

**Application No: 21/00743/FULL Full Application**

**Site:** Land At Church Lane, Sway, SO41 6AD

**Proposal:** 46 no. dwellings; ancillary infrastructure; access provisions; associated informal public green space and landscaping (AMENDED PLANS)

**Applicant:** Mr. Hurst, Hurst and Hurst Estates Ltd.

**Case Officer:** Liz Marsden

**Parish:** SWAY

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

SP25 Land south of Church Lane, Sway  
 SP4 Spatial strategy  
 SP19 New residential development in the National Park  
 SP27 Affordable housing provision within the Defined Villages and on allocated sites  
 SP17 Local distinctiveness  
 DP2 General development principles  
 DP18 Design principles  
 SP15 Tranquillity

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD  
 Sway Village Design Statement SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 5 - Delivering a sufficient supply of homes  
 Sec 12 - Achieving well-designed places  
 Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

## 7. PARISH COUNCIL COMMENTS

Sway Parish Council: **Object.**

Development at this site is supported providing that it meets the housing needs of the village and its residents, acknowledges and mitigates impact on the natural environment and does not create a worse infrastructure in terms of road safety, traffic management and utilities.

The amended plans include significant improvements in some areas, which are welcomed. These include:

- increased proportion of affordable housing and rental dwellings
- a significant number of smaller dwellings with fewer bedrooms
- an improvement to the informal green space
- alterations to the design and detailing of dwellings including reduced roof pitches.
- confirmation that air source heat pumps and electric vehicle charging points will be added

However, the amended plans provided a large number of additional documents with major alterations to the proposal, to review and comment on, with inadequate time provided in which to do so and are not considered to be minor amendments. Following further local consultation, there are still a number of concerns that have not been addressed by the amended plans:

1. **Road safety and parking.** This is the biggest concern of residents, particularly along Church Lane. The development will exacerbate the current issues with traffic and parking along this road, particularly around school drop-off/pick up times.

2. **Overcrowded site.** Many of the issues within the site, such as encroaching into the informal green space, would be alleviated if fewer dwellings.

3. **Limitations on housing stock usage.** Measures should be put in place to ensure that the dwellings are primary residences rather than second homes

4. **Encroachment into informal green space, contrary to Policy SP25.** This policy (para. g) states that there will be provision of 1ha of informal open space and only 80% of that is proposed. Ownership and future maintenance of land not clear. Sway PC would prefer to assume responsibility for the green space, subject to an appropriate contribution from the developer of a minimum of 20 years' maintenance funding.

5. **Management system.** Lack of details and resources for the maintenance of non-adopted road and drainage.

6. **Some dwellings are greater than 100 square metres** - contrary to Policy SP21.

7. **Pedestrian road safety inside the estate.** Lack of roadside footways, no obvious bin storage, or convenient bike storage proposed. Little visitor or delivery parking provided. Inadequate access for fire engines and refuse vehicles.

8. **Poor/lack of design details for housing.** Note uPVC windows may still be proposed, no mention of all buried utility services; permeable surfaces; boundary treatment still poor - too much close boarded fencing.

9. **No pedestrian or cycling path towards village centre.** Poor direct access and currently proposed footway does not extend to the proposed crossing point of Church Lane. A footway along the south side of Church Lane to the crossing point, with suitable standard road safety items, is desirable.

10. **Missing section of pathway at access to open space.** Southern-most access missing a firm surface that would make it possible for wheelchairs and pushchairs to access.

11. **Sub-optimal location of entrance.** The required visibility splays and poor location of the access will result in the loss of two TPO'd trees, boundary hedge and a reduction in height to a bank. Better location further to the south west along the frontage.

12. **Orientation of housing to make the best use of solar PV.** No attempt been made to orientate the houses to take advantage of solar PV - another consequence of over-crowding - and it appears that no solar panels are to be included.

13. **Only passive electric vehicle charging points.** This is a waterproof 13 amp exterior socket rather than a 7kw electric vehicle charging point.

14. **Insufficient and inappropriate parking inside the estate.** Given existing car ownership there will be more cars than parking spaces, leading to more parking on Church Lane. Garages seldom used to park cars, particularly in a tandem arrangement.

15. **Farm access track unnecessary and potentially dangerous.** Farm vehicles often wider than even utility trucks and often spread mud and stones on the road.

16. **CANGO bus details incorrect.** The correct details indicate fewer buses with times that would not be convenient for an average working day.

17. **No surface of greywater recycling proposed.**

18. **No recycling centre.** There should be some provision in the future for estate-wide provision for recycling.

19. **Bicycle storage.** Some properties show a shed which could be used for bike storage, though not useful if garden can only be accessed through house and some have no shed.

20. **Boundary fencing.** The use of 2m high close boarded fencing should be limited in accordance with the Design Guide and Sway Village Design Statement.

21. **No consideration of current foul and surface water issues.** Existing system in Sway already over capacity, though this does not appear to be recognised by Southern Water. Local residents have detailed problems with raw foul water overflow and escape.

22. **No details of nitrate mitigation.** The estate would exacerbate the problem with nitrates and no information provided as to how it would be mitigated.

23. **Full ecology impact assessments.** Ecological reports published after public consultation end date and indicate a number of further opportunities for improvements

24. **Insufficient consideration of the elderly, young or disabled.** A review of how the scheme could be improved for all those groups would be desirable.

25. **Link to Jubilee Field.** No details are provided of such a link beyond the edge of the site and a new access and pathways would need to be accommodated within the sports ground.

There are therefore a number of key improvements that should be made and it is therefore **recommended that the application be refused as it stands to give the applicants an opportunity to make a few of those improvements before resubmitting.** These suggested alterations, as supported by independent reports commissioned by the Parish Council, are set out below.

1. The access from Church Lane should be moved further southwest to a location where the hedgerow has a modest verge.

2. A short footpath with appropriate crossing details should be provided adjacent to the new access to facilitate ease of access to the village.

3. Details of management of unadopted roads, informal green space, pocket park and drainage should be provided and made publicly available and agreed with NFNPA, before work starts.

4. Number of dwellings and /or the size of dwellings should be reduced to help address shortcomings, such as pedestrian safety, parking and encroachment into the green space. A reduction in size of some market housing would lead to a more balanced development.

5. Garages should be specifically excluded from conversion to habitable space.

6. Foul water, surface water and nitrate mitigation details to be agreed with NFNPA prior to development.

7. Sway PC would consider taking on ownership and management of informal greenspace and pocket park to ensure effective maintenance subject to a maintenance package.

8. A number of ecological, environmental and climate change mitigations have been overlooked, including rainwater/greywater recycling, full provision of solar panels, bird nesting and bat roosts.

9. A review of how this application could be improved for the elderly, children and disabled be produced and reviewed by appropriate authorities before development starts.

**Should this application be permitted, contrary to Sway Parish Council recommendation, as many of these improvements as possible should be made the subject of appropriate conditions.**

The detailed comments provided for each consultation are available to view on the Authority's website.

## **8. CONSULTTEES**

8.1 Highway Authority (HCC): Further details have been provided and there are no objections subject to appropriate obligations and conditions (earlier holding objection on the grounds of insufficient information submitted).

8.2 Housing Development (NFDC): The amended Affordable Housing Schedule and site layout have been reviewed and the applicant's proposal to increase the number of two bedroom dwellings and include one bedroom accommodation within the scheme is welcomed. The provision of a range of unit sizes for affordable housing better reflects local housing need as demonstrated in the accommodation size requirements of households on the District Council's Housing Register.

As previously advised with respect to affordability, given the high housing costs of the area, it is suggested that mechanisms are included within the legal agreement to ensure the general affordability of Affordable Rents in the immediate and long term, for example setting the Affordable Rents at no more than Local Housing Allowance.

8.3 Tree Officer: No objection subject to condition.

The amendments to the layout make an important change to the orientation of unit 7, providing a suitable distance between the dwelling and the trees. Providing the arboricultural information is adhered to, the development will not have a detrimental impact on existing trees.

- 8.4 Ecologist: Original objection on the grounds that further information was required to support the application and accord with Policies SP5, SP6 and NPPF requirements.

These objections have been addressed by the submission of further information and alongside the new landscape design of the scheme so there is a greater demonstration of accordance with policy. The open space design seems supportable.

Concerns have been raised about proximity to the SPA, however, given this site is an allocation that was the subject of an Appropriate Assessment and a Local Plan Examination, and that Natural England have raised no objection, it is not considered that there are ecological reasons for refusal on these grounds.

Recommend the submission of a Biodiversity Net Gain metric.

- 8.5 Natural England: No objection, subject to appropriate mitigation being secured in respect of:

- Nitrate neutrality
- Financial contribution towards the New Forest habitat mitigation scheme
- Financial contribution to mitigate against the potential recreational impact on the Solent and Southampton Water SPA

All development should achieve a net gain in biodiversity.

- 8.6 Building Design & Conservation Area Officer: Support subject to conditions.

Original concerns raised over the site layout and design of the dwellings, as well as the limited use of sustainable materials and energy efficiency measures. Revised plans show a number of revisions to the scheme:

- Design and layout. Revised layout and design more sympathetic to this edge of village site. Fewer dwelling designs, which better reflect the local vernacular detailing. The continuous road layout offers permeability and links the whole scheme together.
- Sustainability. Expectation that the scheme should be of an exemplary standard and more than meet the expected levels of sustainable construction. It is disappointing that the measures put forward do not appear to exceed that required by building regulations. The use of more solar panels should be investigated as it appears that many of the properties could benefit without being reorientated. Information on proposed materials is vague and it is expected that local, natural or

sustainably sourced materials should be used. The use of artificial roof tiles and slates or UPVC windows, as referred to in the Design and Access Statement will not be supported.

8.7 Landscape Officer: Support, subject to appropriate conditions.

The amended drawings and documents are a positive response to previous comments, in particular:

- The design and features of the public open space achieve a more rural and natural character, help to link housing part of site with surrounding hedgerows and trees which will benefit both landscape character and wildlife.
- Revisions to the housing layout and orientation of some dwellings provide landscape improvements which can be supported. Loss of small area of pocket park regrettable, but limited and acceptable encroachment and the provision of additional parking will work if appropriately detailed.
- Use of brick walls for boundaries that are prominent in public realm is supported, though sections illustrate that some timber fencing between houses will be visible and there is no detail of this fencing. The use of 1.8m high close boarded fencing should be avoided in these locations and there are alternatives that would be preferable. Fencing between gardens less of an issue though, with the exception of a short distance to the rear of the dwellings the height should be reduced to 1.5m with a 0.3m trellis.
- Hard surfacing generally acceptable, though details of colour will need to be conditioned.
- Pre-cast concrete kerb shown not high enough quality and should be replaced with conservation type kerb.

If permission granted landscape and lighting conditions should be included.

8.8 Planning Policy Officer: The Church Lane site is allocated in the adopted, up-to-date development plan for the National Park and therefore the principle of development is established. This full planning application covers the whole site, housing and open space, and is therefore in compliance with the requirement for a comprehensive development.

- There is no planning policy objection to the overall quantum of residential development proposed (46 dwellings) as the wording of Local Plan policy SP25, amended by the Inspector at plan making stage, enables a degree of flexibility in dwelling capacity.

- The provision of 50% on-site affordable housing as part of the development is supported and in accordance with policy. This will make a significant contribution towards addressing local affordable housing needs arising within Sway. The affordable housing provision (23 units) will be tied to local people in housing need with a local connection and is a major benefit for the local community.
- The amended plans (May 2022) revise the dwelling mix to now provide more of a balance of 1, 2 and 3-bed dwellings, better matching identified local housing needs.
- The provision of circa 1 hectare of new public greenspace provision is in accordance with Policy SP25. This new provision will be of benefit to the whole village and represents an important part of the overall development package. The provision exceeds the level of new greenspace provision generated by the development itself and provides wider benefits to the local community. The revisions to the proposed layout and character of the greenspace area are supported and better reflect both the areas where the parish is deficient (informal greenspace) and the site's location on the edge of the village.
- Although the principle of development is established, the application must still be considered through the HRA and appropriate assessment process. A nitrate 'budget' calculation, based on Natural England's latest methodology – updated in March 2022 - has been carried out. There are mitigation schemes available to address the impacts that cannot be met on-site.
- No residential units are proposed within the 400 metre zone around the New Forest's internationally designated sites. This – allied to the fact that the development is providing a significant area of new greenspace on a site where there is currently no public access – means there is no planning policy objection to this element of the revised scheme.

Overall it is concluded that the revised plans meet the policy requirement of the adopted Local Plan (2019)

- 8.9 Archaeologist: Information has now been submitted which concludes that there are no significant archaeological remains at the site. No objection to the proposal or required conditions.
- 8.10 Southern Water: Foul sewage disposal to service the development can be provided and the developer requires a formal application for connection by the developer.
- 8.11 Hampshire County Council Flood and Water Management: No objection.



The revised information has demonstrated that infiltration is not a viable option for the site and the proposed strategy to discharge into the existing land drainage ditch is considered appropriate. Additional information was sought about surface drainage from properties and that any limited flood risk can be managed safely within the layout.

## 9. REPRESENTATIONS

9.1 Three representations in support, commenting as follows:

- welcome provision of affordable housing
- happy to work with developers to secure biodiversity

9.2 44 representations objecting on the following grounds:

- concerned over additional traffic on Church Lane (and junction with Birchy Hill) which is narrow (including pavement) and currently unable to cope due to parked cars and school drop off/pick up time
- poor access into site, due to parked cars opposite; will also lead to nuisance through headlights
- lack of "green" credentials such as solar energy/panels, electricity charging points for cars, and inclusion of chimneys on dwellings allowing woodburners/fireplaces in dwellings
- lack of visitor parking and turning space for delivery/refuse vehicles
- greater mix of dwelling needed - both one bed (flats) and also larger family homes
- poor design of houses; high pitches roofs will lead to loft conversions and therefore more bedrooms
- overdevelopment of the site; policy states 40 (46 is 5% more)
- need some control to avoid them becoming second homes (as at Hatch Motors)
- overdevelopment of open space, and track for landowner to access land reduces area of green space
- development encroaches into 400m exclusion zone (access road and SUDs)
- query management of open space
- lack of infrastructure / pressure on local school and doctor's surgeries
- need to protect trees and hedgerows
- drainage issues
- insufficient affordable housing; types of tenure to be mixed
- documents missing - ecology and transport
- no nitrate neutrality information
- impact of path on use of Jubilee Fields (junior football club)

9.3 16 general comments received (many repeating objections):

- welcome link to Jubilee Fields

- development should be of a high standard
- suggest roundabout at Church Lane/ Birchy Hill junction and access to development from there
- concerned that Back Lane will be used as a rat run

9.4 Following the receipt of amended plans, 29 further objections received, eight of which were from people who had not commented previously. Many of the comments reiterated previous objections and whilst some recognised that the amendments provided some improvements there were still concerns over:

- density of development, which was considered to be more appropriate to an urban rather than village environment
- the encroachment of the development into the open space and 400m SPA buffer symptomatic of overdevelopment
- changes to access does not resolve problems and unconvincing reasons put forward as to why it cannot be moved further west. Will still adversely impact on trees.
- road inadequate for the additional traffic that would be generated
- still inadequate parking on site for visitors and will exacerbate already bad situation on Church Lane
- issue of tandem parking not been addressed
- inaccurate information in Transport statement about the number of buses serving Sway
- the provision of an access to farmers field will result in large agricultural vehicles going along Church Lane and through the site and creating a hazard to users of the highway due to mud and stones on the road
- adequate foul drainage capacity should be confirmed by Southern Water
- noise pollution from air source heat pumps
- chimneys are still proposed which would contribute to pollution and global warming
- insufficient information about ecology
- not demonstrated that there is a need for additional houses in Sway as many of the existing are holiday lets
- tree report doesn't address construction of boundary walls within root protection areas and future pressure to prune or remove trees due to shading
- inadequate tree protection
- lost the opportunity to provide a good social and eco-friendly development. Houses wrong orientation for solar gain and compliance with Building Regulations not a high enough standard
- area of open space provision not in accordance with policy
- insufficient information about future management of open space
- insufficient information about minor regrading of land
- dog walking in the open space will increase level of nutrients due to urine and faeces and should be factored into the nitrate

- report
- lack of a complete nitrate neutrality plan

9.5 Two general comments:

- revised layout an improvement but fruit trees should be further from the houses
- there should be a gate at the access to prevent children/dogs getting onto the road
- more details should be provided of the informal play area
- the location of the SuDS improved though form inconsistent between the landscape and the drainage plans
- all homes should be fitted with solar panels.

9.6 One letter of support on the grounds that:

- the housing sizes improved and are more appropriate to the area.
- there is a need for affordable housing in Sway
- the footpath through to Jubilee Field a good idea

## 10. RELEVANT HISTORY

10.1 None

## 11. ASSESSMENT

### Summary

This is a full planning application for the adopted Local Plan site allocation on land south of Church Lane, Sway (Policy SP25). The principle of residential development has therefore been established.

The application was submitted in September 2021 and has been the subject of discussions and negotiations with the applicant and amended plans have been submitted to address the concerns that have been raised.

This report sets out the relevant planning policies, the responses from consultees and interested third parties, together with a detailed assessment of all the relevant issues. There is support from the majority of statutory consultees. There is strong local objection to the proposed development, in particular to the increase in traffic generated, the proximity of the site to the New Forest SPA and the density of the development.

The report concludes that the application meets national policy tests and satisfies the requirements of Policy SP25. For these reasons, as amplified in the report, the officer recommendation is that subject to the prior completion of a legal agreement, the Executive Director of Strategy and Planning be authorised to grant planning permission subject to conditions.

## 11.1 **Application site**

The site is an area of 2.4 hectares of agricultural land, located to the south of Church Lane on the southern edge of Sway village. There are residential properties, predominantly detached and semi-detached dwellings, along the northern side of Church Lane and to the south west, a large care home (Sway Place) set in extensive grounds. There are further fields to the north east and east.

The topography of the site is relatively level in the south western section, where the building work is to be carried out, sloping down gently to the north and east.

The boundaries of the site, with the exception of a section along the road frontage, are defined by trees protected by a Tree Preservation Order (TPO) that covers two large linear groups.

There are no ecologically sensitive designations within the site, though the 400m buffer for the New Forest SPA runs across the field in a broadly north west to south east orientation. It is also within 5.6km of the Solent European designated sites.

The site is located within Environment Agency Flood Zone 1 (low probability of fluvial flooding).

## 11.2 **Principle of development**

Land to the south of Church Lane, Sway, is allocated in Policy SP25 of the adopted New Forest National Park Local Plan for a development of around 40 residential dwellings and the provision of open space. The application was found 'sound' by the Planning Inspectors appointed to examine the draft Local Plan, who concluded:

*'The site ... relates well to the existing built development and is within a short walk of the railway station and services in the village, including a school' (para.115)*

*'Whilst the density would be slightly higher than the surrounding development, the site is visually enclosed by hedgerows and trees.... The trees and informal open space would mitigate the visual effect of the proposal.'* (para. 116)

The principle of residential development on the site is established and the focus of the assessment is on the conformity of the submitted proposals to the site allocation policy.

## 11.3 **Proposed development.**

The application is for 46 dwellings, to be located on circa 60% of the entire site area (1.4ha) with a vehicular access point to the

north from Church Lane. The access road extends the full width of the site to the south eastern boundary, to a gateway that would provide access to the fields beyond and separates the built form from the open space that comprises the remainder of the application site. The access road loops through the site, with a spur road that creates a centrally located open area with a footpath running through it. There is a further open area on the southern part of the site, with a potential footpath link to the playing fields (Jubilee Field) to the south of the site.

11.4 The proposed layout has taken into account, and been amended to avoid, protected trees around the perimeter and incorporates landscaping, including tree and shrub planting in the residential part of the site and more extensive measures in the area of open space. These include further tree and hedge planting, a circular footpath around the open space (which will have three points of access from the new development) marginal aquatic planting to the shelves of the SuDS attenuation pond, and shallower scrapes to provide a small wetland area.

11.5 All dwellings would have an internal habitable floor area of 100 square metres or less, with the following mix of dwelling sizes:

- 4 one-bed units
- 9 two-bed units
- 33 three-bed units

50% of the dwellings would be affordable and the proposed tenure split is 65% affordable rented and 35% shared ownership.

11.6 The application includes two spaces for each of the 2 and 3 bed units and 1 space for each of the single bed units, together with 4 visitor spaces. Sheds are shown to be provided within the gardens of the properties with a larger structure for the storage of bikes in the communal garden area serving the flats.

11.7 The proposal has evolved during the application process and consultation carried out with both the Authority and the Parish Council prior to the submission of the application, together with further consultation during the application process. The plans have been amended again following the submission of the application in order to address concerns raised. The primary alterations include:

- alterations to the layout and design of the proposed dwellings
- enhancement of landscaping within the residential area
- greater number of smaller affordable housing units and change in type of tenure
- removal of the farm access around the edge of the open space - it is now incorporated into the estate road
- open space redesigned to reflect the countryside character of the location and provide enhanced biodiversity

- hoggin path included in the recreational open space
- introduction of 4 visitor parking spaces
- site access has been moved to south-west
- footpath and pedestrian access from western corner of the site to Church Lane been removed.

11.8 The main consideration is whether the proposals comply with Policy SP25 of the adopted Local Plan. Further key issues for consideration are:

- The design of the proposed development;
- Landscape impacts;
- Flood risk and drainage;
- Ecology;
- Impact on neighbouring amenity;
- Highways and access;
- Heritage impacts; and
- Any other material planning considerations.

### **Policy SP25**

#### **11.9 Quantum of Development**

The policy allocates the land south of Church Lane for a development of around 40 dwellings. The proposal is 46 units, reduced from the pre-application proposal for 50 dwellings and would result in a gross density across the entire site area of 19 dwellings per hectare (dph), lower than that of the existing development to the north of Church Lane, taken as a whole. In terms of the density of the area to be developed (excluding the open space), this increases to around 30.4 dph. This is higher than the equivalent area of land along Church Lane (21.8 dph), but lower than the cluster of dwellings either side of the junction of Church Lane and Westbeams Road (34.6 dph) and is considered to be a lower density development. With developable land being a finite resource, the identified need for smaller properties in the National Park and subject to appropriate design and landscaping, the quantum is accepted.

11.10 It is recognised that the current application is for a greater number than referred to in the policy. However, there is flexibility in the policy and where it can be demonstrated that the development is acceptable in terms of its overall impact, then there is a benefit to be derived from providing additional dwellings, including affordable properties, within an allocated site. The proposal would optimise the use of land to meet local housing need, whilst providing an appropriate density in the National Park context, in accordance with the NPPF and following testing through the Local Plan process.

- 11.11 Policy SP25 sets out that detailed proposals for the site that meet site specific requirements (a) - (h) will be permitted. These requirements are assessed below.
- 11.12 **a) the provision of on-site affordable housing for local people in housing need in accordance with the target of 50% affordable housing.**
- The proposed development will provide 23 affordable dwellings, 50% of the total dwellings. The level of on-site affordable housing is therefore policy compliant.
- 11.13 In terms of the proposed tenure mix of the affordable housing, 15 units will be affordable rent tenure and 8 units will be shared ownership. The proposed tenure mix of 65% affordable rent and 35% shared ownership broadly reflects the policy starting point set out in Policy SP27 of the Local Plan (which sets a target of 75% social/affordable rent and 25% shared ownership). Ideally affordable housing would be "pepper potted" throughout the development but it is also recognised that there is a need to create specific areas for management purposes, which is reflected in the plans.
- 11.14 The views of the statutory Housing Authority (NFDC) have been sought. The latest Housing Register data continues to demonstrate the need for a range of dwelling sizes for affordable housing for rent, in particular, smaller units. Following the initial comments from the Housing Authority and further negotiations, the scheme has been amended to increase the number of smaller units, so that there are now proposed to be 4 x 1-bed units (previously none) and 9 x 2-bed units (previously 3). These amendments are welcomed by the Housing Authority, subject to mechanisms being included within the legal agreement to control the general affordability of rents in the immediate and long term.
- 11.15 Sway is designated as a local connections area and a "rural parish" by New Forest District Council and therefore the on-site affordable housing will be allocated to people in housing need from the local area. The affordable housing would be secured through relevant conditions and a S106 legal agreement which would ensure that the occupancy of dwellings is confined to persons in local housing need in perpetuity in accordance with the local connections criteria in Annex 3 of the adopted Local Plan.
- 11.16 **b) all of the dwellings on the site will be limited to a maximum total internal habitable floor area of 100 square metres**
- All of the proposed dwellings would have a total internal habitable floor area of 100 square metres or less in compliance with criterion (b) of Policy SP22. Details of the size of each

property have been provided in drawing no. 9450/403, which includes a schedule of accommodation. The plans of the individual house types were originally annotated with incorrect figures, showing a few higher than 100 sqm. However, this has since been corrected through amended plans. It is considered reasonable and necessary to remove permitted development rights to ensure that they are not used to undermine the aims of adopted policies relating to dwelling size. This approach was endorsed by the Local Plan Inspectors in their report (2019).

11.17 **c) the site must be developed in a comprehensive manner**

The application includes residential and open space elements as part of a single scheme and covers the entire area of the allocated site, resulting in a comprehensive development proposal in line with criterion (c).

**d) residential development on the site will be limited to the part of the site that lies outside the New Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) 400 metre zone .**

The residential part of the development is located outside the 400m 'buffer zone' of the SPA, though it is recognised that the access road and small areas of curtilage are located just within it. However, these would not facilitate increased access to the New Forest's designated sites or, in themselves, increase pressures on the Forest. It is noted that Natural England have raised no objection to the proposed site layout. In addition, the proposed new public green space provision, is at around 1ha, in excess of the requirement generated solely by the development and would further contribute to mitigating impacts. It is considered therefore that the proposal is in accordance with this criterion of the policy.

11.18 **e) measures should be put in place to protect the trees that fringe the site that are protected by Tree Preservation Orders (TPOs).**

The site is bordered by trees protected by TPOs. The application is supported by an Arboricultural report identifying the trees to be retained and the measures for their protection, which will be secured by condition.

11.19 **f) the access to the site off Church lane must ensure adequate visibility splays and provide safe access to the school and on foot to the village centre.**

The application also includes provision for a financial contribution towards off site pedestrian enhancements to link the site with the village centre and this is supported.



- 11.20 **g) the use of the remainder of the site that lies within the New Forest SAC and SPA 400m zone for informal greenspace will be supported. Proposals should be accompanied by details of the layout and long-term management arrangements for the greenspace provision**

The application provides an area of just under 1ha (0.98ha) of informal greenspace as part of the overall proposals for the site, ensuring its comprehensive development in accordance with criteria (c) of the policy. The amended master plan, illustrating the proposed layout of the site has been provided and shows a more natural, predominantly open grassland meadow area, which is more appropriate to the formal layout and planting that was originally proposed. The space will be available to residents of the new development and the existing Sway community.

- 11.21 Whilst the area is marginally under the 1ha referred to in the supporting text of Policy SP25, it should be noted that it is considerably in excess of the public open space requirement triggered by a development of the size proposed, which would be around 0.4ha.

- 11.22 With regard to the provision of the long-term management of the greenspace, the draft Heads of Terms submitted for the S106 Agreement reference the establishment of a management company, which would need to be secured by the legal agreement. There may also be an option whereby the Parish Council could take on the management of the greenspace, supported by an appropriate commuted maintenance sum.

- 11.23 **h) development must provide a connection to the nearest point of adequate capacity in the sewerage network, as advised by the service provider.**

Southern Water have been consulted on the application and state that they can facilitate foul sewerage disposal to serve the site. A formal application to Southern Water for a connection to the public foul sewer would be required, which needs to be agreed outside of the planning application process.

- 11.24 **Design**

A high standard of design is a key aspect of sustainable development. Policy DP18, national guidance and the adopted Design Guide advocate the highest levels of design in new development, ensuring it is contextually appropriate and would not harm the landscape setting, making it accessible and environmentally sustainable. These elements are now considered to have been broadly met in this scheme.

#### 11.25 Layout

The layout of the proposal has been designed to maximise the development potential of the slightly awkwardly shaped site, which narrows to the south east. Modifications have been made to the originally submitted scheme to provide a continuous curved road, rather than the cul-de-sacs previously proposed, to avoid dead ends and provide permeability throughout the site. The aspect of a few dwellings has been altered to relate better to the public domain and larger blocks of parking bays have been broken up.

11.26 The continuation of the primary estate road to the southern boundary to provide an access to the neighbouring fields, has removed the necessity for a farm track to run through the open space, reducing the level of hard surfacing required across the site as a whole.

#### 11.27 Design detailing and materials

The design of the dwellings has been amended to take account of comments that were made in response to the original plans and there are now fewer dwelling designs, that reflect more closely the local vernacular. Roof pitches have also been reduced together with the overall height of the buildings and there is a greater variety of house sizes than previously proposed. It is considered that these amendments result in a more coherent development that is appropriate to this edge of village location.

11.28 It is, however, noted that both the Design and Access Statement and the notation on the detailed drawings of the house type referred to the use of 'slate effect' or 'tile effect' tiles and UPVC windows. These materials are not supported by the Building Design and Conservation Area Officer, nor do they reflect the advice in the adopted Design Guide. Materials make a significant contribution to the quality and overall appearance of a development and a condition to ensure that they are of an acceptable standard is therefore appropriate. The materials for hard surfaces are generally acceptable, although samples will be required to check colour. Amended plans of the house types have been received which have removed the earlier reference to roofing and window materials.

#### 11.29 Sustainability

There is an expectation that this scheme should more than meet the expected levels of sustainable construction as set out in the Building Regulations standards. In this case, whilst the submitted Sustainability Statement confirms the applicants' commitment to introducing sustainable measures, there are no firm design proposals at this stage. Rather, other than the use of air-source

heat pumps, which is specified, it is stated that the 'final recipe of measures will be identified through the design process.... so take into account the most up-to-date energy efficiency solutions at that time'. A condition is included to secure and agree the sustainability measures.

**11.30 Landscape impacts**

Policy SP7 of the adopted Local Plan sets out that development proposals will be permitted where they conserve and enhance the character of the New Forest's landscapes. The adopted Design Guide notes that new development offers an opportunity to reflect on what is special and unique about the New Forest and that high quality development includes landscape and green spaces in between buildings with landscape comprising a key aspect of identity and character of place.

11.31 The application site is well contained, with its boundaries being defined by mature trees and hedges that are, other than a short section in the vicinity of the access, to be retained. The impact of the development on the area immediately surrounding the site would therefore be limited to glimpses of the dwellings from the access and any gaps in the hedgerow or above the new hedgerow along the road frontage, though this latter aspect would diminish over time as the planting is reinforced and matures. The screening along these boundaries would also preclude the proposal being visible in longer views from north, south and west, where the land level remains relatively level.

11.32 To the north east and east of the site, the land level decreases to the junction of Church Lane with Birchy Hill and the trees along the eastern boundary of the open space are therefore at a lower level. From this junction, the land level rises again, potentially affording views from the open Forest across the valley to the site. However, even from this direction, the site is still screened by mature trees and existing dwellings in the foreground, ensuring that the proposed development would not be visually intrusive in the wider landscape.

11.33 In terms of potential impact on dark skies, none of the properties have rooflights that would result in upward light spillage. Whilst the submitted Lighting Report refers to the provision of street lighting, it has been confirmed by the applicant that, as it is not proposed to put the internal roads forward for adoption, there would be no requirement for such lights. External lighting within the development is therefore restricted to lights on the frontages of individual properties, which would be fastened to the exterior of the buildings and designed to International Dark-Sky Association approved standards. These would utilise PIR motion sensors with integrated photosensors to ensure lighting is only provided when needed. The development would therefore accord with Policy SP15.

11.34 Within the site, the amendments to the layout and detailing of the public open space have resulted in a much more natural design, with a SuDs pond, scrapes or ephemeral ponds, hoggin circular path, native species trees and hedgerow and open meadow grassland, with a less formal mown grass path through it. These features would achieve a rural character, appropriate to the edge of village setting and be of benefit to both landscape character and wildlife. Concern has been raised that the southernmost access from the residential area to the open space would not be a hard or hoggin surface and would therefore be unsuitable for use by wheelchairs or pushchairs. However, there are two further accesses, the nearest of which is 40m away, and the introduction of additional hard surfacing, into the smallest section of the open space, would detract from the more natural appearance of this area and be of limited benefit.

11.35 The housing layout, together with the alterations to the small area of centrally located open space (pocket park), to incorporate two visitor spaces, are acceptable. The plans have also been amended to provide brick walls to the boundaries that are more prominent in the public realm (including the side boundaries of plots 1, 25, 26, 28, 38 and 39, together with the side and rear boundaries of plot 29) in place of the previously proposed fences, and this is supported. Concern is still raised over the level of close boarded fencing that is retained, with the comment being made that sections will be visible to the rear of the car parking spaces between houses. However, these are short sections of fence, set over 11m back from the edge of the road and would only be glimpsed in the narrow gaps between properties. As such, it is not considered that the fences would be intrusive in or have a detrimental impact on the streetscene.

11.36 **Flood risk**

No part of the site is located in Flood Zone 2 or 3 and it has not been identified as being at risk of surface water flooding. There was inadequate detailed information provided with the initial application to demonstrate that the proposed drainage measures (infiltration via individual soakaways for the dwellings) for surface water were acceptable. Following the comments from the Local Lead Flood Authority (HCC Surface Water Management Team), additional information was provided to demonstrate how effective drainage could be achieved, without resulting in the increased risk of flooding elsewhere. These included increasing the size of the attenuation basin (SuDs feature) and the provision of a detention basin to treat any contaminants arising from run-off water from the roads prior to it being discharged into the field ditch at an acceptable rate. Subject to these measures being put in place, the proposed development would not result in increased flood risk or potential for contamination of the surrounding area and would accord with Policy DP12.

11.37 **Ecological impacts**

Protected species

The applicant has provided a number of updates following survey work, including the result of bat activity, great crested newt and invertebrate habitat suitability and an update on dormouse and associated habitat suitability. Outline proposals for a Biodiversity Enhancement Plan in the form of a Landscape Plan has also been provided.

11.38 The surveys have not identified the presence of great crested newts or reptiles on the site and confirmed that, whilst the trees around the perimeter of the site have the potential to support bat roosts, there were none present or active at the time of the survey. The submitted lighting report demonstrates that a lighting design can be achieved without significant light spill into retained habitats to the east and around the site boundaries and can be ensured by means of a condition. The reports also set out measures by which the habitats for these species could be created, enhanced and managed and these should be incorporated into a Biodiversity Enhancement Plan to be secured by a condition. There is no objection to the development in relation to impacts on these protected species.

11.39 The survey work with regard to dormice has not yet been completed but an interim report has been provided which reviews the likelihood of dormice being present. This concludes that it is highly unlikely that the species are present, due to the absence of recorded dormice within 2km of the site, the limited suitability and connectivity of habitats within the site and the limited connectivity between the site and more suitable dormouse habitats in the surrounding area. Furthermore, the significant majority of suitable habitat around the site is being retained and enhanced. In the absence of the final survey findings, which are due to be completed in September, it is necessary to include provisions in the legal agreement to ensure that in the event of evidence being found, the Authority can secure/agree final details of avoidance, mitigation and compensation measures that might be required. Given the existing delivery of open space and potential for habitat enhancement, the applicant has demonstrated any necessary protected species licence would be likely to be issued.

11.40 Recreational impacts

Prior to mitigation, the Habitat Regulations Assessment of the Local Plan cannot rule out the recreational impacts of any new residential and visitor accommodation throughout the National Park having a likely significant in combination effect on the New Forest SPA and SAC sites. Consequently, mitigation is required for all proposals of these types of development for their

recreational impacts on these New Forest designated sites. 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 planning 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, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Authority’s Mitigation Strategy or mitigation to at least an equivalent effect. These measures, in the form of contributions, have been agreed and will be included in the 106 legal agreement.

#### 11.41 Nutrients

Natural England have advised that there is uncertainty as to whether future housing and visitor accommodation development will adversely impact the protected habitats of the Solent due to increased levels of nitrates entering the system. In accordance with Natural England’s advice to local planning authorities along the Solent coast, the potential impacts from nitrates have been considered in assessing this application. The applicant has provided a nutrient budget which has been assessed. Natural England is satisfied with the methodology used to calculate the nutrient budget and subject to securing appropriate mitigation in order to achieve a nutrient neutral scheme, the Authority’s obligations as a ‘competent authority’ under the Conservation of Habitats and Species Regulations 2017 are met.

#### 11.42 Biodiversity Net Gain

Policy SP6 requires opportunities to enhance ecological assets to be maximised and the Environment Act received royal assent in November 2021 with biodiversity gain objectives. To date there have been no measurable metrics being provided by the applicant to demonstrate that the application delivers such a net gain, though it is recognised that provision of open space, fruit tree planting, hedge reinforcement and wetland creation would make a good contribution towards offsetting the loss of grassland habitats and potential to provide higher value habitats over time. However, this can be included as part of a Biodiversity Enhancement Plan, required by condition, to secure details of the measures to be put in place for habitat creation and enhancement, supported by Biodiversity metrics using the most up to date Defra calculator to ensure that at least 10% net gain is delivered.

#### 11.43 **Neighbouring amenity**

The nearest neighbouring properties are located to the north of Church Lane and to the west, both at a distance of over 25m. Given this distance, and the existing tree and hedge screening along the boundaries of the site, it is not considered that the proposal would have a direct impact on the amenities of the occupants of these properties through loss of light, privacy or outlook and would be in accordance with Policy DP2.

#### 11.44 **Trees**

There are a number of mature trees set around the boundaries of the site which are protected by Tree Preservation Orders (TPOs). Amended plans have been provided which have extended the root protection areas of trees, located closest to the houses along the southern section of the site, to ensure that the construction of the buildings in this area would not have an adverse impact on their health. A plan showing the location of the tree protection fencing has also been provided and with adherence to these measures, there should be no requirement for the loss of the trees.

11.45 The comment has been made that there could be future pressure for works to trees, to remove or reduce their height, due to shading, particularly in the case of the southernmost properties, located due north of a large oak. It is recognised that the gardens of these properties would have a greater degree of shading, particularly during the winter months, than others on the development, but this is compensated for by having longer gardens so that the dwellings would receive natural light into the rear windows. Furthermore, they are located close to the public open space and would not be reliant solely on their gardens for outdoor greenspace.

11.46 Concern has also been raised about the proximity of the access works to a tree (T6) along the northern boundary, due to the necessity of removing the bank on which it is located. This is not considered to be the case as the majority of the bank is no higher than 1m (as restricted by highways requirements for visibility splays) and a recently submitted plan (ref.9450/419 rev. A), showing a section through the bank in the vicinity of the tree, demonstrates that, due to reducing land levels to the east of the access, the top of the bank would not intrude into the visibility splay. Therefore, whilst the foliage on the bank may be need to be cut back, there would be no necessity for works to the bank that would reduce the stability of the bank or of the tree.

#### 11.47 **Highway and access considerations**

The impact of the proposal on the local highway network is a key local concern. The application was supported by a Transport

Statement and additional information and revisions have been made to the access in response to comments and requests made by the Highway Authority. These include pedestrian infrastructure improvements with uncontrolled crossing facilities on Church Lane/Station Road, Westbeams Road/Church Lane junctions, reinstatement of a section of the foot way on Church Lane and replacement of the existing drainage channel blocks on Westbeams Road. With the implementation of the proposed measures, the Highway Authority is satisfied that the development would not cause severe impacts on the operation or safety of the local highway network. Therefore they raise no objection subject a condition to secure a construction method statement and provisions in a S106 legal agreement to secure the pedestrian infrastructure and a Traffic Regulation Order contribution, if required.

11.48 The proposed level of car parking would accord with the adopted standards contained in Annex 2 of the Local Plan (one space per one-bedroom unit and two spaces per two-three-bedroom unit). 4 visitor spaces are also provided. Concern has been raised about the level of tandem parking and reliance on garages that are less likely to be used for parking, which could lead to more vehicles left on the road. It is not considered that this would be the case, the use of tandem parking, particularly where any manoeuvring would be carried out on a quiet estate road, rather than a main through route, provides a more visually acceptable alternative to parallel parking on the frontage of properties and in this case a balance has been struck with a mixture of both forms, to ensure that parked cars do not dominate the street scene.

11.49 Cycle parking provision is proposed within garden sheds (two spaces per dwelling) and a communal store (for the flats) and accords with adopted standards in Annex 2 of the Local Plan. These sheds are shown on the site plan for each property and, contrary to the Parish Council comments, there is only one where access would need to be through the house (plot 27) and it should be possible to provide an external access around the rear of the adjoining property, as has been provided for plots 15 and 24.

11.50 **Heritage**

The site is not within a conservation area and there are no nationally listed buildings or structures on or close to the site. The application was not initially supported by any information or assessments as to the potential for heritage assets, including archaeological features to be present on the site. Subsequent to the original consultation response from the Authority's archaeologist, the applicants have carried out a Desk Based Heritage Assessment, a magnetometer survey and a trenched evaluation. Based on the findings of these works it is concluded that there are no significant archaeological remains at the site and no necessity for archaeological conditions.



## 11.51 **Other**

Hampshire County Council, as the local education authority was consulted at the Local Plan-making stage about the capacity of the primary school to accommodate the education needs of the proposed development. They confirmed at that stage that there was sufficient capacity as the school currently accepts children from outside the catchment. Following the uplift in housing numbers with the submission of the current application, the education authority has been re consulted and confirm that the school will be likely to be full but not required to expand and therefore a contribution would not be sought from the development.

## 11.52 **Section 106 Legal Agreement**

The following developer obligations and contributions, index linked where appropriate, will need to be secured by a Section 106 legal agreement. These have been assessed as being necessary, directly related to and fairly and reasonably related in scale and kind to the development:

- The provision of 50% affordable housing, including local connection, capping for rents and subsequent resale of share ownership accommodation.
- Ecological mitigation for the New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites: £168,406
- Ecological mitigation for the Solent designated European Sites: £30,882
- Incorporation of a management company (or such other arrangement as may be agreed) to maintain the common areas, including unadopted roads, open space, play area and SUDS and ecological enhancement.
- Monitoring and reporting on biodiversity
- Completed dormouse survey and detailed mitigation measures, if required.
- Transport obligations, including:
  - Pedestrian infrastructure improvements
  - Traffic Regulation Order (TRO) contribution of £6,000 for implementation of parking restrictions on Church Lane around access, if required.
- Provision of footpath to Jubilee Field and £1,000 contribution to Sway Parish Council for off-site footpath.
- Monitoring and management fee.

## 11.53 **Conclusion**

This is an important housing site allocation in the Authority's adopted Local Plan. The proposed development would provide 46 houses, open space and associated landscaping and can, with appropriate mitigation, be accommodated on the site without

adverse impact on the character and appearance of the surrounding area, highway safety, ecology or neighbour amenity. The proposal is therefore in accordance with Policies SP25, SP19, SP27, SP15, SP17, SP5, SP6, DP2, DP19 of the New Forest National Park Local Plan 2016-2036.

## 12. RECOMMENDATION

Subject to the prior completion of a section 106 agreement the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

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

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

- 2 Development shall only be carried out in accordance with drawing nos:

1059.2/01E	- Public open space landscaping
1059.2/02B	- Illustrative masterplan (development area)
1059.2/03A	- Illustrative masterplan (whole site)
5631/002 Rev L	- Access layout
5631/010 Rev B	- Off site highway improvements
5631/014	- Internal Street dimensions
GH2165.3A	- Tree constraints plan
GH2165.3B	- Tree protection plan
9450/400	- Site plan, residential layout
9450/401	- Location and block plan
9450/402 rev. A	- Affordable housing plan
9450/403 rev. A	- Schedule of accommodation
9450/404	- Boundary and hard surfaces treatment
9450/405	- Hard landscaping details
9450/406 rev. A	- A & C house type plans and elevations
9450/407 rev. A	- B & E house type plans and elevations
9450/408 rev. A	- D & D (handed) house type plans and elevations
9450/409 rev. A	- F & F (handed) house type plans and elevations
9450/410 rev. A	- G house type plans and elevations
9450/411 rev. A	- H & H (handed) house type plans and elevations
9450/412 rev. A	- H1 & H1 (handed) house type plans and elevations
9450/413 rev. A	- I house type plans and elevations
9450/414 rev. A	- J house type plans and elevations
9450/415 rev. A	- K (flats) plans and elevations

9450/416 rev. A	- L house type plans and elevations
9450/417	- Proposed street scenes
9450/418	- Proposed cycle store plans and elevations
9450/419 rev. A	- Section through entrance
1989 Rev. P03	- Horizontal illuminance
2099.08/04	- Biodiversity enhancement plan
5631/001 rev. G	- Surface water and foul drainage strategy

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 No development shall take place above slab level until samples or exact details of the materials to be used in the facing, roofing and fenestration of the proposed dwellings have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 4 50% of dwellings to be provided shall comprise affordable dwellings (as defined in the National Planning Policy Framework).

Reason: To meet identified local housing need and to accord with Policy SP25 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

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

Reason: To ensure the dwellings remain of a size which is appropriate to their location within the countryside, to ensure the acceptable appearance of the development and to comply with Policies DP2, SP17, SP25, DP35 and DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 The trees/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 arboricultural statement. In addition details of the additional tree protection measures to be provided for the mature tree to the east of the proposed access (T6) shall be submitted to and approved in writing by the National Park authority, prior to the commencement of works on site.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 7 Prior to commencement of works (including site clearance or any other preparatory works) the scheme for the protection of trees in accordance with the submitted Arboricultural Impact Assessment and Method Statement (Gwydion's Tree Consultancy, Ref. GH2165.3, dated 26/05/22) and Tree Protection Plan Ref.GH216.3B, shall be implemented and at least 3 working days' notice shall be given to the Local Planning Authority that this has been installed.

Note: Your attention is drawn to the requirements of a pre-commencement site meeting as set out on page 2 of the above report.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

- 8 Landscaping of the site shall be implemented in accordance with drawings ref: 2099.08/04; 9450/404; 9450/405; 1059.2/03A; 1059.2/02B . Notwithstanding the approval of these plans, within three months of the date of this decision, precise details of the soft landscaping, the areas for hard surfacing and the materials to be used, including details of road kerbs, shall be submitted to and approved in writing by the National Park Authority.

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

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 9 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development,

whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 10 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 11 No development shall take place (including any works of demolition), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall include scaled drawings illustrating the provision for:
- 1 - The Parking of site operatives and visitors vehicles
  - 2 - Loading and unloading of plant and materials
  - 3 - Management of construction traffic and access routes
  - 4 - Storage of plant and materials used in constructing the development
  - 5 - Wheel washing facilities

Reason: In the interests of highway safety

- 12 Before the development is brought into use, the means of vehicular access to the site and associated works shall be constructed in accordance with the approved plan (5631/002 Rev. L) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed with the visibility spays shown of the approved plans.

Reason: To ensure a suitable access and layout in the interests of highway safety.

- 13 The development hereby permitted shall not be occupied until the arrangements for car and cycle parking and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) and Section 9 of the National Planning Policy Framework.

- 14 The recommendations and requirements of the Bat Survey (HDA ref:1059.1); Great Crested Newt Survey reports (HDA ref:1059.1 and Invertebrate Scoping Survey (Ecosa 22.0065.001 FO), shall be updated and enhanced by a Biodiversity Enhancement Plan (BEP), to be informed by a Biodiversity Net Gain assessment demonstrating a 10% gain based on the most current adopted Defra metric available, covering a minimum period of 30 years. The BEP shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The BEP shall include:

- quantum, location and specifications of artificial habitat measures in accordance with good practice including BS 42021:2022 and the submitted Biodiversity Enhancement outline Plan
- details of a plan for delivery of the required ecological gain and enhancement for habitats within the development and associated open space
- management prescriptions to meet ecological objectives and targets,
- arrangements for ecological monitoring and reporting
- mechanisms for adaptive management that may arise.

The approved mitigation measures shall be adhered to throughout all phases of the development and the ecological enhancements measures shall be thereafter maintained in perpetuity, unless otherwise agreed in writing by the National Park Authority.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 15 The development hereby permitted shall not be occupied until:
- a) 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;
  - b) 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

c) All measures forming part of that mitigation package have been provided to the Local Planning Authority. The development shall be carried out in accordance with and subject to the above details.

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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy SP5 of the adopted New Forest National Park Local Plan (2016 -2036).

- 16 The drainage system shall be constructed in accordance with the Flood Risk Assessment and Technical Notes (MT/5631, dated 24.06.22). Any changes to the approved documentation must be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

- 17 Prior to development above slab level, exact details of the proposed sustainability measures, including the provision of facilities to enable the charging of electric vehicles, shall be submitted to and approved in writing by the New Forest National Park Authority.

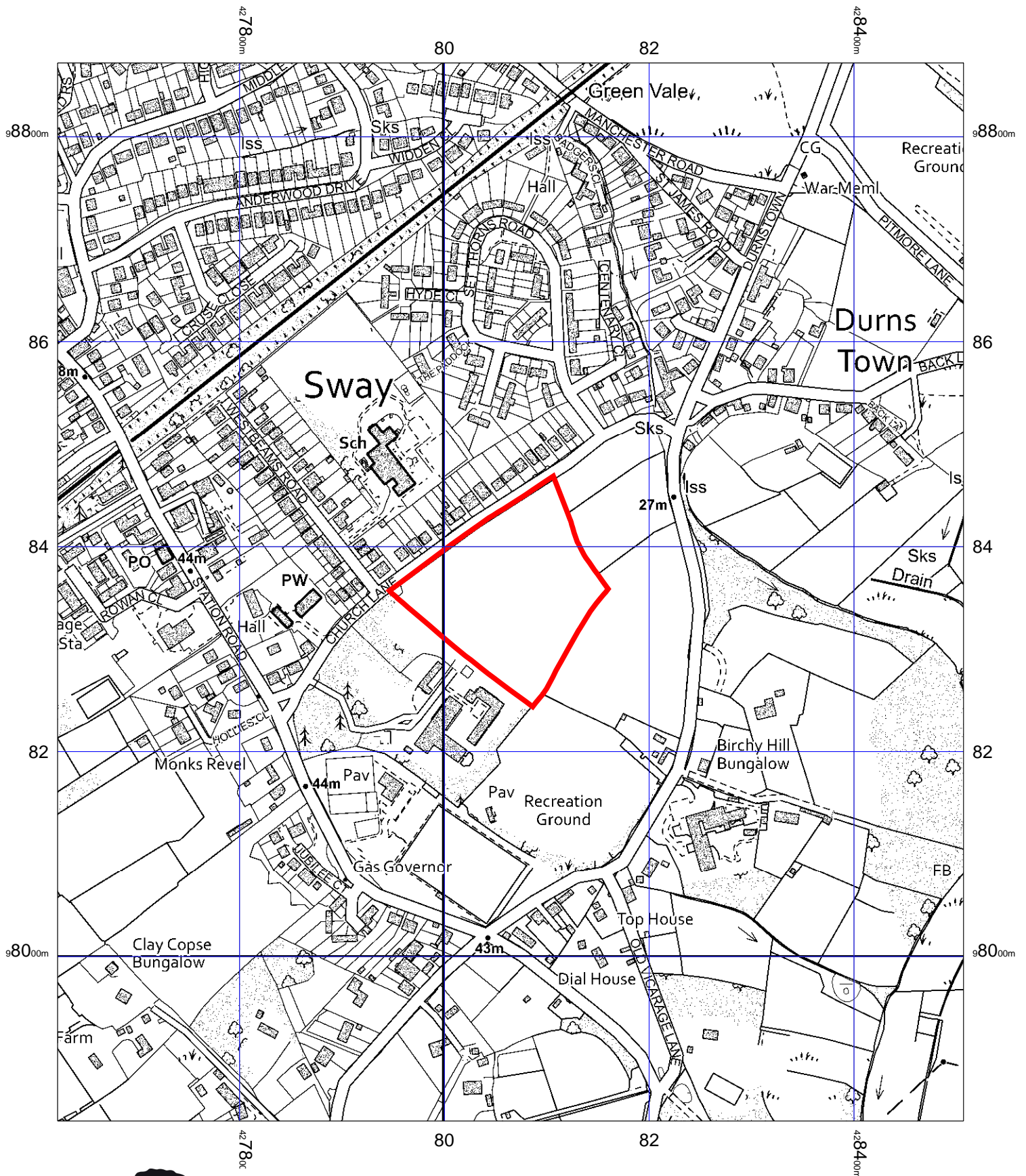
Development shall only be carried out in accordance with the details approved.

Reason: In the interests of achieving a sustainable form of development in accordance with Policies DP18 and SP11 of the New Forest National Park Local Plan 2016-36 (August 2019) and national planning policies

**Informative(s):**

- 1 The Authority has considered the application in relation to its adopted Local Plan, the National Planning Policy Framework and any other relevant material planning consideration and has recommended changes which have been accepted by the applicant to ensure the development is compliant and does not harm the character and appearance or amenities of the area.
- 2 The planning permission does not authorise the undertaking of any works within the highway (carriageway, footway or verge). Any works within the highway must be approved by S278 Agreements, details of which can be found at:  
<https://www.hants.gov.uk/transport/developers/constructionstandards>
- 3 Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.





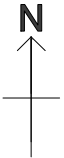
New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 02/08/2022

**Ref: 21/00743**

**Scale: 1:5000**



© Crown copyright and database rights 2022 Ordnance Survey 100014703

**Application No: 22/00240/FULL Full Application**

**Site:** Oak Cottage South, Lyndhurst Road, Burley Lodge, Burley, Ringwood, BH24 4HS

**Proposal:** Creation of hardstanding

**Applicant:** Mr Goldfinch

**Case Officer:** Claire Woolf

**Parish:** BURLEY

**1. REASON FOR COMMITTEE CONSIDERATION**

Applicant related to a member of staff.

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

- SP7 Landscape character
- DP2 General development principles
- SP17 Local distinctiveness
- DP18 Design principles
- SP48 The land-based economy
- DP50 Agricultural and forestry buildings
- SP15 Tranquillity

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

- Sec 12 - Achieving well-designed places
- Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Burley Parish Council: Happy to accept the decision reached by the National Park Authority's Officers under their delegated powers.

## **8. CONSULTEES**

No consultations required

## **9. REPRESENTATIONS**

9.1 None received.

## **10. RELEVANT HISTORY**

10.1 Application under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 in respect of proposed hardstanding, (21/00741) withdrawn on 31 August 2021.

10.2 Application under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 in respect of proposed hardstanding, (21/00847) determined planning permission required 15 October 2021.

## **11. ASSESSMENT**

11.1 Oak Cottage South is a semi-detached dwelling located outside of the National Park's conservation areas and defined villages. It is accessed from a long gravel track from the Lyndhurst Road in Burley. The application site is located to the north of the associated property and the field amounts to 3 hectares. It is bound by mature hedging on the western boundary. The application field comprises grazing land and is not subject to any environmental designations.

11.2 Permission is sought for a hoggin access track measuring 4 metres in width and 30 metres in length, leading to a hoggin yard measuring 20 metres by 25 metres. Amended plans were sought reducing the hardstanding area from 35 metres by 20 metres, and reducing the access track from 10 metres in width to a width of 4 metres. The hardstanding would be hoggin at a depth of 3 inches with 8 inches of hardcore below to allow the applicant to bring forest run stock out of the wet and onto dry ground to be fed and cared for. The yard would be fenced to contain the stock. The area submitted would allow sufficient space for storage of forage, a turning circle for a tractor and trailer and a sufficient size for animal handling. The area is also required to accommodate the applicant's field shelters which are used for animal handling and medical treatments (not the subject of this application). No lighting is proposed.

11.3 The application follows prior notification applications requiring assessment against Class B, Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) which were determined to require planning permission. The key issues to assess are:

- The need for the proposal and the impact upon the New Forest landscape; and
  - The impact upon residential amenity;
- 11.4 The supporting statement indicates that the hardstanding is required for the purposes of commoning. The proposed development is required for the sorting of cattle and New Forest ponies, foot trimming, worming and other medical procedures. The animals are held at the site to allow this work to be carried out before being turned out onto the Forest. The property is let to the applicant on the basis of him carrying out commoning on the land as detailed in a letter from Forestry England. The application is accompanied by a letter of support from Celtic Equine Veterinary Practice Limited. Policy DP50 of the adopted local plan sets out that agricultural development will be granted where there is a functional need for it and where the scale of the proposal is commensurate with its need and setting in the landscape. In addition, Policy SP48 supports the land-based economy including the future viability of commoning. There are no other suitable yard areas within the applicant's control which would suit these purposes.
- 11.5 The track and area of hoggin are considered to be reasonable, given the commoning activity described within the supporting statement. The area of hard surfacing has been reduced to the minimum required for the applicant to access their land safely and use it for the proposed commoning activities. The area of hoggin would be located within the site and screened from public vantage points by the existing boundary hedging. Fencing is required to contain the livestock. Additional hedging is proposed to screen the boundary fence of the proposal, creating a wildlife corridor from the existing mature hedge. A landscaping condition is recommended requiring the submission of details, including the location of existing and new planting, type of fencing and maintenance. It would be sufficiently far from the mature hedge and trees as to have no adverse impact. The development would be closely related to the associated property, existing access to the field and located adjacent to a field boundary. The proposal would ensure the land at Oak Cottage South can continue to support commoning practices. It would therefore accord with Policy DP50 and SP48 of the Local Plan which relates to agricultural development and the land-based economy.
- 11.6 The application site is located at an appropriate distance from the properties to limit noise, odour and activity from the hardstanding yard. The development is considered to result in an acceptable impact upon residential amenity in accordance with Policy DP2.
- 11.7 It is recommended the application is granted subject to conditions relating to landscaping and restricting external lighting.

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Development shall only be carried out in accordance with drawing numbers: 9907.101 Rev P2, W16713-04.  
  
No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.  
  
Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 3 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.  
  
Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 4 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include:
  - (a) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) other means of enclosure;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

If any part of the hedgerow is removed, dies or becomes seriously damaged or diseased, the plant shall be replaced in the next planting season with another or similar size and species, unless the National Park Authority gives written consent to any variation.

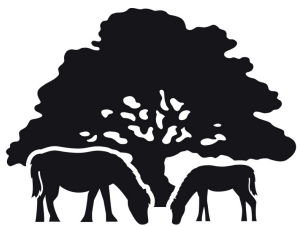
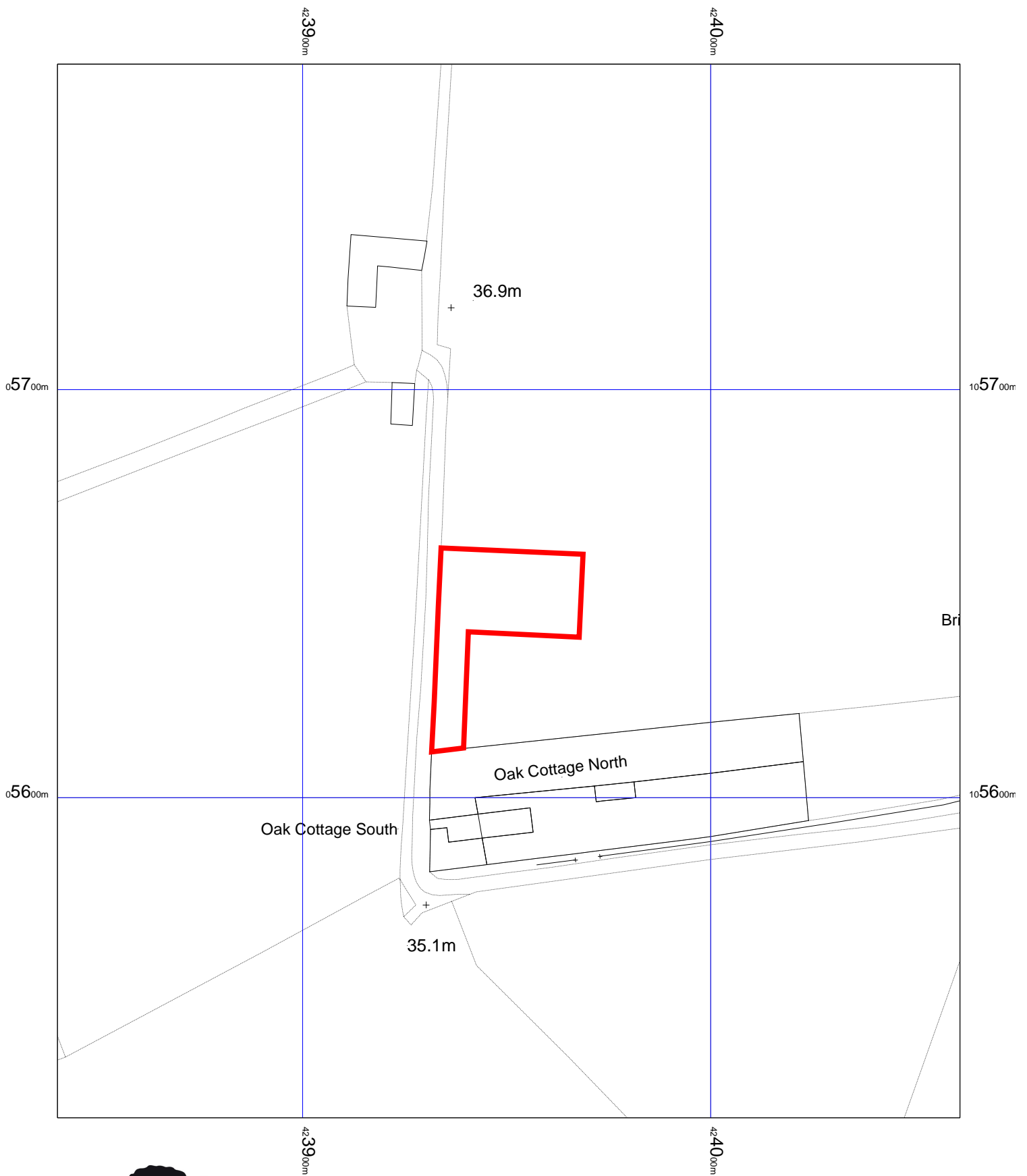
No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST  
NATIONAL PARK

New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 02/08/2022

Ref: 22/00240

Scale: 1:1250

© Crown copyright and database rights 2022 Ordnance Survey 100014703

