooms for residents of this block. It includes projecting full height bay windows and materials similar to the houses. The larger block is also two storey but has a much larger footprint. However, its cranked footprint, with cropped gable roofed projecting ends and low eave roof linking between, as shown on 'Plots 17-26 block B elevations' plan, breaks up the perceived size of the building. It includes similar architectural detailing and materials to the houses.

As such the design and appearance of the two larger buildings will continue the design ethos of the houses, sit comfortably alongside them, being appreciated as part of the group of buildings forming the character and appearance considered to characteristic of the small infill estate developments as described by the LLD SPD, in the area.

Furthermore, because of the size and layout of the proposed two flatted blocks, most particularly the roof form of block B, the flatted buildings would not dominate or visually overbear the scale and appearance of the houses. Nor be unduly prominent in views from vantage points outside the planning application site, due to the size and scale of the retained trees.

Hedgerows, with gates, will provide boundary enclosure to private gardens for ground floor flats in block B, ensuring a sympathetic edge to the green infrastructure in the centre of the site.

The Site Layout plan and Landscape Masterplan show that the estate roads serving these houses have been designed to be shared surfaces, finished in a buff pigmented tarmac surface. As such without the engineered appearance of kerbs and pavements, this design will positively enhance the distinctiveness of the site, and ensure such hard surfaces are subservient to the landscape setting.

The estate road terminates as a courtyard of parking at the south of the site, framed by the flatted blocks. Whilst this parking layout does result in a large area of hard surface, it is complementary to the change in the pattern and grain of the built form, from the detached residential plots across the north of the site, to the larger flatted buildings and the layout of Oakhaven hospice beyond the southern boundary. However, there is still space for new landscape setting for the buildings, incorporating both trees and hedgerows.

The planning application is considered to positively have regard to the character and appearance of the area as described by the LLD SPD. This accords with criteria A. of policy LP6 of the emerging neighbourhood plan. Furthermore, as described by chapter 13 of the DAS, the design of the planning application will include landmark and distinct building features as encouraged by criteria B. (I) of policy LP6. The layout minimises the impact of parking on the streetscene, by placing parking within curtilages of detached houses and a purpose designed parking courtyard, in a

landscape setting, for the flats, encouraged by criteria B. (III).

With respect to the proposed self-build dwellings, these are subject to the Outline planning application as part of the Hybrid planning application. Only detail of Access to those plots is under consideration by the Council at this time. Detailed designs of the Appearance, Landscape, Layout and Scale for each dwelling will be considered upon receipt of Reserved Matter applications in the future, prior to commencement of development on each plot individually.

The supporting Phasing Plan demonstrates the phased delivery of the planning application includes confirmation that the self-build dwellings would have a maximum floor area of 280sqm and be no taller than 10.5m. Whilst these are large, they provide flexibility to include features such as chimneys, garages and accommodation in a second-floor roof space, and any scheme designed to take maximum advantage of this flexibility is not guaranteed to have an acceptable appearance, layout or scale.

However, the proposed height of 10.5m, is commensurate with the height of chimneys included on the houses proposed in detail by this planning application.

The planning application does not propose to limit the design and appearance of the proposed self-build dwellings by way of provision of a design code. Whilst this may result in a variety of architectural styles and personal preference in appearance, Local Plan policy ENV3 would still apply and as this part of the development is only for four dwellings there is unlikely to be a materially significant impact on local character arising from the lack of a defining design code, or the risk that these houses would be uniquely designed. It is also considered that the size of the self-build plots will ensure a spacious character, an opportunity for landscape to dominate and the dwellings to be appreciated individually rather than in a tight street arrangement.

The consultation response from NFDC Environmental Design team raise a concern that the self-build dwellings don't overlook the ANRG adjoining those self-build plots. As the self-build plots are subject to consideration for outline planning permission, there is no suggestion that they won't overlook the ANRG. Consideration of such a relationship will be a matter for the detailed designs presented by Reserved Matter applications and cannot weigh against the planning application at this time. There is nothing about the planning application under consideration that indicates such an arrangement is not achievable.

As described, it is considered that the planning application will create a well-designed extension to Lymington, with a character and density that is respectful of the low density and rural edge character of the locality in accordance with criterion (ii) (a) of Local Plan policy SS6, that achieves a high quality design that will contribute positively to local distinctiveness, creating buildings, streets and spaces that are sympathetic to the environment in accordance with Local Plan Policy ENV3 and paragraph 135 of the NPPF. Furthermore, in addition to the above, the planning application has regard to the LLD SPD and is therefore considered to follow the aspirations for design set out in policy LP6 of the emerging LPNP.

Landscape design and Alternative Natural Recreational Greenspace (ANRG).

As described above, the layout of the planning application, including green infrastructure, is considered to be in close compliance with the illustrative concept master plan supporting Local Plan policy SS6. Furthermore, as shown on the site layout plan and considered by the LVIA, the principal landscape features, of the

large mature trees, boundary hedgerows and ditches existing on the site at present will be retained.

The site layout plan and landscape masterplan provide a framework for the layout and arrangement of new landscape planting and features on the site. This includes street trees, trees in rear gardens, a new surface water drainage swale and a variety of landscape habitats, such as scrub planting, wildflower meadow, lawns, ornamental planting and hedges.

Subject to securing a precise species schedule through suitable conditions, it is considered that the design of the proposed landscape will complement the design of the proposed dwellings and establish an attractive place to live and be. A condition securing the planting schedule, management and maintenance regime will be included in the recommendation, this responds to one of the concerns raised by the NFDC Environment Design team consultation response.

The supporting Site Layout Plan and Landscape Masterplan show a network of footpaths across the site, that integrate the open space with the streets and built-up area on-site. These link to the PROW to provide easy access to routes off-site. Routes to the southern boundary were indicated to align with open space shown on the plans submitted in support of the planning application on the adjoining site (22/11424). Whilst that application has been refused, the principle of connectivity between the sites is still required and any alternative planning application presented on that site will need to respond to any permission given for this planning application.

The consultation response from the NFDC Environmental Design team also queries the provision of details of the hard landscape, such as surfaces and boundary enclosure. The supporting Landscape Masterplan provides comprehensive details of the proposals for the hard landscape, including brick walls, a mix of post and rail, picket and knee rail timber fences, paved, block and self-binding gravel surfaces. It is considered that the principles of the hard landscape indicated are entirely appropriate and complement the design of the dwellings and the character of the area. Appropriately worded conditions can ensure precise details of the hard landscape are secured and implemented. Such conditions are included in the recommendation.

The supporting Site Layout plan and Landscape Masterplan indicate the provision of a new surface water drainage swale. The consultation response from the NFDC Environmental Design team seeks details of the angle of the slope and planting, seeking gentle slopes and naturalistic marginal planting. As this feature forms part of the drainage strategy for the site it will need to be designed to contribute to the essential infrastructure serving the site. An indicative section of the swale has been provided on the supporting Drainage Strategy Plans (Sheet 3 of 3) (CGS Civils). The swale is shown to have 1:3 gradient slopes with a minimum depth of 0.3m. It is considered that as drainage ditches are already a landscape feature of the site, should the swale be deeper, in order to ensure the efficacy of the surface water drainage network, it would not be detrimental to the character of the site.

The Mitigation Strategy for European Sites SPD includes guidance for the layout and design of ANRG, in order to ensure it provides a suitable alternative to open spaces in the New Forest National Park. A principal aspect of the design strategy is to provide a network of appropriately sized open spaces that provide the opportunity to experience and enjoy a natural environment close to people's homes. Access by the public must be unrestricted, provision should be made for good linkages with other open spaces and walking routes where they exist and the ANRG should be

welcoming and users feel safe and secure.

Appendix 4 of the Mitigation SPD sets out requirements for the dimensions, layout and arrangement of the ANRG. The network of spaces must have at least one main space with further secondary space connected to the main space by generous green corridors. Main spaces are described as having a 60m radius without undue interference from other uses or development, secondary spaces have a 30m radius and linking green corridors should be circa 20m wide.

As shown on the supporting Landscape Masterplan - Public Open Space plan, the ANRG covers the south-east quarter of the planning application site, extending through the centre of the site and along the southern boundary. It includes the existing mature trees and drainage ditch, accommodates the revised route of the PROW and further pedestrian paths to create a network of routes across the site.

As such it creates an interesting and attractive space that will be enjoyable to be in. Based on the site layout there will be overlooking of the space from residential dwellings, and those abutting the ANRG are shown to have landscape plot enclosure to provide an attractive edge to the ANRG.

Based on the NFDC occupancy rates for the housing mix proposed by this application, the amount of ANRG required is 0.63ha. That area can only deliver a secondary space with a 30m radius. However, being located adjacent to the boundary with the remaining land within Local Plan policy SS6, the ANRG would abut existing fields or open space to be provided by any proposals for development of that land. In the case of the recently refused planning application, the main space proposed by that planning application would have been within 40m of the secondary space being considered here.

The NFDC Environmental Design team have objected to the inability of the planning application to provide ANRG open space with a complete 60m diameter (30m radius) in all directions. The positive connection with open space to the south is acknowledged in the consultation response. The ANRG measures in excess of 60m in most east-west directions and marginally below in north-south directions, resulting in a lozenge shaped large space. Paragraph's A4.1.7 and A4.1.8 of the Mitigation SPD explore this situation, indicating that residential development on large scale sites should normally deliver ANRG in accordance with guidance in the Mitigation SPD. However, where it is agreed that this is not possible, delivery of an alternative offer of ANRG that best fits the guidance in all other ways, and provides ANRG of equivalent effectiveness and quality should be proposed.

In this case, as the shortfall in meeting these dimensions is minor and the space abuts other land within Strategic Site SS6, where additional open space can be delivered, and if that development does not occur the adjoining fields will contribute to the sense of openness, it is considered that the minor conflict with the SPD does not compromise the likely success of the planning application in providing an effective and attractive open space that will reduce the desire to use more environmentally sensitive areas in the New Forest.

The aforementioned detailed landscape planting species schedule and management strategy will be important in ensuring the ANRG performs. Appropriately worded S.106 legal agreement obligations can ensure these and the fine grain details such as location and design of benches, signage, interpretive boards, dog bins are secured and agreed.

Whilst the supporting Site Layout and Landscape Framework plans indicate provision of the equipped play area within the ANRG, a sufficient amount of ANRG space is provided to meet the requirements and it is considered that the play area does not compromise the sense of open spaciousness expected of the ANRG.

Subject to conditions and S.106 legal agreement it is considered that the design and layout of the landscape on site will provide an attractive alternative to the New Forest to the benefit of existing residents and future residents of the planning application site, in accordance with Local Plan policy STR1, ENV1, ENV3, SS6 criteria (ii)(b) and (c) and broadly reflects the detailed guidance set out in the Mitigation SPD.

Trees.

There are two Tree Preservation Orders on this site - TPO/0025/17 and 1380. Notably this includes a woodland of trees along the western side of the site, adjacent to Lower Pennington Lane.

The application is supported by a survey of the trees on and overhanging the site (Hayden's Arboricultural Consultants Tree Survey 14/05/25). This identifies 101 trees, two groups of trees, three hedgerows and five areas of dense landscape features, as present on the site. The majority of the trees are located around the edges of the site reflecting the past agricultural use of the land. There are mature prominent trees on a north - south axis, following the drainage ditch across the centre of the application site, separating the two fields that make up the application site.

The line of trees through the centre of the site will be retained, this preserves a strong landscape feature of the site and at up to 28m tall, these trees will dominate the skyline and ensure an instant dominance of landscape on site.

In order to facilitate the development eleven trees will be felled and two hedgerows and areas of dense landscape features cleared. One of these trees, a category B Cherry tree is considered to be a constraint to development. The others, including the hedgerows and landscape areas, are all category C and U, of such lower quality not to be considered to be constraints on the development and as accepted by the NFDC Tree officer, their removal can be compensated for by replacement planting.

The category B Cherry tree is located on the edge of a cluster of similar trees along the southern edge of the application site, adjacent to the Oakhaven hospice. Along with surrounding Cherry Laurel it is proposed to be removed to facilitate provision of parking spaces for Oakhaven hospice.

The provision of parking spaces for the hospice is a site-specific consideration at criteria iii) c) of Local Plan policy SS6 and shown illustratively on the concept master plan as being provided, in part, on this area of the allocated site. The tree is on the edge of a group of over 25 trees that will be retained, as such its removal will not materially impact the extent of tree canopy cover, or mature landscape setting along the boundary. The NFDC Tree officer has not objected to the loss of this tree. It is therefore considered that the removal of the Cherry tree will not have a detrimental impact on the local landscape context.

An application to remove trees from the northern end of the woodland group along Lower Pennington Lane was approved in January 2021 (NFDC TWAP ref:20/0627). The decision notice acknowledged the negative impact on the amenity of the area by allowing their removal, but considered their poor condition and proximity to the

highway and residential properties represented such risk as to allow for their removal. Replacement trees were a condition of their removal. Whilst the replacement trees have not been planted, the NFDC Tree officer has confirmed that the details shown on the Landscape Masterplan supporting this planning application includes proposed tree planting along the western edge of the site equivalent to the requirements of the conditions of the tree works decision notice.

The supporting arboricultural report (Hayden's Arboricultural Consultants AIA 30/04/24), sets out provisions for tree works, protective fencing and no-dig specification surfaces to facilitate the development in a manner that will protect and preserve the remaining 90 trees proposed to be retained on the site post development.

The NFDC Tree officer supports the principles of the approach being proposed and recommends conditions are imposed ensuring such details are secured and implemented. Appropriately worded conditions are included in this recommendation.

As such, subject to conditions the development will accord with local plan policy ENV3, ENV4 and criteria ii) c) of SS6.

Recreation and Public Open Space.

Saved Local Plan Policy CS7 (Open spaces, sport and recreation) sets out that the aim is to provide as a minimum standard the equivalent of 3.5 hectares of public open space per 1000 population to serve the district's towns and larger villages. The improvement of play, sports and other public open spaces provision will be implemented in various ways, both on and off-site.

Based on the proposed housing mix, the NFDC Open Space calculator confirms that the requirements for open space are:

- Informal public open space: 1,400sqm
- Equipped play space: 200sqm
- Formal public open space: 900sqm

The site layout plan and Landscape Masterplan - Public Open Space plan indicate provision of circa 680sqm of informal public open space. This is approximately half the quantum of space required by the Open Space calculator for the proposed housing mix to deliver sufficient open space in accordance with Local Plan policy CS7.

However, it is considered that there is additional land providing informal open space across the planning application, that will contribute to the amenity and setting of the development and the wellbeing of residents.

This consists of the landscape buffer along the western edge of the site, that will provide an attractive back drop to the residential gardens of the dwellings along that section of the site, as well as the land around flat no's 14-16, beside the parking for Oakhaven hospice in the south-east corner. This combined area is more than 1000sqm and whilst it contributes to the spaciousness of the planning application, it would not be considered to contribute to the informal public open space needs of future residents.

It should be noted that the provision of informal public open space is in addition to the inclusion of more than 6000sqm of ANRG on-site and the public open space that would be available on the neighbouring site, should it be developed in accordance

with Local Plan policy SS6.

The layout and landscape proposals include provision of space for an equipped children's play area. Based on the above calculations, a 200sqm space is provided. Whilst the site layout and landscape plans indicate the principle of play equipment within the space, no detailed proposals, style and type of equipment or features has been proposed.

In order to make efficient and effective use of the space required for play across the two planning applications making up the land allocated for development by Local Plan policy SS6, it was considered appropriate to designate the area for play on one of the application sites to be for younger ages of children and the other area to be for older children and teenagers. Whilst the neighbouring planning application has been refused, it is considered that such an approach still has merit and a condition could be used to secure precise details of the proposed play equipment and features to be installed on this application site, in order to reflect the circumstances of any proposed development on the adjoining site. It is intended that the equipment on this site will be for younger children. This overcomes the concern raised in the representation received from the NFDC Environment Design team and is an acceptable approach to the NFDC Open Spaces officer.

Local Plan policy SS6 does not include criteria for on-site provision of formal recreation facilities, nor is the planning application site large enough to deliver a sustainable provision of such facilities alone.

The recommendation to approve the neighbouring planning application for the remainder of the land allocated for development by policy SS6 included a proposal that financial contributions are provided towards formal public open space provision off-site in lieu of provision on site. This was acceptable in principle as the application site does not have sufficient capacity to provide a sustainable formal open space offer alone.

As such, in accordance with the consultation response of the NFDC Open Spaces officer, it is considered appropriate, and consistent with the approach undertaken by application (22/11424), to secure a financial contribution of £19,355 towards off-site provision of formal public open space. This has been agreed and will be secured through a S.106 planning obligation.

These open space proposals include provision to meet the recreation needs of the occupiers of the proposed self-build dwellings.

Future management of the public open space being provided on site is currently proposed to be carried out by a management company to be established for all of the on-site infrastructure. This company will be secured by appropriately worded S.106 planning obligations.

Whilst sufficient provision is made for childrens play and formal public open space, the planning application has not demonstrably demonstrated provision of sufficient informal public open space on site. The additional informal open space described above has benefit for residents but not to the extent of achieving compliance with Local Plan policy CS7. This shortfall will weigh against the planning application in the planning balance. However, subject to the outcome of that balancing exercise, it would be appropriate to secure the proposed public open space by way of appropriately worded conditions and S.106 Planning Obligations.

New Forest National Park (NFNP).

The application site is close to the boundary of the NFNP, which is beyond the Oakhaven hospice to the south of the application site. Land included in Local Plan policy SS6 abuts the boundary with the NFNP. However, that land is not within this planning application site and is subject to alternative development proposals (22/11424).

The area of the NFNP has a rural agricultural character, similar to that found on the planning application site.

As described above the land subject to this planning application is allocated for development by Local Plan policy SS6. The concept master plan supporting the policy, illustratively indicates the application site as appropriate for residential development.

As a point of principle, the current proposal accords with the land use requirements of Local Plan policy SS6. By illustratively indicating the site as appropriate for residential development, it had to have been considered that such a form of development was compatible with preserving the statutory purposes of a National Park.

With respect to the two purposes of National Parks, it is considered that the planning application will:

- (a) conserve the natural beauty, wildlife and cultural beauty by proposing development of land that doesn't share a contiguous boundary with the National Park, avoiding land providing supporting roles to those aspects of the National Park and proposing development of a scale, form, layout and design that preserves the established character and appearance of the area currently providing the backdrop to the edge of the National Park.
- (b) deliver development away from land publicly accessible where the public can enjoy the special qualities and most particularly existing tranquil areas of the National Park.

As described and considered above, the planning application will be sympathetic with the character and appearance of the built-up area it abuts. There will be minimal impact on the surrounding landscape due to the extent of enclosure and dominance of trees on and around the site. Further development is expected to occur between this application site and the edge of the NFNP that is likely to buffer and screen this planning application.

As such it is considered that the planning application complies with the duty of the LURA and is in accordance with Local Plan policy STR2.

D. Highways and Access

The application proposes full details of the proposed access to the site from Lower Pennington Lane for all modes of travel. That access and its detailed proposals would also serve the part of the application site being considered for outline planning permission for the principle of residential development for four self-build dwellings.

In accordance with Local Plan policy CCC2 proposed development is required to deliver safe and sustainable travel, by prioritising safe and convenient pedestrian access within developments, provide or contribute to the provision of dedicated

cycle routes and lanes, consider the impact of development on bridleways, provide sufficient car and cycle parking in accordance with the parking standards SPD, provide infrastructure for electric vehicles and contribute to the provision of highway or public transport measures.

Local Plan policy CCC2 also recognises that the Strategic Site Allocation Policies may make site-specific requirements. In this case the masterplanning objectives (ii) of Local Plan policy SS6 are to:

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

The policy's site-specific considerations (iii) require;

- (c) provision of additional visitor car parking for Oakhaven hospice, and
- (d) maintaining the public right-of-way across the site as a dedicated footpath.

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

The planning application proposes a single vehicular access from Lower Pennington Lane. Provision will be made for pedestrians on a revised route for the existing Public Right of Way (PROW), from Lower Pennington Lane in the north-west corner across the site to the south-east corner. However, the roads across the site are designed to accommodate pedestrians and cyclists safely with vehicles.

The proposed access is broadly in the location of the existing access serving the site and the existing dwelling from Lower Pennington Lane. The illustrative concept master plan supporting Local Plan policy SS6 indicates provision of a non-vehicular access in this location but includes a note that such an access could be an 'in only' access to reduce traffic on Lower Pennington Lane and around Oakhaven hospice.

Lower Pennington Lane is the only public highway that the planning application site borders. As such it would not be possible for the planning application to provide an 'in only' access to the site and deal with its own vehicular access needs. The planning application makes no provision to provide a road link up to the southern boundary, shared with the adjoining land within Local Plan policy SS6 to provide vehicular access to that land, nor was such a feature included within the recently refused planning application on that land, which made its own access arrangements.

The planning application proposes a simple priority T-junction to provide vehicular access to the site. The embankment to the south of the access will be regraded to allow sufficient visibility in a southern direction. The trees previously on this land were granted consent to be removed (NFDC Tree Work ref:20/0206) and any subsequent regrowth is not considered to be a constraint to these proposals. Based on the detailed access plans provided to demonstrate the design, size and layout of the proposed vehicular access, Hampshire CC Highway officers raise no objection to its design, accepting that sufficient widths are provided to accommodate all vehicle manoeuvring in and out from the site, with sufficient visibility in both directions along Lower Pennington Lane to preserve highway safety.

As such, whilst the approach of the planning application to provide two-way access and egress, does not directly accord with the layout shown on the illustrative concept master plan, there is no technical reason to resist the principle of the proposed vehicular access to the planning application site.

As indicated in the representation received from Oakhaven hospice in supporting this aspect of the planning application, allowing two-way vehicular movements from the proposed access reduces the number of vehicle movements likely to pass Oakhaven hospice, along Lower Pennington Lane, that could occur if development on this application site was to restrict the access to 'in only' and direct vehicles to exit to the south of the hospice, with the potential disturbance that such an arrangement could potentially give rise to.

The vehicular access from Lower Pennington Lane will also serve the four self-build plots positioned in the north-east corner of the application site. A road will be laid across the northern part of the site to abut the part of the application site on which the outline planning application for the self-build plots are located applies. As shown on the supporting site layout plan, the four self-build plots will share a drive from the estate road to a courtyard, from which each plot would take vehicular access. The specific alignment and arrangement of those access points would be considered by Reserved Matter applications. However, it is considered that there is ample space to ensure adequate and safe access can be achieved. Furthermore, there is nothing about the principle of four self-build residential plots that require alternative assessment of the access needs of the planning application. As such, subject to delivery of the access and on-site estate road prior to occupation of the self-build dwellings, safe access has been demonstrated for the element of the planning application subject to the outline proposals.

The planning application is supported by a Transport Statement (Paul Basham Associate's) which assesses the number of vehicular trips that would be generated. Based on TRICS database to inform trip rates for this type of development, the planning application could give rise to 17 vehicle movements in the morning peak (8am-9am), 16 vehicle movements in the afternoon peak (5pm-6pm) and 153 movements across a daytime 12-hour period. HCC Highways officers have not raised any concerns with respect to the ability of Lower Pennington Lane to accommodate these additional vehicle movements generated by the development.

However, the cumulative growth in vehicular movements arising from development on Local Plan allocated strategic sites SS5 (Land at Milford Road) and SS6 cannot be accommodated safely by the roundabout at Pennington Cross, at the north end of Lower Pennington Lane. Proportionate financial contributions will be secured by any planning permission granted on those strategic sites towards improving the capacity of the roundabout junction. In this case a financial contribution of £17,600 is required. The applicant has indicated a willingness to make such a financial contribution, which will be included in the recommendation and responds to outstanding matters listed by the representation received from HCC Highway officers.

Representations from residents have highlighted the lack of pavements along Lower Pennington Lane. Some consider this to be dangerous, exacerbated by the development and request enhancements. Some consider the road to function safely as a shared surface for all modes of travel.

In accordance with Local Plan policy CCC2, to promote safe and sustainable travel and the lack of footways along Lower Pennington Lane. HCC Highway officers

require the provision of a dedicated footway from the eastern end of the PROW at the vehicular access to the planning application site, along Lower Pennington Lane to the junction with Fox Pond Lane. The same requirement was made of the planning application (22/11424) on the adjoining land within Local Plan policy SS6.

Policy LP9 of the emerging LPNP seeks to protect the rural and historic characteristics of the lanes and promote the lanes as shared surfaces. It seeks to avoid introduction of urbanising highways infrastructure and protect landscape frontages. The character aspects of these proposed works have been considered above at sub-section (C) where it is considered that a low level of harm will occur as a result of the urbanising impact.

HCC Highway officers have commented on the conflict between their request and the emerging LPNP, indicating that Local Plan policy CCC2 is adopted as part of the Development Plan and prioritises the provision of safe and convenient pedestrian access to local facilities and has to take precedence over an emerging policy and accords with paragraph 117 (a) of the NPPF which directs development should give priority first to pedestrian and cycle movements, both within the scheme and neighbouring areas.

A plan indicating the design of a footway along the edge of Lower Pennington Lane has been provided to support the application. The works all fall within the adopted highway and in part make use of the existing carriageway, creating a north-bound priority narrowing for vehicles travelling along Lower Pennington Lane to allow pedestrians to cross safely and to accommodate the footway. Furthermore, it is considered that such an intervention will reduce vehicle speeds along Lower Pennington Lane improving highway safety for all users. It has been designed to accommodate existing residential driveway accesses on to Lower Pennington Lane. raised by Policy LP9 of the emerging LPNP, the design of the proposed footway does not result in the loss of any landscape frontage to the existing residential plots along Lower Pennington Lane, or any trees in the highway verge. Based on the submitted plan, it does not culvert the existing drainage ditch and at its northern end it joins an existing worn path beside the Cottage on the Green at the junction with Fox Pond Lane.

As such it is considered that the proposed footway would not have such an impact on the defining features of Lower Pennington Lane to be in conflict with policy LP9 of the emerging LPNP and the benefit of compliance with Local Plan policies CCC2 and SS6 criterion (ii)(d) weighs in favour of the planning application.

The applicant has indicated a willingness to deliver the footway in its totality alongside delivery of the planning application but considers the cost of provision in its entirety is disproportionate to the scale of this 30 dwelling scheme. The applicant seeks provision of a clause in a S.106 planning obligation that allows the applicant to recoup proportionate monies from either HCC or the developer of the neighbouring site. No such provision has been presented in draft agreement.

However, the principle could be negotiated in a S.106 planning obligation and this responds to outstanding matters listed by the representation received from HCC Highway officers.

The planning application is supported by a Walking, Cycling and Horse-riding Assessment and Review (WCHAR) (Paul Basham Assoc's). Whilst it does not identify the above proposed improvement works to Lower Pennington Lane, it does identify enhancements that can be made for pedestrians between the planning application site and local facilities at Fox Pond shopping parade, Pennington Square

shopping parade and Pennington Church schools.

The WCHAR identifies a lack of tactile surface for several existing pedestrian road crossings between the site and the identified local facilities. HCC Highway officers expect the applicant for this planning application to undertake the improvements to enhance those crossings. These are minor works, and it is considered proportionate and reasonable that this development undertakes these works. They can be secured in a S.106 legal agreement and this responds to outstanding matters listed by the representation received from HCC Highway officers

The above two sets of improvements for pedestrians contribute to improving walking routes to two local centres, where residents of the planning application would be able to make use of shops, services and takeaways and potential employment opportunities. This increased footfall, although minor will be an economic benefit for the services and facilities. In doing so the application would be considered to address Local Plan policy SS6 criterion (ii)(d) and to follow the principles of Policy LP5 'Walkable neighbourhoods' of the emerging LPNP.

There is no objection to the scale of the development or the amount of vehicle movements generated from the Local Highway Authority. The access and visibility splays can be provided to ensure safe access and egress is achieved and enhancements for pedestrians in the area will be delivered. As such, subject to conditions and S.106 obligations the development will preserve highway and pedestrian safety in accordance with paragraph 116 of the NPPF and Local Plan policies CCC2 and SS6.

Parking.

The adopted Parking Standards SPD (PSSPD) sets out the ratio of parking expected for new development to achieve, based on the number of bedrooms provided.

As indicated in the table above in the Housing Mix chapter, all the houses are 2 and 3 bedrooomed, requiring 2 and 2.5 parking spaces respectively. All the detached market houses have a garage and surface parking spaces sufficient to meet the requirements of the PSSPD.

The affordable dwelling units, numbers 12 and 13, are 2 bedrooomed and have 2 surface parking spaces.

The PSSPD does not differentiate between the parking needs of flats or houses. The smaller flatted block accommodates 3x2-bed flats providing a dedicated undercroft and a surface parking space for each flat. This design is considered to be on-plot parking as it could not be shared communally. However, it accords with the PSSPD.

The larger flatted block accommodates 10x1-bed flats. Parking is provided in the communal yard, as described on the site layout plan. This arrangement allows efficient use of shared parking. The planning application requires 14 parking spaces, which is provided immediately adjacent to the flatted block, in accordance with the PSSPD.

Five dedicated visitor parking spaces have been provided throughout the development in positions where they do not lend themselves to being monopolised by individual dwellings. There are several plots with additional driveway space should additional parking be required. It is considered that the communal parking

arrangement for the flats will provide adequate flexibility to accommodate the visitor needs of that part of the planning application.

The PSSPD also sets out standards for the provision of space to store bicycles. The garages associated with the houses could accommodate bicycles, or residents could place outbuildings within their curtilages. Flatted block A provides a ground floor storage room for each flat and a dedicated cycle store is provided for block B, sufficient to meet the requirements of the PSSPD. No detail of the form of fixing or rack for cycles to be locked to in the communal store provided in block B has been provided. In order to ensure an appropriately robust, useable structure is provided a condition securing such details will be included in the recommendation.

It would also be necessary to impose a condition securing provision of cycle parking racks outside the building for use by visitors who may choose to cycle to the site. It is considered there is ample space in front of flatted block B to make such provision.

As such, subject to conditions it is considered the planning application accords with the Parking Standards SPD.

Local Plan policy SS6 requires development on the strategic site to make provision for additional visitor parking for Oakhaven hospice. Whilst there is no explanation for this requirement in the supporting text to the policy, the land owner of the planning application site has recently allowed visitors to the hospice to park on the application site.

There is no assessment of what the parking needs of Oakhaven hospice are, or what is required to comply with criteria (c) of the-site specific consideration of the policy SS6. However, the planning application includes the provision of six parking spaces in the south-west corner of the planning application site, where it abuts the access driveway serving the hospice.

In their representation, Oakhaven hospice confirm they are grateful for this provision. As such it is considered this planning application has proportionately complied with this site-specific requirement of Local Plan policy SS6 criterion (iii)(c).

Refuse collection.

The supporting Transport Assessment (Paul Basham Assoc's) includes vehicle tracking plans to demonstrate to the satisfaction of HCC Highways officers that a refuse collection vehicle can access, manoeuvre and turn on site to serve all the proposed dwellings. This includes consideration of the technical standards published by NFDC for its new wheeled bin collection strategy.

As shown on the site layout plan, each house has access to rear gardens to store bins. It is also considered in most cases, that the layout of the site and plots could adequately accommodate bins being stored at the front of houses, should residents prefer, without material impact on the appearance of the site or highway safety.

Flatted block A at only 3 flats would be provided with individual bins. Each flat has its own ground floor storage room, where it would be possible to store bins. Flatted block B has a large communal bin store of sufficient size to accommodate the range of shared bins necessary to meet the NFDC waste standards published in 2025. The vehicle tracking plans demonstrate that a refuse wagon can stop adjacent to the refuse store access doors in a position that would not compromise vehicle movements on site, while the communal bins are emptied.

A condition will be added to the recommendation to ensure that the stores are made available prior to occupation of the relevant flatted blocks.

Public Right of Way. (PROW)

There is a PROW crossing the application site, from the north-west corner to the south-east corner, it continues off-site, across the adjoining land within Local Plan policy SS6, where it links to Ridgeway Lane. The path largely follows the north and east edges of the application site. The layout of the planning application proposes to change the existing alignment of the path, routing it through the centre of the application site.

Whilst the current PROW definitive route is aligned to the edges of the application site, a desire line has been worn by users diagonally across the eastern field of the application site, indicating a degree of preference for a more direct route across the field.

The proposed housing layout would place the existing PROW route between the rear boundary fences of the four self-build plots, in the north-east corner, and the existing boundary treatment with neighbouring land around the application site. This would involve a blind right angle corner, with little by way of passive surveillance. As such this route is not considered to offer a safe or attractive route to users and is likely to attract anti-social behaviour and become obstructed by growth of the dense landscape growth along the edge of the site. And is proposed to be a space reserved for dormice habitat by the ecological enhancement plan

The proposed route for the diverted PROW will adopt the principle of the desire line across the eastern field, routing users through the proposed open space on site, along a visible and legible route, segregated from the proposed access road, but within sight of the road, as well as benefitting from passive surveillance from the proposed dwellings. Its route through the public open space on site, including the retained trees and ditches is considered to be significantly more attractive and enjoyable than the existing PROW route, even if the self-build plots were orientated to face outwards onto the existing route.

The HCC Countryside Services officer supports the principle of the proposed route, indicating that the applicant should follow up with an application to divert the formal route via the Town and County Planning Act in order to allow closure of the existing route to make provision for ecological enhancements.

The HCC Countryside Services officer does identify some technical matters for that diversion application to address, including the surface treatment, commuted sum for maintenance and repair of the bridge at the south-eastern corner of the application site, where the PROW crosses a ditch. It also indicates that where the PROW crosses the on-site estate road proposed to serve the four self-build plots, priority should be for pedestrians and vehicles should be required to give way. As this section of the estate road serves only four dwellings, such a conflict is unlikely to be a common occurrence. However, it should be readily possible to secure an arrangement for vehicles to give way, based on the raised table proposed in the carriageway.

The consultation received from the HCC Highway officer includes reference to the layout of the site, with respect to the route of the PROW being shown, specifically where it meets the southern boundary and links to the route of the PROW on the adjoining land. The final route for the PROW will have to be agreed by an application to divert its current route and respond to the circumstances of the

situation of any planning proposals on that adjoining land. There is nothing about the layout of the open space on the southern edge of the planning application site that prevents a suitable route being agreed. An indicative alignment for a route to the south-east corner, where the existing PROW route adjoins the neighbouring land, is shown on the supporting site layout plan. Whilst it is considered that the direct route shown on the site layout plan would be preferable, it is considered that this responds to outstanding matters listed by the representation received from HCC Highway officers

The HCC Countryside Services officer and HCC Highway officer also require that this scheme enhances the surface of the PROW off-site, where it continues across the adjoining land also included in the Local Plan policy SS6, as far as Ridgeway Lane.

The recent proposals (22/11424) for planning permission on that adjoining land have been refused. Measures were included in that proposed development to improve the surface of the PROW, that would have adequately accommodated the level of use generated by the planning application under consideration here. None of the reasons for refusal related to the failure of that scheme to make provision for the PROW, it is therefore considered that any revised proposals will make provision for the PROW, furthermore the PROW remains across that land for pedestrians to use.

However, recognising that the PROW across the adjoining land does provide the most attractive and direct route from this application site to Woodside Gardens public open space, a facility that residents will benefit from proximity to, securing enhancements to the PROW is reasonable. The enhancement would take the form of a financial contribution towards surface improvements. Being mindful that the adjoining land remains part of Local Plan policy SS6 where development should be expected to occur, it would not be appropriate to require any surface enhancements to be undertaken in the short term, pending revised proposals for development on the adjoining land being granted planning permission, potentially resulting in removal of any new surface. A suitable financial sum and timetable for delivery can be secured by a S.106 legal agreement. This responds to outstanding matters listed by the representation received from HCC Highway officers.

The HCC PROW officer has suggested two conditions are imposed to protect the PROW during construction and make good any damage caused. As the intent is to amend the route of the PROW and provide a new surface, these conditions would not be directly relevant or necessary. Maintaining the presence of a PROW across the site during construction is a requirement of the legislation and applications under highways legislation could be made for a temporary closure should it be necessary to do so. Furthermore, a Construction Management Plan can accommodate measures to protect the existing definitive route of the PROW.

Whilst a further application to the Local Planning Authority under S.257 of the Town and Country Planning Act, will be required to divert the PROW, it can rely on the benefit of the planning permission granted to authorise its diversion.

As such it is considered that subject to conditions and a S.106 legal agreement the proposed route for the PROW will be a safe, pleasant and attractive feature of the scheme and a positive benefit for future and existing residents, supporting active travel and recreation in accordance with Local Plan policies ENV3, CCC2 and SS6

E. Residential Amenity

Local Plan policy ENV3 at paragraph (ii) requires development, to avoid

unacceptable effects by reason of visual intrusion, overbearing, overlooking, shading, noise and light pollution.

The site-specific considerations of local plan policy SS6 are also directly relevant, requiring development to;

(b) development and access arrangements must respect the tranquillity, privacy and security of the Oakhaven hospice.

As demonstrated by the supporting site layout plan, the planning application locates the new dwellings well within the site boundaries, avoiding any unacceptable effects on the occupiers of existing dwellings in the local area due to loss of privacy, loss of outlook or shading. There is no reason to consider that an acceptable relationship between existing and the proposed self-build dwellings cannot be achieved and as such it is anticipated that no unacceptable effects on the amenity of neighbours to the north will occur. This material consideration will be revisited in any subsequent Reserved Matter applications. As such the amenity of neighbouring residents will be preserved.

In all cases the low built density and layout of the scheme ensures sufficient separation between dwellings within the site, ensuring adequate amenity, daylight, outlook and privacy is achieved for prospective future residents of the scheme.

The concept masterplan supporting policy SS6 illustratively indicates residential development as appropriate along the north and east boundary of the neighbouring Oakhaven hospice site, including potentially providing parking for the hospice within the SS6 allocation land, identified as a Site-specific Consideration at criteria (iii) (b) to the policy. The supporting text to Local Plan policy SS6 does not give any guidance regarding how to assess or quantify the tranquillity of the hospice.

The development subject to this application proposes flatted development approximately 15m from the boundary with Oakhaven hospice grounds and approximately 30m from the buildings that enclose gardens on that site. Whilst the flatted development does result in a pocket of denser development, the flats are predominately one-bedroomed, limiting the likely number of residents. It is considered that amenity space shared around the proposed flatted development could adequately preserve the tranquillity of the hospice when also taking separation distances and the existing mature tree coverage on the mutual boundary into account.

The applicant has proposed that occupation of the flats, located close to the southern boundary shared with Oakhaven hospice, will be limited to residents over the age of 55. This approach is supported by Oakhaven hospice as a means by which to preserve the tranquillity of the hospice grounds. However, no evidence has been presented to demonstrate that such an age restriction would prevent general day-to-day noise arising from those dwellings any more than the above considerations demonstrate will be achieved by the proposed development.

The proposed vehicular access would not compromise the amenity of nearby residents. The position of the proposed access in the north-west corner of the site is as far as possible away from Oakhaven hospice, minimising the potential for the access to have any material impact on the tranquillity of the hospice.

It is considered that the residential nature of the scheme would not give rise to a type, form or pattern of vehicle movements that would be out of character with the residential characteristics of the area.

Existing residents would have access to the new open space being made available and accessible on the site for informal recreation needs. This will include the diverted PROW crossing the site and its onward route across the adjoining land and access to Woodside Gardens.

Pollution, nuisance and amenity.

Local Plan policy CCC1 sets out the health and safety of communities should not be prejudiced by pollution or hazards, including air quality. The Council has also adopted an Air Quality in New Development SPD.

With respect to air quality, the application is supported by an Air Quality Assessment (AQA) (Waterman I&E Ltd). The site is not in an area where existing air quality is a concern for residential amenity. The proposed residential development is not considered to give rise to any activities or processes that would have an impact on the amenity of residents on site or surrounding, from dust or fumes. Electric vehicle charging points will be included for each dwelling, encouraging opportunities for electric car use.

It is considered by the supporting AQA and confirmed by the NFDC Environmental Health officer, that construction of the development is the most likely risk of harm to air quality. Such risk of harm can be adequately mitigated by preparation of a dust management plan to assess the risk and plan the construction process to avoid harm. An appropriately worded condition has been suggested and included in the recommendation.

With respect to noise, the application is supported by a Noise Planning Report (NPR) (Waterman I&E Ltd). The main identified source of noise likely to impact residential amenity is road traffic noise from vehicles on Lower Pennington Lane. However, this is still concluded to be a negligible risk.

The proposed layout of the scheme places most of the dwellings more than 20m from Lower Pennington Lane, considered sufficient by the NPR to mitigate any impact. However, for those dwellings along the western side of the proposed development that are within 20m, the existing mature landscape along the west edge of the application site and appropriate window ventilation design, as advocated by the NPR, will ensure adequate amenity for residents is achieved. The NFDC Environmental Health officer confirms the report findings to be reliable. An appropriately worded condition securing the conclusions of the NPR is included in the recommendation.

With respect to lighting, the application is supported by a Lighting Impact Assessment (LIA) with a lighting levels plan (Design for Lighting). Recognising the greenfield characteristic of the site at present, the LIA has based the proposed lighting strategy on the site lighting baseline being a relatively dark outer suburban location.

The proposed lighting scheme includes street lighting and external lights on each building. The illuminance plan indicates that the layout will avoid light spill beyond the site in a manner that will detract from the baseline or the amenity of existing neighbours, including Oakhaven hospice. The NFDC Environmental Health officer confirms that the lighting scheme is unlikely to result in adverse impacts and requests an appropriate worded condition is included in the recommendation to secure compliance with the plan.

Each of the above mentioned reports recognise that construction of the proposed

development would give rise to short term temporary impacts on air quality, noise and lighting with the potential to be a nuisance to the amenity of neighbours around the site. Such impacts can be mitigated by preparation of a construction management plan. An appropriately worded condition can secure such a plan and is included in this recommendation.

F. Ecology and Habitat Mitigation

There are no protected habitats on the application site. However, the application site is in close proximity to the following protected sites.

- The New Forest Special Area of Conservation (SAC), the New Forest Special Protection Area (SPA) and the New Forest Ramsar site;
- The Solent Maritime SAC, Solent and Isle of Wight Lagoons SAC, the Solent and Southampton Water SPA, and the Solent and Southampton Water Ramsar site; and
- The River Itchen SAC.

As such Local Plan Policy ENV1 (Mitigating the impacts of development on International Nature Conservation Sites) is directly relevant. The policy sets out that development will only be permitted where the Council is satisfied that any necessary mitigation, management or monitoring measures are secured in perpetuity as part of the proposal and will be implemented in a timely manner, such that, in combination with other plans and development proposals, there will not be adverse effects on the integrity of International Nature Conservation Sites (INCS).

i) Ecology and Protected Species

Local Plan policy DM2 seeks to preserve or avoid impacts on features of nature conservation interest, including international, national and local designations and species. The development should include features to incorporate features to encourage biodiversity and retain and where possible enhance features of nature conservation value within the site. Conditions could be used to minimise damage, provide mitigation and site management measures and, where appropriate, compensatory and enhancement measures.

The application is supported by sufficiently detailed ecological surveys of the site, confirming, to the satisfaction of the NFDC Ecologist that there are no habitats or species recorded as being present on site that prevent the principle of the scheme or dictate the proposed layout of the development.

Furthermore, as described above at sub-section C, important existing trees, hedgerows and ditches are proposed for retention. These have influenced the layout of the proposed development and contribute to minimising the overall impact of the development on existing ecology.

A comprehensive Ecological Impact Assessment (EclA) (ecosupport 11/03/25), appraising the impact of the development and identifying appropriate mitigation measures has been submitted in support of the application. The EclA assesses the potential impact on the following protected species identified as being present on site.

Bats.

The existing bungalow on site supports a day roost of common pipistrelle and soprano pipistrelle. A European Protected Species (EPS) licence will be required

before the building can be demolished. It is considered that demolition is required to facilitate the development applied for here, which will deliver social and economic benefits. Retention of the bungalow is not a satisfactory alternative as it would compromise access to the site and efficient use of the site. The NFDC Ecologist has confirmed that appropriate mitigation has been proposed to maintain favourable conservation status of the species.

Prior to the removal of trees shown to be removed, Potential Roosting Feature surveys need to be undertaken, to confirm any further presence of bats. Should bats be identified as present mitigation should be identified and secured. An appropriately worded condition can secure such surveys are undertaken and submitted to the Council.

The site has been assessed to be of County value for foraging and commuting bats, the submitted external lighting strategy (Lighting Impact Assessment) is considered to be sensitive to bats and appropriate to avoid disturbance. Whilst installation of 12 bat bricks has been proposed, the NFDC Ecologist expects a greater amount of enhancement is secured. A condition can ensure installation of such enhancement features is secured.

Birds.

There is suitable habitat across the application site to support nesting birds. Thirteen bird species were identified on site. Of which, four are included on the list of Birds of Conservation Concern (BoCC), being Dunnock, Wren, Whitethroat and House Sparrow. The supporting EclA indicates, to the satisfaction of the NFDC Ecologist, that vegetation clearance will be undertaken outside the nesting season.

Whilst installation of 12 swift boxes has been proposed, the NFDC Ecologist expects a greater amount of enhancement is secured. A condition can ensure installation of such enhancement features is secured. Furthermore, retention of important landscape features such as mature trees and hedgerows, as well as provision for their enhancement and new planting will contribute additional opportunities for nesting birds.

Dormice.

A single dormouse was identified during surveys. Located in the hedgerow along the eastern boundary of the site, in an area that will be retained as open space by the proposed layout, being kept out of the land being set aside for the self-build plots. However, there is risk of harm to this species during site clearance and areas of supporting hedgerow habitat will be removed to facilitate the development. As such an appropriate working methodology, acceptable to the NFDC Ecologist, has been proposed. Along with installation of dormouse boxes and native species planting to enhance boundary species across the site, most particularly along the existing route of the PROW, adequate mitigation and enhancement for dormice will be achieved.

Great Crested Newts (GCN).

There are waterbodies within close proximity of the site considered to have potential to support GCN. However, eDNA surveys returned a negative result for their presence. The consultation response received from NatureSpace accepts this conclusion and does not require any further assessment or enhancement to be undertaken.

Reptiles.

Surveys identified the presence of Slow-worms and Grass Snakes on the application site. A detailed scheme for capture and translocation of these species has been

proposed in the supporting EclA. This proposes translocation on site to a hibernaculum located in the south-east corner of the application site where development is restricted to use of the land as open space. The strategy and proposals are acceptable to the NFDC Ecologist.

Biodiversity Net Gain (BNG).

The scale of the scheme meets the requirement to make the mandated 10% BNG improvement. The existing baseline of habitats on the site has been assessed and a BNG report and copy of the metric submitted in support of the application (ecosupport 11/03/25). Whilst the report confirms that the development will secure a net gain in hedgerow and watercourse units, the development will result in a net loss of habitat units, and as such the development will need to secure BNG offsetting credits to achieve the required 10% BNG. The biodiversity baseline is agreed by the NFDC Ecologist and a decision to grant planning permission will be conditional on compliance with the legislative 10% net gain in biodiversity requirement.

Subject to conditions securing improved level of ecological enhancement and securing implementation of the mitigation strategies proposed by the applicant, the scheme is considered to preserve and enhance features of nature conservation on the site in accordance with Local Plan policy DM2.

ii) Recreational activity impact on New Forest and Solent Habitats

Policy ENV1 of the Local Plan requires developments proposing more than 50 dwellings to make provision for ANRG on site as part of the proposed scheme. The policy expects 8Ha of ANRG to be provided per 1000 residents. Whilst this application proposes less than 50 dwellings, it is considered that as it forms part of the strategic residential-led allocation for at least 100 homes, that in accordance with Local Plan part 1 paragraph 5.18, providing supporting text to Local Plan policy ENV1, off-site contributions are not an acceptable alternative to the provision of on-site ANRG for developments likely to contain 50 or more homes, even if that phase is for less than 50 dwellings.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites.

Such adverse impacts would be avoided by provision of Alternative Natural Recreational Greenspace (ANRG), on the site as part of the design and layout of the scheme, in accordance with ENV1 and the design requirements of the Mitigation Strategy SPD.

Based on the Housing Mix (see Section B of the Planning Assessment), the proposed 30 homes generate a need for at least 0.55ha of ANRG. The proposed scheme delivers 0.63ha of ANRG on site, compliant with the policy requirements. There is a qualitative aspect to the design of the ANRG, this is discussed in consideration of Landscape design. In principle the scheme provides sufficient quantity of ANRG to meet the policy requirements. Secured for delivery by a S.106 legal agreement, that will include requirements for managing and maintaining the space, as with the public open space that responsibility is expected to be via a management company.

Furthermore, the applicant will enter into a S.106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy towards the costs of providing Access Management and Monitoring.

The applicant will also agree to provide the financial contribution towards protecting Solent sites from recreational pressure, in accordance with the Bird Aware Solent strategy which will also be secured through a S.106 legal agreement.

iii) Nitrate neutrality and impact on the Solent SPA and SACs

Local Plan Policy ENV1, goes on to require all residential developments draining or discharging wastewater to the Solent and Southampton water make a financial contribution or other appropriate mechanisms to achieve nutrient-neutral development.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

These adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package addressing the additional nutrient load imposed on protected European Sites by the development, likely to take the form of purchasing nitrate offsetting credits in a mitigation scheme.

A Grampian style condition has been agreed with the applicant and is attached to this recommendation.

Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, Local Plan policy ENV1 criteria (v) requires all residential development to make a financial contribution towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other international designations.

Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Subject to conditions and obligations secured by a S.106 agreement, the scheme would mitigate impacts on sensitive protected habitats off-site in the New Forest and Solent. On site ecology can be preserved and enhanced. The scheme would comply with Policies ENV1 and DM2 contributing to the delivery of a sustainable development in accordance with policy STR1.

G. Other Matters

Development Phasing.

The planning application is supported by a plan providing details of the proposed phasing of the development. The vehicular access, on site estate roads, green and blue infrastructure and affordable housing development are indicated to be phase one. This would ensure early delivery of the ANRG in order to ensure mitigation for the recreational impacts of residential development on protected New Forest habitats is available before first occupation. This first phase will provide vehicular access and utility services up to the edge of the land reserved for the self-build plots.

Subsequent phases refer to the 11 private market houses and each self-build plot individually. Whilst each of these is numbered, this is not reflective of the order in which they will proceed, but to demonstrate each one individually is a discrete phase, which in the case of the self-build plots cannot be guaranteed to be delivered in a particular order.

This plan provides the basis for subsequent Reserved Matter applications to be made for the self-build plots individually in order that the detailed proposals for all four plots does not need to be provided and approved, prior to implementation of approved details for one of those plots.

Drainage.

Local plan policy CCC1 seeks to ensure that development does not result in hazards that prejudice the health and safety of communities and the environment, and also take opportunities to address existing hazards. It confirms that in areas of flooding, vulnerable development will not be permitted unless in accordance with the sequential and exceptions test. Paragraph 8.12 confirms that the Council will apply national policy as set out in chapter 14 of the NPPF.

The site is in Flood Zone 1, that having the lowest probability of a flood occurring, as such, in accordance with the NPPF there is no requirement for the layout of the development to be limited to avoid areas at risk of flooding.

Furthermore, despite the presence of field drainage ditches across the site, there is no indication, on national flood risk maps, of any surface water flood risks associated with their route, or the wider site subject to allocation for development by local plan policy SS6.

The application is supported by a comprehensive drainage assessment, report and proposed drainage strategy (CGS Civils, received 30/04/25). This report identifies the form of the surface water drainage currently existing on site, calculating flow rates during storm events annually, for a 1 in 30 years, 1 in 100 years and 1 in 200 years flood event occurring, including modelling for climate change.

Due to the shallow depth of groundwater below the surface of the ground across the site, drainage of surface water via on site infiltration would not be possible. As such the principal approach to the surface water drainage strategy is to make use of the

existing drainage ditches on site that currently discharge surface water off site.

Attenuation tanks to store surface water runoff will be installed, with sufficient capacity for the storm events described above, and then discharge water at current greenfield rates via the existing drainage ditches. Whilst discharge rates for the more extreme storm events have been demonstrated, the rates for more frequent, less intense events have not.

A new swale will be excavated on the eastern portion of the site, adjacent to the self-build plots and through the proposed open space. This will contribute to the drainage network whilst providing a positive benefit for on-site biodiversity and the attractiveness of the open space.

Plans have been submitted demonstrating, to the satisfaction of the NFDC tree officer, the location and layout of attenuation tanks and drainage infrastructure avoid root zones of important retained trees and other landscape features, such as the existing ditches and hedgerows.

Flood Risk Management officers at Hampshire County Council, in their role as Lead Local Flood Risk Authority, accept the principles of the drainage strategy and accept that discharge rates for the more extreme storm events have been demonstrated. Whilst the principles of the drainage strategy are sound, discharge rates for more frequent, less intense events have not been satisfactorily demonstrated, as such request imposition of a condition securing the final fully designed drainage scheme with details of its future management and maintenance.

The proposals will adequately manage surface water drainage in accordance with the drainage hierarchy and will not cause any downstream risks of flooding. As such the development accords with local plan policy CCC1 and NPPF chapter 14.

Education facilities.

Hampshire County Council Children Services officers have confirmed that the educational needs of the occupiers of the proposed development can be accommodated by existing schools in the area, and no financial contribution towards improved facilities can be justified.

Health Care services.

NHS Hampshire and Isle of Wight have no objection to the application, indicating that existing GP surgeries within the catchment area that this application would affect, have sufficient capacity to absorb the population increase that this development would generate.

Whilst the representation indicates a financial contribution of £680 per dwelling would be appropriate, no details of how this rate has been calculated or what scheme to provide health care infrastructure it would be used for has been provided to justify this suggestion. However, in the absence of any harm having been identified, no such contribution is required in any event.

Heritage.

There are no designated heritage assets on the site, nor is the site in or adjacent to a Conservation Area.

Local Plan policy DM1 sets the policy approach to assessing the impact of development on heritage assets, seeking to conserve or seek to enhance the

historic environment and heritage assets. A proportionate approach to the scale of harm should be considered, based on the significance of the asset and public benefits of a scheme may be considered to outweigh less than substantial harm. The presence of archaeological remains need to be considered and where appropriate mitigation measures included to reduce or avoid any impact.

There is a Grade II listed building known as 'The Cottage on the Green' at the junction of Lower Pennington Lane and Fox Pond Lane. Due to the separation distance, in excess of 120m between it and the application site, the presence of other residential dwellings and large protected trees there would not be any intervisibility between the listed building and application site. As such it is considered that the proposed development will preserve its special architectural interest, fabric and setting in accordance with S.66 of the Listed Buildings and Conservation Areas Act. Furthermore, the proposed development will have no impact on the asset's significance in accordance with local plan policy DM1 and the NPPF.

However, the off-site highway works along Lower Pennington Lane to provide enhanced facilities for pedestrians will closely abut the residential curtilage of the listed cottage, being located on the small area of green space beside the residential curtilage. The listing details the cottage as being in a focal position by the green, at the junction of three lanes. The highway works will form a path along Lower Pennington Lane and formalise a desire line that has been worn in the green space adjacent to the cottage. As the path and other street furniture already exist, the proposed pedestrian improvements are not considered to urbanise the green space or materially alter its character and appearance, thereby preserving its contribution to the setting of the listed building.

Buildings at Oakhaven hospice have been considered to be Non-designated Heritage Assets (NDHA). Paragraph 216 of the NPPF requires the effect of a development on the significance of a NDHA to be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm and the significance of the asset.

The representation from the NFDC Conservation officer comments on the failure of the heritage statement, submitted in support of the planning application, to assess the impact on buildings at Oakhaven hospice. Whilst the heritage consultant on the planning application for the remaining land within SS6 (ref:22/11424) indicated those buildings could be considered as a NDHA, the recent application at Oakhaven hospice (23/11094) did not.

As the buildings at Oakhaven hospice are outside the application site there would be no direct impact on their fabric. There are modern buildings on that site that separate the historic buildings from the application site, the mature landscape along the southern boundary of the application site is indicated for retention and the proposed scheme closely follows the layout shown illustratively by the concept master plan supporting policy SS6. It is considered that the contribution of the land around the site of the historic building to their significance has already been eroded, as such any potential harm would be very minor. In accordance with NPPF paragraph 216, the planning balance assessment undertaken at the end of this report will address this impact.

Archaeology.

There are no previously identified features of archaeological interest on the site, already identified as a constraint. The application is supported by a desk based

historic environment assessment (Wessex Archaeology 30/04/24), which concludes that any remains from the Prehistoric to Anglo-Saxon periods would be considered to hold sufficient significance to be classed as non-designated heritage assets, the likelihood of finding such remains would be unlikely. There is a higher likelihood of encountering remains within the application site from the medieval period onwards, which would be of less significance but still worthy of future investigation.

The representation received from the NFDC Archaeologist objects to the lack of detail in the desk-based survey work undertaken. This planning application relates to land that forms part of a larger site allocated for development, where the remaining larger parcel of land has recently been subject to a planning application (Cicero Estates Ref:22/11424) with supporting archaeological assessment. It is considered by Officers that the consistency between the conclusions of the Wessex Archaeology report, with the heritage report and considerations of the planning application on the adjoining site, provides adequate detail as to the likelihood of archaeological remains of significance being present on this application site.

Based on the evidence presented across the Local Plan allocation site, it is not considered reasonably proportionate to the scale of this application to require the applicant to undertake more intrusive forms of survey in advance of the certainty of planning permission being granted. A condition securing further geo-physical surveys and Written Scheme of Investigation would be reasonable and is applied to this recommendation.

Sustainable Construction

There is no adopted Local Plan policy that places a requirement on proposed new residential development to achieve a standard of sustainable construction over the requirements of the Building Regulations.

The Council has adopted its Planning and Climate Change SPD. The principal objective of the Climate Change SPD is to encourage developers to take reasonable steps to minimise expected carbon emissions when designing and constructing new buildings.

The emerging LPNP includes policy LP11: Net Zero Carbon Building Design, that sets out the following five criteria:

A. All development should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.

B. Buildings proposed to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year will not be subject to the provisions of Clause C. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.

C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the buildings will perform as predicted and will include a planning condition to require the provision of a post

occupancy evaluation report to the local planning authority within a specified period, unless exempted by Clause B. Where the report identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged prior to occupation.

D. All planning applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.

E. Climate Change Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the energy hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

SDLPNP Draft Policy LP11 Net Zero Carbon Building Design sets out ambitious policy objectives that appear to go beyond relevant current adopted Local Plan policies. For example, the NFDC Cabinet report on 3 April 2024 set out (with regard to the now adopted Climate Change SPD) that The Council is unlikely to be in a position to be able to refuse development if embodied carbon calculations (such as the Whole-Life Cycle Carbon Emission Assessment in draft Policy LP11 criterion D) are not included in the proposal

The planning application is supported by an Energy and Sustainability Statement (ESS) (Hydrock) that indicates the planning application will deliver designs that prioritise sustainability relying on the following strategies.

- Using Passive design to reduce energy demand.
- Include highly efficient building services, with heat recovery.
- Focusing on implementing measures such as biodiversity net gain, low flow water fittings and sourcing sustainable construction materials.

The ESS does not undertake detailed calculations of each dwelling for consideration against the policy tests of policy LP11 of the emerging LPNP. However, it does indicate an intention to install heat pumps for use in the dwellings.

The ESS also indicates that based on the strategies listed above, the planning application will reduce carbon emissions by more than 60% over the requirements of the current Building Regulations.

It is considered that the planning application has not complied with the ambitious target of the Passivhaus standards and draft policy LP11 of the LPNP. However, that does not result in a planning application that is not sustainable or that does not reduce the energy demands of the development compared against the national standards set out in the Building Regulations.

Ground Contamination.

Local Plan Policy CCC1 (Safe and healthy communities) criterion (i) sets out that development should not result in pollution or hazards which prejudice the health and safety of communities and their environments including air quality and the water environment. Criterion (iv)(c) sets out that on contaminated, polluted or unstable

land unless it is first adequately remediated or otherwise made safe for the proposed use and for the local community prior to occupation.

The site is not subject to any identified ground contamination constraints associated with historic use of the site. The NFDC Environmental Protection officer has confirmed that there is no objection to the planning application with regard to ground contamination.

NFDC Planning Policy has confirmed that Radon gas is present in the ground in this part of the New Forest and is a material consideration on Strategic Site 6. The NFDC Environmental Protection officer has confirmed that that site lies within the area categorised as Radon Class 2, the level at which basic radon protection is not mandated in all new dwellings by Building Regulations.

Radon is a natural radioactive gas, which enters buildings from the ground and persists or accumulates where ventilation is poor. The maps which identify the designation have been developed by the British Geological Survey (BGS) and UK Health Security Agency (UKHSA, formerly Public Health England (PHE)), the radon potential data informs about the likelihood of a property having a radon level being at or above the Action Level for dwellings in Great Britain. The data provides information about ground conditions relating to health protection of the occupants (dwellings).

Although testing for the presence and mitigation of Radon is a requirement of the Building Regulations, it is considered appropriate to apply a precautionary condition ensuring that radon protection measures are provided to each dwelling to ensure the safety of occupants. Such a condition is included in recommendation for this planning application.

Minerals.

The application site lies within 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.

Local Plan policy STR9 seeks to protect or avoid sterilisation of important mineral resources located in the District, in accordance with the Hampshire Minerals and Waste Local Plan. This may require prior extraction or encourage developers to retain the materials for use on site where there aren't viable quantities for commercial extraction.

The proposal is supported by a Mineral Resource Assessment (MRA) (Land & Mineral Management 30/04/24). Hampshire County Council Minerals and Waste Planning officers (HCCMWP) agree with the conclusion of the MRA that there are not economically viable quantities of aggregates on site to justify prior extraction.

However, the applicant may consider recovering materials excavated for use in the development, particularly in landscaping, ground raising or levelling. A condition is advocated by the HCCMWP consultation response, securing a strategy for extraction and re-use of minerals identified on the site. As excavations and either re-use or disposal of materials from site would occur in any event, it would not be an onerous requirement to invite the applicant to consider how they may be used or disposed of, which may have financial benefits.

As such, subject to suitable minerals conditions, the proposal accords with Local Plan Policies STR1 and STR9 and Hampshire Minerals and Waste Plan (2013) Policy 15.

Fire Safety.

The consultation response from the Hampshire and IofW Fire and Rescue Service is accepted. However, any development granted planning permission will need to meet the current Building Regulation standards for fire safety. None of the buildings are tall enough for the planning process to require consideration of fire protection systems or the type of external materials to be used.

Utilities.

Whilst they do not raise any objection to the proposed development, Scottish and Southern Electric have highlighted the presence of a low voltage electricity cable crossing the site underground. The application is supported by a Utilities Statement (Hydrock), that identifies all utilities infrastructure across the site. The applicant is aware of the identified utilities infrastructure and will take measures to divert the cable as part of the works to provide an electricity supply to the development.

Developer Contributions

Local Plan Policy IMPL1 (Developer Contributions) sets out that all developments must provide or contribute proportionately to the provision of local infrastructure. Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and Infrastructure Development Plan and the requirements of consultees the following are the proposed Heads of Terms for a Section 106 Agreement (Based on current rates as of 1 April 2025 as set out on the NFDC website).

Heads of terms

Air Quality Monitoring:

- Provision of £2,912 towards monitoring air quality in the new forest protected habitats.
- Provision of £112 per dwelling, prior to occupation of each self-build property.

Recreational Habitat Mitigation:

- Infrastructure Habitat Mitigation: Phased delivery of 0.63ha of publicly accessible ANRG, with future transfer to a Management Company provision of a management plan including arrangements for the funding of the ANRG maintenance and a mechanism to ensure that the ANRG is maintained and managed in perpetuity should the management company fail to exist or fail to undertake the maintenance of the land in accordance with any management plan.
- Provision of a financial contribution of £18,478 towards Non-Infrastructure Habitat Mitigation (Access Management and Monitoring).
- Provision of New Forest non-infrastructure mitigation impact (access and monitoring) financial contribution for each self-building plot prior to each phase of self-build development.

- Provision of a financial contribution of £17,433 towards Bird Aware Solent
- Provision of Bird Aware Solent payment per self-building dwelling prior to each phase of self-build.

Highways:

- Provision of a financial contribution of £17,600 towards Milford road, Pennington Cross roundabout capacity improvement project.
- Provision of off-site Lower Pennington Lane pedestrian footway improvements, to be subject to funding claw-back clause with HCC
- Provision of enhancements to pedestrian routes at A337 Milford Road and South Street identified in WCHAR report.
- Provision of commitment to fund (£39,610) surface improvements to off-site PROW footpath 83
- Provision of residents travel plan.

Affordable Housing:

- Secure the identified 15 dwellings as affordable housing.
- Secure the indicated size and tenure mix.
- Secure age limit of 55 years old but with cascade provisions to allow occupation by residents under the age of 55 should any affordable dwellings remain un-claimed after an appropriate timescale (and any subsequent re-advertisement upon being vacated)

Recreation

- Secure on-site informal public open space provision of 0.067ha
- Secure on-site children play area provision of 0.02ha
- Provision of a financial contribution of £19,355 towards the off-site provision of formal public open space.
- Phased provision and transfer to management company, including arrangements for funding the maintenance and a mechanism to ensure that the POS is maintained in perpetuity should the management company fail to exist or fail to undertake the maintenance in accordance with any management plan.

Self-build and Custom Build Housing.

- Ensure plots are made available to applicants to the NFDC self-build register, who meet local connection criteria.
- Allow cascade to applicants on NFDC self-build register who do not meet local connection criteria after reasonable time frame.

Monitoring Charges:

- Recreational Habitat Mitigation Commencement Checks: £878.00
- Affordable Housing Monitoring: £878.00
- Recreational Habitat Mitigation on site monitoring: £12,620.00
- Biodiversity Net Gain on site monitoring: £5,414.00
- Public Open space on site monitoring: £7,112.00

As part of the development, subject to any relief being granted Community Infrastructure Levy will be payable, currently set at £120.31/sqm.

11 PLANNING BALANCE and CONCLUSION

Planning Committee Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

As set out earlier in this report, NPPF paragraph 11 clarifies the presumption in favour of sustainable development.

Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

The lack of a demonstrable five-year supply of land for housing development, means, that the presumption in favour of sustainable development in NPPF paragraph 11(d) is engaged for this application specifically the second limb which states permission should be granted unless:

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

As such this concluding part of the report will undertake the so called "tilted balance" required by paragraph 11d(ii) of the NPPF.

Consideration of the planning application has identified harm would arise to Oakhaven hospice as a non-designated heritage asset. This harm is considered to be at the lower end of the scale of harm and in accordance with paragraph 216 of the NPPF this shall be taken into consideration.

The proposed off-site highway works, to make provision for pedestrians along Lower Pennington Lane, are considered to have an urbanising effect on the character of the Lane. However, as the principal landscape features would be retained, that impact is considered to be low.

It has also concluded that insufficient informal public open space is being provided on site by the planning application to meet the requirements of the Open Space calculator supporting saved Local Plan policy CS7.

These harms are considered to be minor and therefore attract a low amount of weight to be balanced against the following benefits.

The scheme would have significant social benefits associated with it. The proposal is for new residential development of 30 dwellings which would make a positive contribution to the housing land supply in the District.

The scheme proposes flats and houses, in a mix of sizes, creating a mixed and balanced community as well as giving a wide choice of housing options. Furthermore, it would provide a Policy HOU2 compliant level of 50% of the housing as affordable housing, with the appropriate mix of Shared Ownership, Affordable and Social Rent. The size of these dwellings does not provide the full range sought by Local Plan figure 6.1. However, when considered alongside the provision proposed

by the planning application on the remaining larger portion of SS6, an appropriate range is being provided for across the Local Plan allocation site in its entirety.

Evidence has been presented to officers to demonstrate that the proposal by the applicant to restrict occupancy of the affordable housing to occupiers over the age of 55 years does meet housing need. However, the recommendation includes a cascade provision to make the affordable housing available to younger applicants on the affordable housing register, in order to ensure this much sought after housing does not remain vacant.

Successful implementation of the Local Plan, by ensuring allocated sites deliver suitable housing using land effectively, reduces the pressure to accept less desirable and less sustainable countryside locations and windfall sites subject to non-residential designations that are not planned for. Significant weight is afforded to this social benefit.

Although not in wealth generating or employment sectors prioritised by the development plan policies STR6 'Sustainable economic growth' and ECON1 'Employment land and development', the scheme would have short term significant economic benefits during construction, involving extensive employment in a wide range of sectors across the construction industry. Construction workers bring spend into local shops and services, as in due course would residents of the scheme, as well as their use of services at home.

The scheme would have environmental benefits of delivering development on an allocated site in a sustainable location where local services and facilities can be accessed by modes of transport other than the private car. It will also make provision of new sustainable travel infrastructure, both on and off site. It would deliver modern housing built to the most up to date building regulations, providing energy efficiency and high levels of insulation.

Therefore, it is considered that the identified harms (as set out) very clearly do not significantly and demonstrably outweigh the identified benefits that the application will bring as set out in the above detailed report.

Overall, given the significant public benefits including specifically the delivery of needed and planned market housing and affordable housing, and the provision of new public open space in conjunction with that housing, the proposal is acceptable in line with relevant NFDC Local Plan Policies and the NPPF subject to suitable conditions and a S.106 planning obligation.

As such, as the Council cannot demonstrate a five-year supply of land for housing, in accordance with paragraph 11(d) of the NPPF, on the balance of all material considerations, with significant weight placed on the market and affordable housing being brought forward and the lack of conflict with policies in the NPPF that protect areas or assets of particular importance as defined by footnote 7 to NPPF paragraph 11, the proposal comprises sustainable development in line with Local Plan Policy STR1 (Achieving Sustainable Development) and satisfies the site-specific criteria of Local Plan Policy Strategic Site 6 (Land to the east of Lower Pennington Lane, Lymington).

Despite the conclusion of this so called 'tilted balance' exercise, the statutory status of the adopted Development Plan as the starting point for decision making.

As set out in detail in the Planning Assessment, the proposal, subject to suitable conditions, will not have a harmful impact on designated heritage assets and

archaeological remains, trees, land contamination, mineral extraction, air quality, noise and lighting, and local general amenity including during the construction period. The proposal would not have an unacceptable impact on the New Forest National Park and its setting and the special qualities and purposes of the National Park.

The proposal is considered to represent an optimal use of the site taking all material considerations into account and therefore the low density does not represent inefficient use of the site, nor is the density of the planning application out of character with the prevailing pattern of development in the area and reflects the need for effective use of land as a resource and the need for a wider range of residential typologies in light of the District's identified housing need.

Subject to conditions and S.106 obligations safe vehicular access to the site would be provided as well as enhancements to improve options to travel by non-vehicular modes.

The proposal has received local objections that are not supported by the technical advice of consultees such as Hampshire County Council as Highway Authority and Lead Local Flood Risk Authority, and Natural England. No substantive alternative evidence has been submitted to set aside the views of statutory consultees.

The development of part of this allocated site will undoubtedly change and have an urbanising impact on the local character, this must be balanced against the allocation of the site in the Local Plan and the need to deliver new housing including an element of affordable housing and recognise that this application site is immediately adjacent to the existing edge of the urban area and is only one part of a larger site where significant change will occur.

The planning consideration undertaken at chapter 10, demonstrates that, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the scheme is in broad accordance with the development plan, the shortfall in informal public open space, failing to accord with saved Local Plan policy CS7, being the only unresolved policy conflict.

The Council has carried out an Appropriate Assessment under the Habitat Regulations (as amended) at this stage and concluded that the impact of additional Nitrogen entering the Solent will cause harm but that a scheme of mitigation can be brought forward to offset such harm. Furthermore, an Appropriate Assessment of the recreational impacts demonstrate harm would occur to protected habitats in the New Forest, but that mitigation is delivered on site and by obligations in the S.106 legal agreement. The scheme will protect important landscape features on and around the site, support ecology including protected species and deliver biodiversity net gain.

The scheme has economic, environmental and social benefits that would secure a sustainable development. Subject to suitable conditions and a S.106 planning obligation, the proposal accords with NFDC Local Plan Policies SS6, STR1, STR2, STR3, STR5, STR9, ENV1, ENV2, ENV3, ENV4, HOU1, HOU2, CCC1, CCC2, IMPL1, IMPL2, DM1 criterion (a), DM2, DM5, and the emerging Submission Draft Lymington and Pennington Neighbourhood Plan policies LP6, LP7, LP8 and LP10.

The application would not accord with Local Plan policy CS7 and therefore the Development Plan in its entirety. However, in accordance with S.38(6) of the Planning and Compulsory Purchase Act (2004) other material considerations can indicate such a conflict with the Development Plan should not render the planning application unacceptable. Such material considerations include compliance with

NPPF (December 2024) paragraphs 11, 61, 96, 105, 109, 111 criteria (b)(c) and (d), 115, 117, 129, 130, 135 criteria (b)(d) and (e), 143, 154, 181 criterion (c), 189, 196, 197, 198 and 231, Hampshire Minerals and Waste Plan Policy 15, the Levelling Up and Regeneration Act ('LURA') (2023) section 245 and as the Council cannot demonstrate it has a five-year supply of land for housing the NPPF the presumption in favour of sustainable development and application of the so called tilted balance only adds weight to the conclusion that this planning application should be approved.

13. RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure:

Air Quality Monitoring:

Provision of £2,912 towards monitoring air quality in the new forest protected habitats.

Provision of £112 per dwelling, prior to occupation of each self-build property.

Recreational Habitat Mitigation:

- Infrastructure Habitat Mitigation: Phased delivery of 0.63ha of publicly accessible ANRG, with future transfer to a Management Company provision of a management plan including arrangements for the funding of the ANRG maintenance and a mechanism to ensure that the ANRG is maintained and managed in perpetuity should the management company fail to exist or fail to undertake the maintenance of the land in accordance with any management plan.
- Provision of a financial contribution of £18,478 towards Non-Infrastructure Habitat Mitigation (Access Management and Monitoring).
- Provision of New Forest non-infrastructure mitigation impact (access and monitoring) financial contribution for each self building plot prior to each phase of self-build development, based on size of each self-build dwelling approved, currently:
£507.00 per 1 bed dwelling
£719.00 per 2 bed dwelling
£991.00 per 3 bed dwelling
£1,217.00 per 4 bed dwelling
- Provision of a financial contribution of £17,433 towards Bird Aware Solent
- Provision of Bird Aware Solent payment per self-build dwelling prior to each phase of self-build, based on size of each self-build dwelling approved, currently:
£482.00 per 1 bed dwelling
£696.00 per 2 bed dwelling
£907.00 per 3 bed dwelling
£1,067.00 per 4 bed dwelling

Highways:

- Provision of a financial contribution of £17,600 towards Milford rd, Pennington Cross roundabout capacity improvement project.
- Provision of off-site Lower Pennington Lane pedestrian footway improvements, to be

- subject to funding claw-back clause with HCC.
- Provision of enhancements to pedestrian routes at A337 Milford Road and South Street identified in WCHAR report.
- Provision of commitment to fund (£39,610) surface improvements to off-site PROW footpath 83
- Provision of residents travel plan.

Affordable Housing:

- Secure the identified 15 dwellings as affordable housing .
- Secure the indicated size and tenure mix.
- Secure age limit of 55 years old but with cascade provisions to allow occupation by residents under the age of 55 should any affordable dwellings remain un-claimed after an appropriate timescale (and any subsequent re-advertisement upon being vacated)

Recreation

- Secure on-site informal public open space provision of 0.067ha
- Secure on-site children play area provision of 0.02ha
- Provision of a financial contribution of £19,355 towards the off-site provision of formal public open space.
- Phased provision and transfer to management company, including arrangements for funding the maintenance and a mechanism to ensure that the POS is maintained in perpetuity should the management company fail to exist or fail to undertake the maintenance in accordance with any management plan.

Self-build and Custom Build Housing.

- Ensure plots are made available to applicants to the NFDC self-build register, who meet local connection criteria.
- Allow cascade to applicants on NFDC self-build register who do not meet local connection criteria after reasonable time frame.

Monitoring Charges:

- Recreational Habitat Mitigation Commencement Checks: £878.00
- Affordable Housing Monitoring: £878.00
- Recreational Habitat Mitigation on site monitoring: £12,620.00
- Biodiversity Net Gain on site monitoring: £5,414.00
- Public Open space on site monitoring: £7,112.00

ii) The imposition of the Conditions and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

Proposed Conditions:

1. 3 year implementation

The development hereby permitted as phase 1 and phase 2 on the approved phasing plan ref:PP.01 rev P3 received 11/03/25 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. **Submission of reserved matters application.**

Application for approval of the reserved matters for any of the phases 3-6 as shown on the approved phasing plan ref:PP.01 rev P3 received 11/03/25 shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. **Reserved Matters details**

Approval of the details of the Appearance, Landscaping, Layout and Scale ("the reserved matters") shall be obtained from the Local Planning Authority for each phase numbered 3-6 as shown on the approved phasing plan ref:PP.01 rev P3 received 11/03/25, before commencement of development on that phase. The individual phase of development shall only be carried out in accordance with the details which have been approved for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. **Reserved matters time limits.**

Each development in phases 3-6 as shown on the approved phasing plan ref:PP.01 rev P3 received 11/03/25 shall be begun no later than two years from the final approval of the last of the reserved matters to be approved for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5. The development hereby granted full planning permission, indicated by phases 1 and 2 on the approved phasing plan ref:PP.01 rev P3 received 11/03/25 shall be carried out in accordance with the following approved plans:

Location Plan ref:LP01 rev B received 28/05/25
Site Layout Plan ref:SL04 rev M received 11/03/25
Phasing Plan ref:PP.01 rev P3 received 11/03/25

Landscape Masterplan ref:1074-MP-01 rev F rec'd 11/04/25
Landscape Masterplan - Public Open Space ref:1074-MP-02 rev F rec'd 11/04/25

House type 1 Elevations 1of2 ref:HT1.E1 rev A rec'd 30/04/24
House type 1 Elevations 2of2 ref:HT1.E2 rev A rec'd 30/04/24
House type 1 Plans ref:HT1.P rev A rec'd 30/04/24

House type 2A Elevations 1of2 ref:HT2A.E1 rev A rec'd 30/04/24
House type 2A Elevations 2of2 ref:HT2A.E2 rev A rec'd 30/04/24
House type 2A Plans ref:HT2A.P rev A rec'd 30/04/24

House type 2B Elevations 1of2 ref:HT2B.E1 rev B rec'd 18/06/25
House type 2B Elevations 2of2 ref:HT2B.E2 rev B rec'd 18/06/25
House type 2B Plans ref:HT2B.P rev B rec'd 18/06/25

House type 2C Elevations 1of2 ref:HT2C.E1 rev B rec'd 08/05/24
House type 2C Elevations 2of2 ref:HT2C.E2 rev A rec'd 30/04/25
House type 2C Plans ref:HT2C.P rev A rec'd 30/04/25

House type 2D Elevations 1of2 ref:HT2D.E1 rev A rec'd 30/04/25
House type 2D Elevations 2of2 ref:HT2D.E2 rev A rec'd 30/04/25
House type 2D Plans ref:HT2C.P rev A rec'd 30/04/25

House type 3A Elevations 1of2 ref:HT3A.E1 rev A rec'd 30/04/25
House type 3A Elevations 2of2 ref:HT3A.E2 rev A rec'd 30/04/25
House type 3A Plans ref:HT3A.P rev A rec'd 30/04/25

House type 3B Elevations 1of2 ref:HT3B.E1 rev A rec'd 30/04/25
House type 3B Elevations 2of2 ref:HT3B.E2 rev A rec'd 30/04/25
House type 3B Plans ref:HT3B.P rev A rec'd 30/04/25

House type 4 Elevations 1of2 ref:HT4.E1 rev B rec'd 08/05/24
House type 4 Elevations 2of2 ref:HT4.E2 rev A rec'd 30/04/25
House type 4 Plans ref:HT4.P rev A rec'd 30/04/25

House type 9 Elevations 1of2 ref:HT9.E1 rev A rec'd 30/04/24
House type 9 Elevations 2of2 ref:HT9.E2 rev A rec'd 30/04/24
House type 9 Plans ref:HT9.P rev A rec'd 30/04/24

Flat Block A Elevations ref:P14-16.E1 rev A rec'd 30/04/24
Flat Block A Plans ref:P14-16.P rev A rec'd 30/04/24

Flat Block B Elevations ref:P17-26.E rev B rec'd 08/05/24
Flat Block B Plans ref:P17-26.P rev A rec'd 30/04/24

Garage Plans 1 ref:GR01 rev A received 18/06/25
Garage Plans 2 ref:GR02 rev A received 18/06/25

Access Design ref:PBA-0013 rev P01 rec'd 28/05/24 (App E to PBA
Transport Statement)
Access ground levels ref:PBA-0022-P01 rec'd 16/06/25

Reason: To ensure satisfactory provision of the development.

6. The development hereby granted outline planning permission indicated by phases 3 - 6 on the approved phasing plan ref:PP.01 rev P3 received 11/03/25 shall be carried out in accordance with the following approved plans:

Location Plan ref:LP01 rev B received 28/05/25
Site Layout Plan ref:SL04 rev M received 11/03/25
Phasing Plan ref:PP.01 rev P3 received 11/03/25
Access Design ref:PBA-0013 rev P01 rec'd 28/05/24 (App E to PBA
Transport Statement)
Access ground levels ref:PBA-0022-P01 rec'd 16/06/25

Reason: To ensure satisfactory provision of the development.

7. Development phasing.

Prior to the commencement of development hereby approved, a phasing strategy and timetable shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the scheme will be delivered and proportionate delivery of ANRG and POS will be provided to match the needs of occupation. The approved strategy shall then be implemented in accordance with the timetable, unless with prior written approval to any variation.

Reason: In order to ensure sufficient ANRG and POS is delivered to mitigate the impact of occupation.

8. Nutrient Neutrality

The development hereby permitted shall not be occupied until:

A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To

ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

9. **Bat roosting surveys prior to tree removal.**

Prior to removal of any trees from the application site, a survey of the tree for the presence of bats shall be completed by an appropriately qualified consultant. The survey and results shall be submitted to and approved in writing by the Local Planning Authority and include mitigation for the loss of any identified roosts, with a timetable for the removal of the trees and delivery of mitigation. The approved mitigation strategy shall be implemented in accordance with the approved timetable and any mitigation shall thereafter be retained as appropriate.

Reason: In the interests of nature conservation and to support protected species

10. **Sensitive lighting strategy.**

The lighting strategy proposed by the DFL Lighting Impact Assessment received 11/03/25 and shown on Lighting Levels plan P03 received 11/03/25 shall be implemented before first occupation and thereafter maintained in accordance with the manufacturers instructions and any replacement lights shall retain the equivalent levels of illuminance.

Reason. In the interests of nature conservation and residential amenity

11. **Surface water drainage.**

No development shall take place until a detailed surface water drainage scheme for the site, has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. A technical summary highlighting any changes to the design from that previously submitted.
- b. Evidence to show that no additional flows are being directed into the southern catchment area
- c. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e. Information on the existing watercourses within and adjacent to the site showing how they will be retained and confirming who is responsible for maintenance for each.

- f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The approved scheme shall be implemented prior to first occupation of the development, maintained in accordance with the agreed maintenance schedule and thereafter retained.

Reason: In order to ensure appropriate drainage capacity and to prevent down stream flood risks in accordance with policy ENV3 of the New Forest District Local Plan part 1: Planning Strategy and the NPPF.

12. Surface water drainage management and maintenance

Prior to the commencement of development a management and maintenance strategy for the surface water drainage system shall be submitted and approved in writing by the Local Planning Authority. It shall include details of the maintenance requirements for the approved drainage system, the timetable and frequency of inspections and maintenance, including details of the persons being responsible to implement the agreed strategy.

The approved strategy shall then be implemented and followed, unless with written approval of the Local Planning Authority to any variation.

Reason. In order to ensure the approved drainage network remains operational for the drainage needs of the development.

13. Tree protection

The trees and hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Tree Survey and Arboricultural Impact Assessment Project No. 10812 Rev A received 15/05/25.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

14. Arb Method Statement

No development, demolition or site clearance shall take place until the following information has been submitted and agreed to in writing with the Local Planning Authority:

- A method statement and engineering drawings for the installation of new hard surfacing within root protection area of trees agreed to be retained on site.
- A plan showing the location of service routes, including the position of soakaways and/or attenuation tanks.
- A method statement for the installation of any services within the root

protection areas of any trees agreed to be retained.

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

15. Radon condition.

No development shall take place until a risk assessment incorporating the details of associated monitoring at the site for the presence of radon gas has first been submitted to and approved in writing by the Local Planning Authority. If the presence of radon gas above 200 Bq/m³ is confirmed during the development all work shall cease in the affected area. Details of a comprehensive scheme of radon gas protection measures shall then be submitted and approved in writing by the Local Planning Authority. Development shall only re-commence in the affected area once the gas protection measures have been approved in writing and the development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems

16. Archaeology

Prior to the submission of any application for any matter reserved by condition no.2 a archaeological desk based statement, geophysical survey and associated interpretive report of the site marked for development by this Outline permission, shall be undertaken and submitted to and approved by the LPA.

In accordance with the findings of the desk based statement and geophysical survey a Written Scheme of Investigation for Trench Evaluation of the site marked for development shall be submitted to and approved by the LPA before trenched evaluation begins.

A Trench Evaluation report of the findings and any recommendations, including timetable for action to be taken, shall be submitted to and approved by the LPA and used to inform the design of any application submitted for the Reserved Matter of Layout and Landscape required by condition no.2 of this permission. The recommendations and timetable of the report shall then be implemented as approved.

Reason: In order to identify, document and assess the significance of any archaeological remains of features on the site and in accordance with DM1 of the New Forest District Local Plan Part 2: Sites and DM policies 2014 and NPPF.

17. Noise mitigation measures.

The noise mitigation measures identified in the Noise Planning Report received 30/04/24 shall be followed and implemented prior to the first occupation of each dwelling respectively. The measures and noise limits

shall be adhered to and retained thereafter.

Reason: In the interests of the amenity of residents.

18. Bat enhancements

Prior to the commencement of development above Damp Proof Course (dpc), plans demonstrating the inclusion of at least 17 bat boxes/bricks to be installed in the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed in the buildings prior to occupation and thereafter retained.

Reason: In the interests of nature conservation and to support protected species.

19. Minerals use on site.

Prior to commencement of the development hereby approved on site, the following details shall be submitted to and agreed in writing with the Local Planning Authority, which may be included within a construction management plan or similar.

- a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
- a method to record the quantity of recovered mineral (re-use on-site or off-site) and to report this data to the Minerals Planning Authority.

The development shall be carried out in accordance with the details so agreed.

Reason: In the interests of utilising any mineral deposits which could be used on the site as part of the construction works and in accordance with Local Plan Policies STR1 and STR9

20. Construction Environment Management Plan

Prior to construction (including demolition) commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures,

- including construction routes and access on to the site.
- Measures to control light spill and glare from any floodlighting and security lighting installed.
- Pest control.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction. The development shall only be carried out in accordance with the CEMP so approved.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity [and highway safety] and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy.

21. Provision of bin and bike stores.

Prior to first occupation of the blocks of flats hereby approved, the individual stores and the bin and bike stores as shown on the floor plans shall be provided respectively and available for their intended use. They shall thereafter be retained and kept available for such uses.

Reason: In the interest of supporting cyclists and ensure appropriate and adequate bin storage.

22. Bike storage details.

Prior to the commencement of development of Flatted block B, details of the racks to be provided for the storage of bikes in the bike store as shown on the approved plans, and the provision of the details and location of racks to store at least 4 visitor bikes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to first residential occupation of block B and thereafter retained.

Reason: In order to ensure appropriate and safe facilities to store bikes.

23. Provision of parking spaces prior to occupation.

Prior to first occupation of each house, the parking spaces and/or garage for that respective house, as shown on the site layout plan ref: hereby approved, shall be provided and be available for use. The garages hereby approved shall be retained for parking.

Reason In order to ensure sufficient parking is available and in the interests of highway safety.

24. Provision of play area details

Prior to the commencement of development, the details and layout of the play equipment, street furniture and surface treatment of the areas shown for play on the Landscape Masterplan - Public Open Space ref:1074-MP-02 rev F rec'd 11/04/25 hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate compliance with EN1176, include a schedule of maintenance and timetable

of delivery. The approved details shall then be implemented in accordance with the agreed time table and thereafter retained for public use and maintained in accordance with the maintenance schedule.

Reason: In order to provide appropriate play opportunities and in accordance with policy CS7

25. Provision of visitor parking.

Prior to occupation of the first dwelling in each phase of development shown on the approved phasing plan ref:PP.01 rev P3 received 11/03/25, the visitor parking spaces shown on the site layout plan ref:SL04 rev M received 11/03/25, in that phase of development, shall be provided. The spaces shall be retained for visitors to the site and shall not be allocated to any individual dwelling.

Reason: In order to ensure parking opportunities for visitors to the site and in the interests of highway and pedestrian safety.

26. Provision of details of materials.

Prior to the commencement of development of each phase of development identified on the approved Phasing Plan ref:PP.01 rev P3 received 11/03/25, full details and schedule of materials to be used for the construction of the development in that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in the construction of that phase.

Reason: In order to ensure an appropriate quality and palette of materials is used to preserve the character and appearance of the area.

27. Provide vehicular access.

Prior to first residential occupation of the development hereby approved, the vehicular access shown on the approved access plans, Access Design ref:PBA-0013 rev P01 rec'd 28/05/24, Access ground levels ref:PBA-0022-P01 rec'd 16/06/25, shall be completed and available for use by all vehicles required to visit the development, including provision of the visibility splays as shown, which shall then be kept clear of obstructions over 0.6m high.

Reason: In order to ensure timely delivery of sufficient access to meet the needs of the development and preserve highway and pedestrian safety.

28. Provision of Oakhaven parking and access.

Prior to first residential occupation of the development hereby approved, the parking spaces and access drive shown on the approved plans to be delivered for Oakhaven hospice, shall have been completed and be available for use by Oakhaven Hospice. The spaces shall be kept free and available for parking only.

Reason: In order to ensure timely delivery of this infrastructure required by Local Plan policy SS6.

29. **Detailed Landscape**

Before development commences a scheme for landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be in broad accordance with the Landscape Masterplan ref:1074-MP-01 rev F rec'd 11/04/25 and incorporate the ecological mitigation and enhancement measures proposed by the Ecological Impact Appraisal rec'd 11/03/25 and 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, construction details and the materials to be used;
- (d) other means of enclosure, street furniture, bins, bollards, benches, the design of the bridge across the drainage ditch and drainage basin in/outlet headwalls;
- (e) details, designs and materials for boundary treatment around the site and residential properties;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

Occupation shall not occur until the scheme has been approved, which shall then be implemented in accordance with the implementation scheme and shall thereafter be retained and maintained in accordance with the approved maintenance schedule.

Reason: To ensure appropriate and timely provision of hard and soft landscape

30. Landscape and ecological management plan.

Prior to the commencement of development

31. **Self-build.**

The development hereby permitted for plots 27-30 as shown on the Site Layout Plan ref:SL04 rev M received 11/03/25 as phases 3-6 on the approved phasing plan ref:PP.01 rev P3 received 11/03/25 shall only be constructed as a 'Self/Custom Build' development and by:

- a) individuals;
- b) association of individuals; or,
- c) persons working with or for individuals or associations of individuals; on the plot(s) to be occupied as homes by those individuals and thereafter the development shall not be occupied by anyone else other than by those same individuals for a continuous period of not less than three years starting from the date of first occupation.

Reason: To ensure that the development is carried out and occupied as a 'self/custom build' development for which permission was granted.

32. Revised PROW.

Prior to first residential occupation of the development hereby approved, the definitive route of the Public Right of Way (Footpath 83) crossing the site,

shall be revised to the position as shown on the Site Layout Plan ref:SL04 rev M received 11/03/2, or any alternative route confirmed by a diversion order under S.257 of the Town and Country Planning Act 1990.

Reason: In order to support opportunities for nature conservation on site and enhancements for pedestrians

33. Implement EclA.

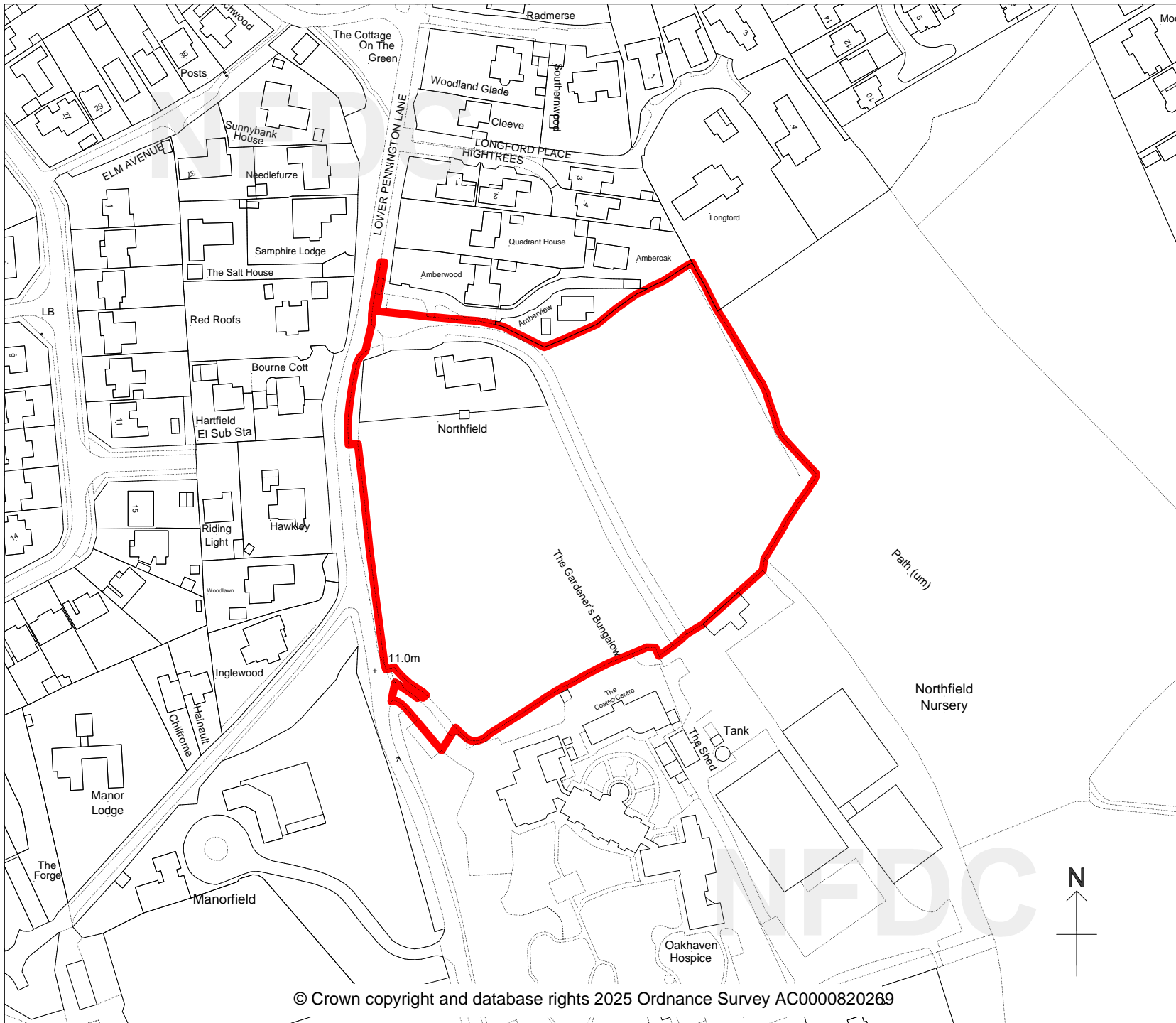
The recommendations and conclusions of the Ecological Impact Appraisal (EclA) received 11/03/25 shall be implemented and followed throughout implementation of the development hereby approved. No dwelling shall be occupied until a plan and schedule showing the location of the installation of the enhancement features proposed by chapter 7 of the EclA has been submitted and approved in writing. The plan and schedule shall then be implemented as agreed in advance of each respective dwelling being occupied. The installed features shall thereafter be retained.

Reason: In the interests of supporting ecology and mitigating the effect of development

Further Information:

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PLANNING COMMITTEE

July 2025

Land East of Lower Pennington Lane
Pennington

24/10401

Scale 1:2000

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