

Application No: 21/00472/FULL Full Application

Site: Land Adjacent 40, Whartons Lane, Ashurst, SO40 7EF

Proposal: 62no. dwellings; access; associated parking; public open space; landscaping; associated works

Applicant: Vivid Homes, Vivid Homes

Case Officer: Natalie Walter

Parish: ASHURST AND COLBURY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view
Significant local interest.

2. DEVELOPMENT PLAN DESIGNATION

Site Allocation
Tree Preservation Order

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP22 Land at Whartons Lane, Ashurst
SP4 Spatial strategy
SP5 Nature conservation sites of international importance
SP6 The natural environment
SP7 Landscape character
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
SP19 New residential development in the National Park
DP2 General development principles
DP8 Safeguarding and improving water resources
DP10 Open space
DP12 Flood risk
DP18 Design principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Ashurst and Colbury Village Design Statement
Design Guide 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

Ashurst and Colbury Parish Council: Recommend refusal on this application for the reasons summarised below:

- Safety - traffic, parking causing impeded visibility or blocking access roads, lack of footpaths to all dwellings, unlit access roads and parking bays.
- Traffic & parking - inadequate parking provision, impact of increased traffic locally.
- Sustainability - some solar panels proposed, but no mention of consideration of other initiatives including communal heating systems such as ground source pumps. BNG mitigation not proposed on site or locally.
- Design & layout - lacks local distinctiveness, cramped layout of dwellings due to site constraints.
- Flooding - existing issue locally.

Previous recommendations (20 July 2021 and 30 November 2021): refusal for the following reasons (summarised):

- Inaccurate supporting data.
- Lack of public engagement.
- Dwellings out of character with village.
- Visual impact.
- Overdevelopment.
- Increase in surface water and flooding.
- Traffic generation.
- Poor car parking provision.
- Loss of wildlife.
- Lighting impacts.
- Lack of sustainability features.
- Highway safety concerns.
- Maintenance of green spaces needs to be robust and responsive.

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

8. CONSULTEES

- 8.1 Building Design & Conservation Area Officer: Support subject to conditions to secure appropriate materials, sustainability features and recording of the non-designated heritage asset.
- 8.2 Planning Policy Officer: Support. The proposals are compliant with the key requirements of Local Plan Policy SP22.

- 8.3 Landscape Officer: Support subject to conditions to secure detailed paving and planting designs and materials used; control of domestic boundary treatment; and future domestic or communal external lighting.
- 8.4 Archaeologist: No objection subject to condition for recording of historic cistern.
- 8.5 National Park Access Ranger: Comments: Welcomes the natural play elements of the green space; would like to see a road crossing between the new development and the recreation ground; comments on the Travel Plan targets and pedestrian and cycle access to the school; and would like to work with the Travel Plan Co-ordinator to ensure links to sustainable transport options.
- 8.6 Highway Authority (HCC): No objection subject to conditions to secure Construction Method Statement and details of means of access; and securing of obligations for pedestrian infrastructure improvements and provision of a full Travel Plan.
- 8.7 Natural England: Comments awaited. Previous nutrient budget calculation concurred with. Details of proposed mitigation of nutrients required.
- 8.8 Tree Officer: Support subject to conditions to secure tree protection.
- 8.9 Countryside Services (HCC): No objection. Public rights of way and countryside sites are unaffected by the proposals.
- 8.10 Housing Development NFDC: Comment: Welcome overall approach to affordable housing and proposed tenure mix. Local connection cascade would apply to this proposal.
- 8.11 Hampshire County Council Flood and Water Management: No objection subject to conditions to secure details of drainage strategy; investigation of existing headwall outflows; and details of maintenance of SUDS.
- 8.12 Southern Water: Comment: able to facilitate foul sewerage disposal to the proposed development and a water supply service.
- 8.13 Environment Agency: No comment. The application falls outside of the Agency's External Consultation Checklist so there is no comment to make.
- 8.14 Ecologist: Support subject to securing appropriate mitigation and compensation.
- 8.15 Hampshire County Council Education: The anticipated pupil yield

from the development can be accommodated within the existing accommodation at Foxhills Infant and Junior and Hounsdown schools and therefore no educational contribution will be sought.

- 8.16 Esso Petroleum Company Ltd: No objections to the proposals provided their “Special Requirements for Safe Working” and the covenants contained in the Deed of Grant are adhered to.

9. REPRESENTATIONS

- 9.1 258 representations received in total from three public consultations.

- 9.2 246 objections on the following grounds (summarised):

- Traffic generation.
- Concern about traffic data used.
- Insufficient parking on site (including visitor parking) and potential impacts.
- Concern about road safety and crossings.
- Travel plan measures will not be effective.
- Lack of places at infant school.
- Green field site should be preserved.
- Design and layout not in keeping with Ashurst village.
- Excessive number of dwellings proposed.
- Affordable housing not pepper-potted.
- Inappropriate dwelling mix.
- Lack of sustainability features.
- Lack of community benefit from the development.
- Increase risk of flooding in the area.
- Concern about on-site drainage.
- Light pollution.
- Air pollution from traffic.
- Increased footfall in park opposite.
- Lack of infrastructure to support 62 dwellings.
- Destruction of wildlife and habitats.
- Lack of ecology surveys.
- Impact on St Joseph's retreat centre.
- Loss of privacy to Whartons Close and 40 Whartons Lane.
- Lack of suitability for disabled persons.
- Need to improve facilities for walking and cycling to Foxhills School.
- Impact on Esso pipeline.
- Increase in noise.
- Concern about fly-tipping and increase in pets.
- Precedent in National Park.
- Lack of consultation of general public.
- Inaccurate references in supporting documents.

- 9.3 Six representations of comment (summarised):
- Recognise that this is an allocated site.
 - Proposal appears to be generally in line with Policy SP22 with regard to density and 50% affordable housing provision.
 - Affordable housing statement inaccurate.
 - Lack of capacity in road network.
 - Unimaginative plans.
 - Information on nutrient offsetting needed.
 - Lack of consideration to ecology and biodiversity matters.
- 9.4 Six representations in support (summarised):
- Excellent space to use.
 - Will meet housing need.
 - Will provide housing for service workers.
 - Will provide housing for children of current villagers.
 - Suggest pedestrian access to Foxhills School.
 - People could walk to and from the school to reduce traffic.

10. RELEVANT HISTORY

- 10.1 Application for screening opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for up to 72 hours and apartments (19/00728) determined EIA required on 28 October 2019.
- 10.2 Erection of a wooden horse shelter (NFDC/84/27252) approved on 15 August 1984.

11. ASSESSMENT

SUMMARY

This is a full planning application for the adopted Local Plan site allocation on land at Whartons Lane in Ashurst (Policy SP22). It is accompanied by a large number of supporting documents.

Submitted in May last year, the application has been the subject of extensive discussions and negotiations with the applicant and statutory consultees, both prior to and following submission. The principle of the proposed development has been established through the site specific allocation in the Authority's adopted Local Plan (Policy SP22).

This report sets out the relevant planning policies, the responses from consultees and interested third parties and a detailed assessment of all the relevant issues. There is support from the majority of statutory consultees. Others have provided comments. There remains strong local objection, in particular to the principle

of development and in relation to transportation impacts and flood risk.

The report concludes that the application meets national policy tests and satisfies the requirements of Policy SP22. The balance between built development, open space and landscaping is considered to have been successfully reached. Hampshire County Council has confirmed that traffic generated would be accommodated within the highway network and the controlled surface water discharge rate would ensure no increase in flood risk to or from the development.

For these reasons, as elaborated upon in this report, the officer recommendation is that planning permission should be granted subject to conditions and the prior completion of a Section 106 legal agreement.

Application Site

- 11.1 The 2.7 hectare application site is located to the east of Whartons Lane within the village of Ashurst. Residential development lies to the north west and a recreation ground and residential development are located opposite. The eastern and southern boundaries are well-screened by woodland. The site is currently used for grazing and there is an existing access located at the north-western end of the frontage with Whartons Lane.
- 11.2 The trees along the Whartons Lane frontage are protected by a group Tree Preservation Order (TPO) and there are additional group and woodland TPOs along the eastern boundaries of the site.
- 11.3 The site is located within Environment Agency Flood Zone 1 (low probability of fluvial flooding). A small part of the site (circa 2%) close to the frontage with Whartons Lane is at medium risk of surface water flooding, as reflected in the Environment Agency's mapping and the Strategic Flood Risk Assessment that informed the Local Plan site allocation.
- 11.4 The site contains an area of priority habitat in the eastern part of the site. Fletchwood Meadows Site of Special Scientific Interest (SSSI) lies 0.5km to the north west. There is a Site of Importance of Nature Conservation (Foxhills School Meadow) to the north of the site. The site lies within 5.6km of the Solent European designated sites.

Planning Background and Principle of Development

- 11.5 Land at Whartons Lane, Ashurst is allocated in Policy SP22 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) for "around 60 dwellings." This allocation was found "sound" following four years of public consultation, an

extensive evidence base and independent examination by Government-appointed Planning Inspectors.

- 11.6 The Planning Inspectors supported the allocation of land at Whartons Lane for development in their report (July 2019):

"The site is well contained visually by significant areas of woodland to the east and south. It would have a limited impact on the wider landscape and would not significantly affect the overall character and appearance of Ashurst." – paragraph 103

"The site is well related to local services and facilities and evidence available confirms that there would not be undue pressure on local services and infrastructure including schools. The site can be accessed safely and the junction of the A35 with Whartons Lane will continue to operate well within capacity." – paragraph 105

"The proposed housing site allocation at Whartons Lane, Ashurst is justified, effective and consistent with national policy." – paragraph 107

The principle of residential development on the site has therefore been legally established through the plan-making process.

Proposed Development

- 11.7 The application is for 62 dwellings with a vehicular access point to the development from Whartons Lane circa mid-way along the frontage. Pedestrian access points would also be located to the north close to the existing vehicular gated access, which would be closed.

- 11.8 The development includes a central area of public open space and a perimeter pathway encircling the built form of development. The proposed layout has taken into account the protected trees around the site and incorporates landscaping including strengthened boundary treatment and features at the entrance to the site, attenuation basins planted with wetland and an appropriate lighting strategy. Sustainability features and ecological enhancements are proposed.

- 11.9 All dwellings would have an internal habitable floor area of under 100 square metres and the following dwelling mix is proposed:

- 6 one-bed units;
- 16 two-bed units; and
- 40 three-bed units.

50% of the dwellings would be affordable and the proposed tenure split is 71% affordable rent and 29% shared ownership.

- 11.10 The application includes 116 car parking spaces for residents and four visitor spaces. Cycle parking is proposed within garden sheds (2 spaces per dwelling; total of 96 spaces) and communal stores (for the flats; 14 spaces).
- 11.11 The proposal has evolved through the application process with two further consultation periods following the initial consultation. The first design amendments included a revised layout to incorporate a larger area of open space and to avoid a cul-de-sac arrangement. The further design amendments included amended detailing of dwellings, details of materials, amended landscaping and additional information on sustainability and biodiversity enhancements.
- 11.12 The main consideration is whether the proposals comply with Policy SP22 of the adopted Local Plan (Land at Whartons Lane). Further key issues for consideration are:
- The design of the proposed development;
 - Landscape impacts;
 - Flood risk and drainage;
 - Ecological impacts;
 - Impacts on the amenities of adjoining properties;
 - Highway and access considerations;
 - Heritage impacts; and
 - Other material planning considerations.

Policy SP22 (Land at Whartons Lane)

Quantum of Development

- 11.13 Policy SP22 allocates land at Whartons Lane for around 60 residential dwellings to contribute towards meeting the identified housing need arising from within the National Park. At 62 dwellings, the proposed quantum of development is consistent with Policy SP22. The quantum is a reduction on initial pre-application proposals for 70 dwellings. The site area amounts to 2.7 hectares and therefore the gross development density is 23 dwellings per hectare. The development density is higher than surrounding areas but is nonetheless a lower density development. With developable land being a finite resource, allied to the identified need for smaller properties, subject to appropriate design and landscaping, the proposed quantum is acceptable and in line with the quantum tested and approved through the Local Plan process. The proposal will optimise the use of land to meet local housing need whilst providing an appropriate density in the National Park context.
- 11.14 Policy SP22 sets out that detailed proposals for the site that meet site specific requirements a) to g) will be permitted. These site specific requirements are considered below.

a) the provision of on-site affordable housing for local people in housing need in accordance with the target of 50% affordable housing

- 11.15 The proposed development will provide 31 affordable dwellings on the site which will comprise 50% of the total dwellings. The level of on-site affordable housing is policy compliant.
- 11.16 In terms of the proposed tenure mix of the affordable housing, 22 units will be affordable rent tenure and nine units will be shared ownership. The proposed tenure mix of 71% affordable rent and 29% 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.
- 11.17 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. The latest figures from the Help to Buy agent indicate continued demand for shared ownership in the area, in particular, for two and three-bed dwellings. The overall approach to affordable housing and the proposed tenure mix is welcomed by the Housing Authority. Whilst it is commented that four-bed homes for rent are not included, four-bed units make up a very small proportion of the identified need in the New Forest and it would be difficult for such a property to meet the 100 square metre floor space limit within New Forest National Park policy.
- 11.18 Ashurst and Colbury 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.

b) all of the dwellings on the site will be limited to a maximum total internal habitable floor area of 100 square metres

- 11.19 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. It is reasonable and necessary to remove permitted development rights to ensure that permitted development rights are not used to undermine the aims of

adopted policies relating to dwelling size.

11.20 The dwelling mix would comprise:

- 6 x 1-bed units;
- 16 x 2-bed units; and
- 38 x 3-bed units.

There is an identified need (through the Local Plan evidence base) for smaller dwellings within the New Forest National Park and the proposed dwelling mix will reflect local needs in accordance with paragraph 78 of the NPPF. The proposal will also contribute to the objective of the NPPF to create mixed and balanced communities.

c) the site must be developed in a comprehensive manner

11.21 The application includes residential and open space elements as part of a single scheme. The site will be developed in a comprehensive manner in line with criterion c) of Policy SP22. It will also optimise the site to accommodate and sustain an appropriate amount and mix of development (including public open space).

d) measures must be put in place to protect the trees subject to Tree Preservation Orders that border the site

11.22 The site is bordered by trees protected by TPOs. It is proposed to remove a single Oak tree (T6U) which is located on the Whartons Lane frontage adjacent to the proposed site entrance. The Authority's Senior Tree Officer notes that this tree has significant deadwood, dieback and is clearly infected with decay fungus at its base. It will need to be removed on safety grounds regardless of any development.

11.23 The amended layout has taken into account any potential future pressure on the trees from shading, leaves and falling debris and there are no objections to the application on tree grounds, subject to conditions.

e) contributions will be required to enhance the adjacent Whartons Lane Recreation Ground located opposite the site

11.24 There is currently a deficit of public open space provision in the parish of Ashurst and Colbury when considered against the Local Plan standard of 3.5 hectares of open space per 1,000 population (Policy DP10). Currently, there is no public right of access to (or public open space provision within) the application site. The amended open space area calculation (March 2022) indicates an area of 0.185 hectares of new public open space in the centre of the site and an additional 0.9 hectares around the periphery of the site. The development will deliver additional public open space for

the area on a site where there is currently no public access. There is no policy requirement to require the open space requirement to be met on-site (however, in this case, it has been sought and included for place-making and design reasons). The development is delivering 0.185 hectares of public open space on site, this amounts to 36% of the policy requirement. A financial contribution is therefore sought (£116,649) to cover the remaining requirement (64%) which would be required towards open space recreation provision in the locality, such as Whartons Lane recreation ground. The level of contribution has been calculated in accordance with the adopted Development Standards Supplementary Planning Document and is based on dwelling size.

f) development proposals must provide a connection to the nearest point of adequate capacity in the sewerage network, as advised by the service provider

- 11.25 Ashurst is served by the Slowhill Copse waste water treatment works in Marchwood. Southern Water have been consulted on the application and state that they can facilitate foul sewerage disposal to service the proposed development. They also indicate that a water supply to service the development can be facilitated. There is therefore adequate capacity in the sewerage network in accordance with criterion f) of Policy SP22. A formal application to Southern Water for a connection to the public foul sewer and the water supply would be required which is outside of the planning process.

g) a site-specific flood risk assessment will be required and measures put in place to address any groundwater or surface water flooding issues identified.

- 11.26 The New Forest Strategic Flood Risk Assessment that supported the Local Plan highlighted a localised flooding issue near the proposed road access. Criterion g) of Policy SP22 requires the submission of a site-specific flood risk assessment and measures to be put in place to address this.
- 11.27 The application submission includes a site-specific Flood Risk Assessment and Drainage Strategy, Drainage Investigation and Proposed Level and Drainage Design Plan. The flood risk assessment and drainage strategy concludes that the proposed development will not increase flood risk to or from the site. Further detail is set out in paragraph 11.37 below.
- 11.28 In summary, in relation to Policy SP22, the proposed development is assessed as complying with Policy SP22 subject to the imposition of relevant planning conditions.

Design

- 11.29 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 be met in this scheme and are supported by the Authority's Senior Building Design and Conservation Officer.

Layout

- 11.30 The layout has been amended from a previous "cul-de-sac" approach, which was not supported. The layout now offers a central area of open space which many dwellings would overlook and enjoy. The access road into the development would offer a glimpse of the open space on arrival and the balance of dwellings either side of the entrance with the mature treed boundary to Whartons Lane would provide a softening of the development from Whartons Lane. The proposed road is now sinuous and provides a loop around rather than a series of unconnected cul-de-sacs. The proposed layout, landscaping, trees and boundaries would create a sense of place for the development.

Design Detailing and Materials

- 11.31 The detailed design of the proposed dwellings has also been altered to offer a more sympathetic New Forest design format. The use of timber porches, hanging tiles, locally sources bricks, natural slates and clay tiles are all supported. A number of elevations and floor plan designs have been adjusted to be simple cottages and chimneys have been introduced on other designs.

Sustainability

- 11.32 The scheme has also been revised to reflect current expectations on sustainability. Electric vehicle charging points are now provided to each home or group of flats, in discrete but accessible locations. The use of slimline solar panels on southerly facing rooflines has been incorporated. Some dwellings have been rotated to within 30 degrees of south in order to benefit from this warmth and natural daylight, which would reduce the need for heating and artificial lighting. The windows and doors would be double glazed and the dwellings would be fully insulated in line with the latest Building Regulation requirements. These measures are supported.
- 11.33 Overall, the proposed design reflects a high quality of design, which incorporates sustainability measures to help future proof the homes and the choice of materials reflects quality traditional

and natural materials where possible in accordance with national and local guidance and Policies DP2 and DP18.

Landscape Impacts

- 11.34 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 (January 2022) 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.
- 11.35 The proposed development has taken the opportunity to provide a new high quality public open space central to the development. This would include a small play area. A gravel pathway would provide a "woodland walk" around the perimeter of the site. The landscaping of the scheme has evolved through the application process following the provision of detailed advice over a sustained period. The landscape strategy also includes retention of the boundary vegetation at the frontage with Whartons Lane and enhancements with infill planting. Two gateway trees and a formal hedge frame are proposed at the entrance to the development. Two attenuation basins planted with wetland are also proposed. The parking spaces would be "softened" by ornamental planting and appropriate boundary treatment. The hard and soft landscaping elements are supported by the Authority's Landscape Officer.
- 11.36 The Landscape Officer also supports the revised Lighting Strategy. This Lighting Strategy has sought to ensure that lighting is applied carefully and sensitively and that the potential for effects on sensitive ecology, the surrounding area and the National Park are limited or completely mitigated. The proposed development will therefore accord with Policies SP7 (Landscape character) and SP15 (Tranquility).

Flood Risk

- 11.37 Flood risk considerations are a key local concern included in representations. This is reflected in the New Forest Strategic Flood Risk Assessment that supported the Local Plan and the Environment Agency's flood risk mapping, which highlight a localised issue with flooding near the proposed road access (affecting circa 2% of the site). Development must ensure that it does not exacerbate existing issues, but it also cannot be required to address pre-existing problems in the local area. The Flood Risk and Drainage Strategy and Drainage Design Plan set out that it is proposed to capture and convey runoff along the eastern boundary of the site via a swale directing runoff to an existing headwall outfall. Within the proposed parking areas,

tanked permeable pavements would capture, treat and attenuate runoff from the development and open pond features would provide attenuation volume. Flow control devices would limit runoff to no more than the existing green field runoff rates from the site. The drainage strategy is designed to accommodate a 1 in 100 year critical storm plus an allowance for climate change. The proposed drainage strategy would avoid any impact off site by capturing and attenuating runoff up to the design event with an allowance for climate change, with the controlled discharge rate ensuring no increase in flood risk to or from the development.

- 11.38 The Lead Local Flood Authority (LLFA), Hampshire County Council Flood and Water Management, has been consulted. The applicant has demonstrated that they can limit surface water runoff to greenfield rates and would provide benefit to the area for larger storm events. The LLFA consider that the drainage proposals are acceptable within the site boundary. Clarifications have been sought as there is a lack of clarity on where the existing headwalls are currently draining surface water runoff. The LLFA notes that the applicant will also need to demonstrate that the secure outfall (existing headwalls) will not drain surface water to any alternative route which could potentially increase surface water downstream and consider that this can be addressed by condition. Subject to conditions, the proposed development would accord with Policies SP22 e), DP8 and DP12.

Ecological Impacts

Impacts on Protected Species

- 11.39 The applicant has provided additional information since the submission of the application in June 2021 including the results of reptile survey work and proposed mitigation, the results of a dormouse survey, bat activity surveys and associated lighting mitigation strategy and a breeding bird survey. A summary of biodiversity net gain metrics has also been prepared.
- 11.40 The surveys have confirmed the likely absence of dormice. The majority of the site is unsuitable for reptiles. The most likely presence is on the periphery of the site which is to be retained and harm can be avoided by means of an avoidance and mitigation strategy, which can be secured by condition. Seven species of bats were recorded using the site in some way. In order to secure a dark corridor around the site, a lighting plan has been submitted. Lighting levels at the woodland edge and retained grassland area would be around 0.5 lux which would allow bat activity to continue. There is no objection to the development in relation to impacts on protected species.

Impact on Priority Habitats

- 11.41 The proposed development would result in the loss of 1.35 hectares of lowland meadow. The loss is accepted as the site is allocated for development in the adopted statutory development plan for the National Park. Additionally, it is not possible to recreate this habitat around the site boundaries due to the high levels of nutrients present in the soils from previous land management and inputs from the surrounding woodland, as well as the need to provide a drainage solution for the site and in order to provide a viable layout. It is also material that under current management the habitat is considered to be in poor and declining quality. Policy SP6 provides policy coverage for such circumstances, stating that, where it is not possible to avoid or mitigate for the loss of biodiversity interests resulting from the development, appropriate compensation may be secured. This may include the provision of compensatory habitats elsewhere. The applicant is committed to compensation of the loss of lowland meadow, which would be secured through the S106 legal agreement.

Recreational Impacts

- 11.42 Prior to mitigation, the Habitat Regulations Assessment of the Local Plan could not 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 addition, development within 5.6km of the Solent coastal designations (which includes Ashurst) is required to address increased recreational impacts and there is an established strategic mitigation scheme in place (Bird Aware Solent). 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 adopted Mitigation Strategy (2020) and the established Bird Aware Solent mitigation scheme or mitigation to at least an equivalent effect. An appropriate condition would be attached to satisfy this requirement and this is supported by Natural England.

Nutrient Impacts

- 11.43 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 was satisfied with the methodology used to calculate the nutrient budget but stated that further information and details on proposed mitigation were needed to enable assessment that the development would be nutrient neutral. The applicant since provided details of the proposed mitigation scheme (in Eastleigh), which is in the appropriate sub-catchment as defined by Natural England's methodology on nitrate neutrality. This approach to off-setting has been adopted by local planning authorities across the Solent catchment. Following the Authority's initial assessment of this budget, Natural England's guidance has been updated. The applicant has submitted revised calculations and Natural England has been consulted further. An update will be provided at the committee meeting. 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.

Biodiversity Net Gain

- 11.44 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 and will become mandatory in 2023. The applicant has used the DEFRA 3.0 metric to assess the proposals. This metric provides a way of measuring and accounting for biodiversity losses and gains from development (this excludes priority habitats). It has been applied to the existing and proposed habitats on the site (excluding the lowland meadow area). The calculation shows a total net habitat change of 1.17 units which equates to a 14% positive net change. This would be secured by condition and means the required biodiversity net gain objectives would be delivered on-site as part of the development.

Impacts on the Amenities of Adjoining Properties

- 11.45 The proposed development is adjoined by woodland areas to the south and east. In respect of the northern boundary, concern has been raised in representations in relation to the two-storey apartments (plots 14 and 16-21). Given the distance between the plots and the properties to the north (33.4 metres and 54.0 metres), the orientation and the intervening vegetation, there will be no significant impact on neighbouring amenity in accordance with Policy DP2.

Highway and Access Considerations

- 11.46 The application submission includes a Transport Assessment, Travel Plan and Highways Technical Note. The impact on the local highway network is a key local concern. The applicant has provided additional information in response to requests from Highway Authority including junction capacity modelling (Whartons Lane/ A35 junction) and the impact on Hunters Hill. With the implementation of the proposed mitigation measures, the Highway Authority is satisfied that the proposed development would not cause severe impacts on the operation or safety of the local highway network and has no objection subject to conditions to secure a construction method statement and the detail of the access together with the securing of planning obligations for off-site highway works including the securing of pedestrian infrastructure improvements (including that of associated uncontrolled crossing facilities on Whartons Lane to the west of the proposed access and the additional dropped kerb crossing on Whartons Lane near the junction of Ashdene Road) and the provision of a full travel plan and associated approval and monitoring fees and bond through a legal agreement.
- 11.47 The proposed level of car parking (116 spaces) 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). The areas of car parking would include permeable paving, landscaping and appropriate boundary treatments. There is no specific policy requirement for visitor parking. However, four spaces will be provided.
- 11.48 Cycle parking provision is proposed within garden sheds (two spaces per dwelling; total of 96 spaces) or communal stores (for the flats; 14 spaces) and accords with adopted standards in Annex 2 of the Local Plan.

Heritage Considerations

- 11.49 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 submission includes an Archaeological Desk-Based Assessment, a Geophysical Survey Report and a Heritage Statement. There is an absence of archaeological remains on the site. However, the site survey indicates a brick well within the southern central area of the site and it has been brought to the Authority's attention that there may be an existing Victorian built "bell-shaped" brick cistern rather than a well in this location. This sub-terranean structure is considered to be a non-designated heritage asset. Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining a planning application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm/ loss and the

significance of the heritage asset. The Authority's Archaeologist and Senior Building Design and Conservation Officer consider that the asset should be fully recorded. The structure appears to be located at the end of the garden for plot 47. Subject to a condition requiring survey and subsequent appropriate preservation (preservation by record or preservation in situ) with any works required to make it safe, the proposed development would accord with Policy SP16.

Other

- 11.50 Hampshire County Council, the local education authority, has confirmed that a 62-home development would be expected to yield about three pupils per year group. Hampshire County Council advise that, although the catchment schools (Foxhills Infant and Junior and Hounsdown) are full, this is due to out of catchment recruitment. They therefore advise that the anticipated yield from the site can be accommodated within the existing accommodation at these schools and no educational contribution is sought.
- 11.51 A fuel pipeline runs along Whartons Lane. In respect of the potential impact of the proposed development on the pipeline, there is a 3 metre easement around the pipeline. No buildings are proposed within this easement, however, the proposed access works may require checking/ supervision. There is no objection from Esso Petroleum Company Ltd provided that their requirements for safe working are adhered to and the proposal would be added to their known works record for monitoring. The applicant has been made aware of the position.
- 11.52 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant's written agreement has been received in relation to the proposed pre-commencement conditions.

Section 106 Legal Agreement

- 11.53 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 the development and fairly and reasonably related in scale and kind to the development:
- The provision of 50% affordable housing (including a local connection to ensure affordable housing meets needs arising in the local area; rents are capped in accordance with the definition of affordable housing set out in national policy; and the resale of shared ownership properties ensures that they remain available as affordable housing in perpetuity).
 - Contributions to Whartons Lane Recreation Ground: £116,649.

- Ecological mitigation for the New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites: £226,982.
- Ecological mitigation for the Solent designated European Sites: £40,748.
- Compensation for the loss of priority habitat.
- Incorporation of a management company to maintain the common parts, including open space, play area, unadopted roads and SUDS.
- Transport obligations for offsite highway works, including:
- Pedestrian infrastructure improvements including that of associated uncontrolled crossing facilities on Whartons Lane to the West of the proposed access and the additional dropped kerb crossing on Wharton's Lane near the junction of Ashdene Road, as shown on drawing no. 2020 6242 009 Rev B.
- Provision of a Full Travel Plan and associated approval and monitoring fees and bond.
- Monitoring and management fee.

Conclusion

- 11.54 In conclusion, this is an important housing site allocation in the Authority's adopted Local Plan that will make an important contribution towards meeting identified local housing needs in the National Park. The proposed development would provide 62 dwellings, open space and associated landscaping in accordance with the Local Plan policy requirements. The balance between built development, open space and landscaping is considered to have been successfully reached. Hampshire Country Council has confirmed that traffic generated would be accommodated within the highway network and the controlled surface water discharge rate would ensure no increase in flood risk to or from the development. It is therefore recommended that planning permission should be granted subject to conditions and the prior completion of a Section 106 legal agreement.

12. RECOMMENDATION

Approve Conditionally (Legal Agreement)

- 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:

(Layouts)

ACL.01 Rev G, AHL.01 Rev F, BML.01 Rev F, CSE01 Rev C,
CSL.01 Rev J, DML.01 Rev G, LP.01 Rev B, RSL.01 Rev F,
OSP01 REV B,

(Supporting)

DD394L01 Rev E, DD394L02 Rev C, D1916-200 Rev C, 13848
S1, SSE3000854-LD-001 Rev B,

(Ancillary)

BCS.01.pe Rev A, GAR.01.pe Rev A, SH.01.pe Rev A,

(Plot Drawings)

P.8-9.e Rev C, P.8-9.p Rev D, P.11-12.e Rev C, P.11-12.p Rev
C, P.13-15.e Rev D, P.13-15.p Rev D, P.25-26.e Rev C,
P.25-26.p Rev C, P.30-31.e Rev C, P.30-31.p Rev D, P.32-33.e
Rev B, P.32-33.p Rev B, P.34-35.e Rev B, P.34-35.p Rev B,
P.36_39.pe Rev C, P.37-38.e Rev C, P.37-38.p Rev D, P.40.pe
Rev C, P.61-62.e Rev B, P.61-62.p Rev B,

(House Types)

HT.2BH(2blk)-A.e Rev D, HT.2BH(2blk)-AB.p Rev D,
HT.2BH(2blk)-B.e Rev C, HT.2BH(2blk)-C.e Rev D,
HT.2BH(2blk)-C.p Rev D, HT.3BA-1B(2blk).e Rev C,
HT.3BA-1B(2blk).p Rev D, HT.3BA-1C(2blk).e Rev D,
HT.3BA-1C(2blk).p Rev D, HT.3BA-2A(2blk).e Rev D,
HT.3BA-2A(2blk).p Rev D, HT.3BC-1A.e Rev C, HT.3BC-1B.e
Rev C, HT.3BC-1C.e Rev B, HT.3BC-1A.p Rev E,
HT.3BC-1B.p Rev E, HT.3BC-1BH.e Rev C, HT.3BC-1BH.p Rev
D, HT.3BD.e Rev E, HT.3BD.p Rev D, HT.3BD-H.e Rev D,
HT.3BD-H.p Rev B, HT.2BH(2blk)-D.e Rev A, HT.2BH(2blk)-D.p
Rev A, HT.3BA-2B(2blk).e Rev A, HT.3BA-2B(2blk).p Rev A,

(Flats)

P.16-21.e1 Rev C, P.16-21.e2 Rev C, P.16-21.p1 Rev C,
P.16-21.p2 Rev C, P.41-46.e1 Rev C, P.41-46.e2 Rev C,
P.41-46.p1 Rev C, P.41-46.p2 Rev C.

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 facing and roofing materials 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 development 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 SP22 of the New Forest National Park Local Plan 2016-36 (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, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwellings remain of a size which is appropriate to its location within the countryside, to ensure an acceptable appearance of the development and to comply with Policies DP2, SP17, 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.

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 No development, demolition or site clearance shall take place until a plan showing:

Service routes, including the position of soakaways; and
Location of site compound and mixing areas

are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To 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).

- 8 Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Sapling Arboriculture Ltd, Arboricultural Impact Appraisal and Method Statement ref J1312 dated October 2021 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 per Appendix 1 – Method statement / timing of operations 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).

- 9 Landscaping of the site shall be implemented solely in accordance with drawing nos: DD394L01 Rev E, DD394L02 Rev C and BML.01 Rev F. Notwithstanding the approval of those 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 the play area, 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).

- 10 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).

- 11 Lighting of the site shall be implemented solely in accordance with drawing no: SSE3000854-LD-001 Rev B and the Lighting Strategy hereby approved.

No further 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 and ecology of the area in accordance with Policies DP2, SP6 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 12 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 National Park 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 and in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019).

- 13 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 (drawing no: 2020-6242-002 Rev E) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.

Reason: To ensure a suitable access and layout in the interests of highway safety and in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 14 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.

- 15 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.

- 16 Prior to the commencement of development (including site and scrub clearance), a Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to and approved in writing by the National Park Authority. The BEMP shall include measures for ecological mitigation and enhancement (including timescales for implementing these measures), shall be based on the recommendations set out in the ecological appraisal (January 2022) and associated surveys and plans approved as part of this planning application. It shall also include the provision of built in features for bat roosting and bird nesting, particularly swifts, at a rate of one per dwelling, placed in suitable groups and final and up-to-date details of reptile mitigation.

This Plan must set out the measures that will be undertaken to ensure that a minimum of 10% increase in biodiversity will be achieved and must cover a minimum period of 30 years.

Development shall be carried out in full accordance with the approved plan, unless otherwise agreed in writing by the National Park Authority.

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

- 17 Prior to the commencement of development ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a

planning obligation which secures financial contributions in accordance with the Authority's Habitat Mitigation Scheme and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019), the Authority's Habitat Mitigation Scheme and the SRMP.

18 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).

19 The drainage system shall be constructed in accordance with the Flood Risk Assessment & Drainage Strategy ref: D1916/FRA2.0. Surface water discharge to the existing headwall shall be limited to 15.0 l/s. Any changes to the approved documentation must be

submitted to and approved in writing by 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.

- 20 Prior to commencement of development, the condition of the existing headwall outfalls, which will take surface water from the development site, should be investigated and reported to the National Park Authority. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken before any connection is made.

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.

- 21 Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include:

- a. Maintenance schedules for each drainage feature type and ownership.
- b. Details of protection measures.

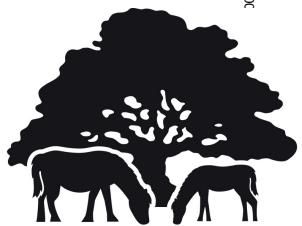
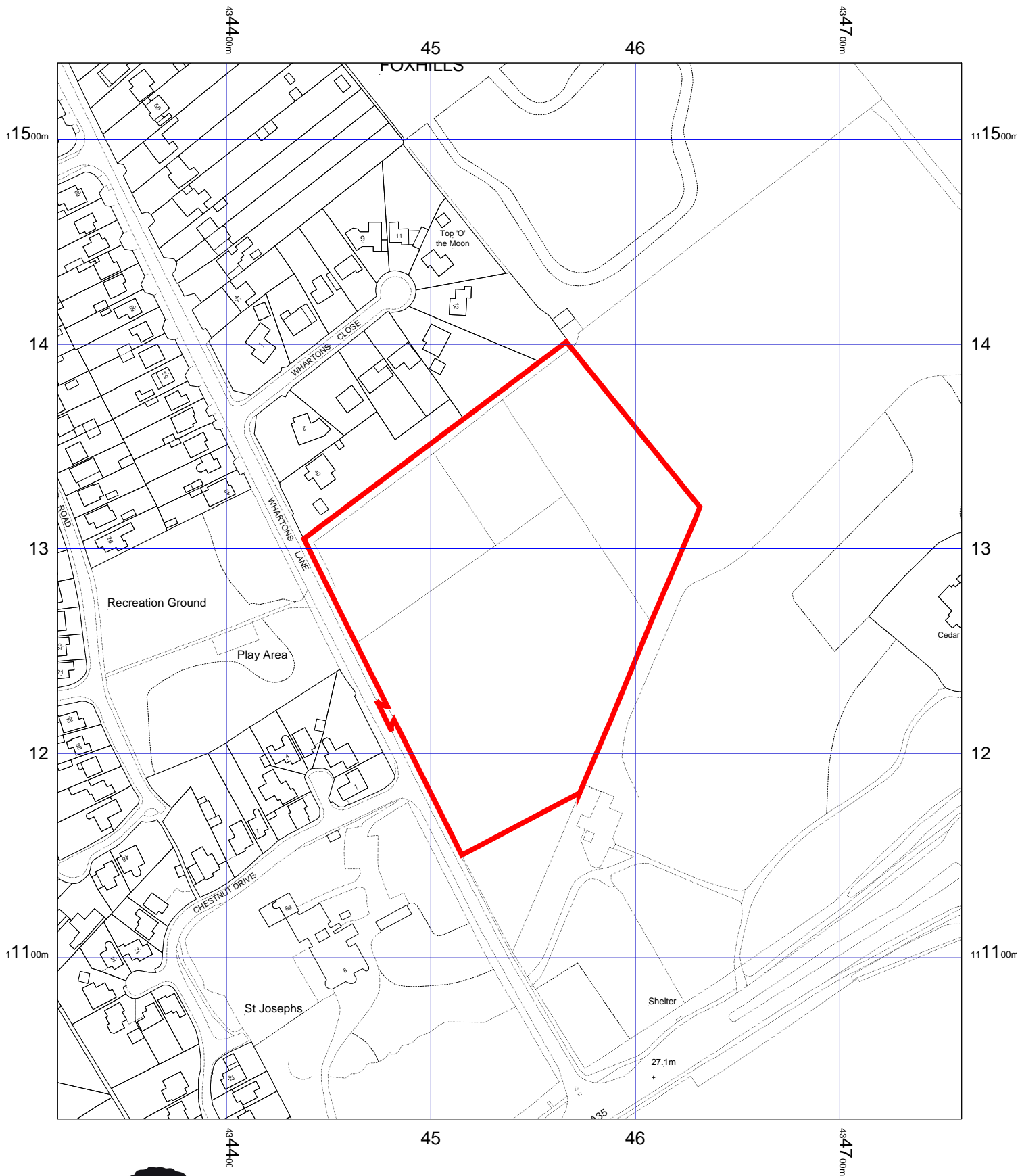
Reason: To ensure the satisfactory maintenance of the drainage system in accordance with national and local planning policies.

- 22 Prior to works to the proposed access, details of any mitigation measures that will be implemented to ensure an acceptable relationship between the fuel pipeline on Whartons Lane and the proposed access shall be submitted to and approved in writing by the National Park Authority. Development shall only proceed in accordance with the approved details.

Reason: In the interests of health and safety.

- 23 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of survey and recording in accordance with a written scheme of investigation which has first been approved in writing by the New Forest National Park Authority.

Reason: The development site contains a non-designated heritage asset and recording should be carried out prior to the development taking place in accordance with Policy SP16 of the New Forest National Park Local Plan 2016-2036 (August 2019).



NEW FOREST
NATIONAL PARK

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Date: 05/04/2022

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