

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	14 December 2016
Title:	Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping at land off Forest Oak Drive, New Milton, BH25 5NT. (Application No. 16/11323) (Site Ref: NFS014)
Reference:	7971
Report From:	Head of Strategic Planning

Contact name: Katherine Snell

Tel: 01962 845938

Email: katherine.snell@hants.gov.uk

1. Executive Summary

- 1.1. The planning application is for assisted care living accommodation for young adults in New Milton.
- 1.2. This application is being considered by the Regulatory Committee as the proposal involves Hampshire County Council as land owner and applicant and the scheme is not of a minor and/or temporary nature.
- 1.3. Key issues raised are;
 - Site allocation policy;
 - Need;
 - Landscape impacts;
 - Visual impacts;
 - Ecology and Biodiversity;
 - Urban Design and boundary treatment;
 - Amenity impacts by way of noise /dust/odour from site traffic;
 - Highways Safety and resident car parking in hammer head; and
 - Surface water management and drainage.
- 1.4. A committee site visit by Members took place on 31 October 2016 in advance of the proposal being considered by the Regulatory Committee.
- 1.5. The proposed development is not an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#).
- 1.6. It is considered that the proposal would be in accordance with the relevant policies of the [New Forest Core Strategy \(2009\) \(part 1\)](#) and the [New Forest Sites and Development Management \(part 2\) \(Adopted: 2014\)](#). The site is

allocated within the development plan for residential development, including affordable housing, and so the principle of the social housing development is considered to be acceptable. The proposal contributes to meeting the needs of the Plan Area's population by providing additional social care.

- 1.7. The development is well designed, respects the character, identity, local environment and designations and context of the location. The development would also make a positive contribution to the local distinctiveness and sense of place, and is appropriate and sympathetic in appearance. In addition the development provides substantial green space and landscaping. The development is of a high standard of energy efficiency. The proposal will not give rise to significant adverse amenity impacts as the noise and lighting levels will be acceptable and mitigated where necessary through condition. There will be no pollution of the land through construction. The proposal is acceptable in highway terms.
- 1.8. Due to the financial contribution attached to the proposal, the development will not give rise to impacts on the New Forest National Park or designated sites. The proposal contributes towards open space as an area is also to be secured through a Unilateral Agreement.
- 1.9. It is recommended that:

A Section 106 Unilateral Undertaking be provided by the applicant to secure the following:

- a. The transfer of land for use as public open space to New Forest District Council; and
 - b. The payment of an agreed financial contribution to New Forest District Council to offset the effects associated with the recreational impacts on both the New Forest and the Solent European Nature Conservation Sites.
- 1.10. Provided that by no later than 31 March 2017 the Unilateral Undertaking is completed, then authority be delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in integral appendix B;
 - 1.11. In event that the Unilateral Undertaking is not completed by 31 March 2017, then the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.

2. The Site

- 2.1 The site occupies 0.6 hectares (ha). The site is owned by Hampshire County Council (HCC) and is considered to be new development within a suburban residential area. The proposed development is approximately 1km north-east of New Milton town centre. The site is situated to the East of Fernhill Lane and accessed via Hollands Wood Drive and Forest Oak Drive. The existing site comprises wild grass and vegetation, and there is a history of planning permissions for various uses at the site (see Section 3). The site is situated to

the east of Fernhill Lane and accessed via Hollands Wood Drive and Forest Oak Drive.

- 2.2 The land in question is the subject of an allocation in Policy NMT7 (Land east of Fernhill Lane) of the [New Forest District Local Plan Part 2: Sites and Development Management \(2014\)](#) for up to 15 residential units including affordable provision. The allocation specifically requires that the site be developed in accordance with the following criteria:
- provision of vehicular access from Forest Oak Drive;
 - retention of the trees on the boundary of the site with Fernhill Lane; and provision of public open space in accordance Policy CS7 (Open spaces, sport and recreation) of the [New Forest Core Strategy \(2009\) \(part 1\)](#) including a natural play space for young children located within the development.
- 2.3 The Environment Agency mapping indicates that the site is within Flood Zone 1, giving a 'Low Probability' (less than a 1 in 1000 (<0.1%) annual probability of fluvial or tidal flooding). The site lies in a minor groundwater vulnerability zone. The site contains an attenuation pond on the western side which was part of a drainage strategy associated with the existing residential development (see [Flood Risk Assessment and Drainage Strategy](#), serving the local estate and roads. The pond functions when the incoming flow is higher than the outgoing flow to attenuate the additional volume.
- 2.4 There are mature trees and shrubs providing screening along the eastern, southern and western perimeters of the site, which have heights up to 18 metres. There is an existing Tree Preservation Order (TPO) No. 35/99 along the western boundary of the site, with two other TPOs on adjoining sites (outside of the application area) references 34/99 and 14/96. The application is accompanied by a [Tree Survey](#) and [Arboricultural Method Statement](#).
- 2.5 The ground has a gentle slope of 1:60 south-west to north-east.
- 2.6 With regards to ecology, the site does not fall within any designated area of biodiversity interest. However, the tree boundaries and grassland could make for suitable habitats for protected species. An [Ecology Report](#) was submitted as part of the application. This highlights that the grassland at the site is of moderate species richness but overall not of high ecological interest. Habitats at the site are suitable for reptiles and dormice, but recent survey information indicates the likely absence of these species/groups from the site. The site is not suitable for supporting newts but woody vegetation across the site could be used by nesting birds. The habitats at the site are likely to be of some value to a range of fauna including foraging and commuting bats, birds and invertebrates.
- 2.7 The boundary of the New Forest National Park is 500 metres to the north of the site. A Public Right of Way (PROW) footpath (New Milton: 728) is 500 metres south of the site. In addition, two public footpaths are located to the east and west of the site, connecting the site to Fernhill Lane and Gainsborough Avenue.

2.8 The distances to the nearest residential properties are 20 metres north and east from application boundary (red line). Ballard School is 250 metres south-west from the application boundary. Neighbouring the site to the south is a large institutional building, parking areas and detached property.

2.9 The site is accessible by public transport.

3 Planning History

3.1 The following is relevant to the site:

Application Reference	Proposal	Decision Date	Decision
79/NFDC/14878	Primary school and pedestrian/vehicular	7/12/1979	Granted.
90/NFDC/45668	Outline permission for residential development and open space	09/01/1991	Granted by County.
NFDC/97/61102 (approval of details)	46 dwellings, garages and access	16/02/1998	Details approved subject to conditions and legal agreement. Condition 7 seeks for all existing trees to be retained.

4. The Proposal

4.1 The proposal is being considered by Hampshire County Council as the Local Planning Authority under Regulation 3 of the [Town and Country Planning General Regulations 1992](#) as the development is for adult social care.

Hampshire County Council would build, own and operate the proposed development. The proposed 18 homes and parking will be situated to the east of the site, with landscaping to the west. The homes will be 1-bed flats of 50m², in an 'Almshouse' style. The applicant states the design approach will emphasise the individual residences rather than an institution. The scheme is made of nine flats at ground level and nine flats at first floor level that form a crescent shaped footprint. The two-storey buildings will be situated to the south of the site. The siting of the building has been designed with full regard to the adjacent properties to the front and rear. The building is situated in order to maximise distances to adjacent properties and ensure that all windows and facades are substantially in excess of 30 metres from any adjacent property, with mature trees to the north, east and west of the site.

4.2 The main entrance is central to the building and immediately adjacent to the ground floor communal space, with the first floor communal space directly above. There is a central corridor on each floor with flats accessed off this corridor space. The communal spaces on ground and first floors will be the heart of the building where residents can socialise together and attend organised activities. In both communal spaces a fully fitted kitchen will be

provided for catering. A staff office is provided to each of the communal rooms and adjoining bathroom.

- 4.3 The proposed massing generally mirrors that of the adjacent buildings and will be comparable to the residential properties within its surroundings. The height of the proposed scheme is approximately 1.1 metre higher to ridge height compared to existing dwellings in Forest Oak Drive.
- 4.4 The double storey buildings are designed using offsite manufacturing techniques. This will shorten the construction period spent on site as well as producing less traffic disruption.
- 4.5 Traditional brick and tile materials will be used to allow future adaptability; weather well and withstand wear and tear in use. While the majority of the building is brick and tile, the communal spaces are either clad or glazed in contrast to the brick houses. The design details include:
- Grey hanging tiles;
 - Red brick with Flemish Bond details;
 - Large composite windows;
 - Powder coated drains and guttering; and
 - Service chimneys protruding above the ridge line.
- 4.6 In addition, ancillary facilities are also proposed (as shown on the [Landscape Layout Plan](#)) including:
- Covered cycle shelter – closest to the building entrance;
 - Bin store – in the south eastern part of the site;
 - Plant room – to the southern part of the car park area; and
 - Maintenance shed – white box located to the west of the site.
- 4.7 The proposal is to have a Residential sprinkler system to BS 9251 standard. In addition, the highest level of automatic fire detection system Ref L1 will be incorporated and setup on a phased evacuation arrangement to prevent all residents being evacuated in the event of a minor issue (such as burning toast).
- 4.8 The types of household appliances to be installed are suitable for this type of Supported Living accommodation. These have been confirmed by the applicant as the following:
- a. No gas supply will be provided to the flats mitigating the risk from open flame appliances to service users;
 - b. There are no boilers within the flats as there is a centralised boiler in an external plant room;
 - c. Household appliances will be electrical incorporating convection hobs dealing with the hot to touch issues and electric ovens; and
 - d. Flats will include incorporated hidden safety controls, such as cut off switches to the services via an externally accessed meter cupboard that would allow electricity and water supplies to be locally isolated.
- 4.9 The main entrance to be used by both vehicles and pedestrians is located at the north of the site. The car park will be accessed off Forest Oak Drive and will provide 15 car park spaces including 2 accessible spaces for staff and

residents. The location of the car park has been amended by the applicant, moving it 750mm to the west so that when cars exit the car park their headlights will not shine directly into the sitting room of the nearby homes. The south side of the car park is built up from the existing level for inclusive access gradients which forms a new bank on the south side.

- 4.10 There is a provision for 11 covered cycle hoops and 22 spaces for cycle parking which is located between the new car park access road and building to the west.
- 4.11 Access to the bins and external plant building is from the modified highway turning head.
- 4.12 Landscaping features (see [Landscaping Layout](#)) will include an extensive garden. This includes shared community areas to the east around the main entrance approach with a residents' recreation area laid to lawn with planting beds and paths for recreational walking. The main entrance approach, semi-enclosed by the form of the new building, includes planted borders reflecting the Almhouse form of planting offset from the building. These provide privacy for the residents' accommodation and a buffer from communal areas beyond whilst retaining views out to planting and the gardens. To the west is a paved communal terrace with access paths to a new orchard garden and wild area. These gardens include fruit tree planting, specimen tree and copse planting in existing grassland. To the south are further garden spaces visible but offset from adjacent resident accommodation and for quiet recreation and relaxation. Planting outside windows provide a buffer for privacy. Planting further from the building is structured to provide focus to views out from the. Mature trees line the west of the site which provides a defined boundary for the proposed garden.
- 4.13 The car park edge is to be planted, including trees. The mature tree line to the east would be retained as a visual amenity and screen to the adjacent housing. The intent is to maintain these existing boundaries, and for the south of the building and car park to be restored as diverse grassland habitat, where necessary reseeded and allowed to grow long.
- 4.14 Ecology mitigation measures are listed on the side of the planting strategy drawing [226-CDLA-A1-00-DR-L-0400Rev02](#) and are taken directly from the recommendations in the [HCC Ecological Appraisal V1 \(June 2016\)](#). The main aspects are:
- Retain woodland edges;
 - Retain existing grassland beyond the west external terrace the only proposals beyond this point are additional native copse planting + orchard tree planting and associated narrow footpath;
 - Retain area of grassland to the south-east of the site;
 - Retain grassland in attenuation basin;
 - New planting with native / locally sourced species;
 - Measures regarding reptiles and site clearance to avoid impacts to any reptiles present;
 - New grassland areas planted as HCC ecologist advised mix;
 - Sowing of green winged orchid within this mix and in existing areas;

- Recycling of site topsoil;
 - Fencing of the existing attenuation pond for security and protection of the surrounding areas retained as grassland and green orchid regeneration; and
 - Ecological enhancement through the provision of Bird and Bat boxes.
- 4.15 Clearance of scrub vegetation would be undertaken outside of the breeding bird season (March-August inclusive) or the absence of active nests confirmed prior to works commencing.
- 4.16 The applicant is providing bat boxes at the perimeter of the site as part of the ecology mitigation measures, as set out in the [Ecology Report](#), as the existing boundary trees have potential for bat roosting. The applicant is also willing to consider the use of 'Bat bricks' in the construction of the detached plant room.
- 4.17 Southern Water has confirmed there is spare capacity in foul water sewer in Forest Oak Drive but no capacity in surface water sewers in and around the site. Due to the underlying soil type the overall surface water drainage strategy has been based on an attenuated discharge system. This design will focus on the capture and management of all surface water within the site boundary, to prevent any likelihood of flooding to adjacent land. Surface water will be discharged to the ditch to the west of the site. Surface water flood risk will be mitigated through on-site attenuation and limiting discharge rates close to the existing greenfield rates.
- 4.18 The proposed foul water system will be connected to the public foul water manhole (manhole ref: 4103) sewer in Forest Oak Drive as shown on the [Proposed Drainage Strategy](#) drawing (EC/P11313/001 – Appendix G). The applicant has submitted a capacity check application to Southern Water to obtain approval for the disposal of foul water from the site and Southern Water has confirmed that there is spare capacity within the public foul sewer in Forest Oak Drive.
- 4.19 During construction, the working area will be operated under a Construction Management Plan and the attenuation basin and retained trees will be protected from disturbance or contamination with appropriate management including temporary fencing.
- 4.20 Open board 'hit and miss' fencing forms a perimeter to the site at the north and a proposed new hedge line will be planted within and out, as identified on the [Landscape Section](#) drawing.
- 4.21 The open space to the northern extent of the site will be retained to provide an open green and the applicant proposes the realignment of the hammerheads.
- 4.22 During the construction, the applicant proposes to use an alternative route to the site. Heavy Goods Vehicles (HGVs) (vehicles over 3.5 tonnes) will access and leave the site via Fernhill Lane (B3058) into Forest Pines and pass through the adjoining redundant County Council Fernmount Centre which is directly south of the site. To achieve this access, a temporary 6.5 metre gap will be made in the section of the southern boundary which does

not contain any trees. A Construction Traffic Management Plan will be submitted to expand on the details given in the [Site Setup Plan and Logistics Statement](#) and [Preliminary Site Plan](#).

4.23 The proposal is not an Environmental Impact Assessment development under the [Environmental Impact Assessment Regulations 2011](#). Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category Infrastructure projects, (10b) and exceeds the size threshold. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement as it is considered the type, nature and scale of the proposed development is unlikely to cause any significant environmental effects.

4.24 The accommodation will be allocated to people with learning disabilities who have a need for a care package which includes the need for night support. Priority for this scheme will be given to:

- People who are living in residential care;
- People whose support needs will be best met through having their own accommodation;
- People who currently live locally to the scheme or whose families; and
- People who have a need for the additional outside space provided by the scheme.

4.25 The scheme will require 11 full-time employees (FTE) staff (9 during the day and 2 night/waking) to provide the care and support required for the service users.

4.26 If permission is granted, it is intended that construction will commence in March/April 2017 with completion of the scheme in early 2018. It is hoped that service users will move into the scheme by March 2018.

5 Development Plan

5.1 The following plans and associated policies are considered to be relevant to the proposal:

[National Planning Policy Framework \(2012\) \(NPPF\)](#)

5.2 The following paragraphs are relevant to this proposal:

- Paragraph 11: Determination in accordance with the development plan unless material considerations indicate otherwise;
- Paragraph 14: Presumption in favour of sustainable development;
- Paragraph 17: A set of core land-use planning principles should underpin both plan-making and decision-taking;
- Paragraph 34: Sustainable transport; and
- Paragraph 118: Conserving and enhancing the natural environment.

National Planning Practice Guidance (Live)

5.3 The following paragraphs are relevant to this proposal:

- Paragraph 50 (other regulatory regimes).

New Forest Core Strategy (Part 1) (2009) (NFCS pt 1 (2009))

5.4 The following policies are relevant to the proposal:

- CS1 Sustainable development principles;
- CS2: Design quality;
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation);
- CS4: Energy and resource use;
- CS5: Safe and healthy communities;
- CS6: Flood risk;
- CS7: Open spaces, sport and recreation;
- CS8: Community services and infrastructure; and
- CS24: Transport considerations.

New Forest District Local Plan Part 2: Sites and Development Management (2014) (NFSDM pt 2 (2014))

5.5 The following policies are relevant to the proposal:

- DM2: Nature conservation, biodiversity and geodiversity;
- DM3: Mitigation of impacts on European nature conservation sites; and
- NMT7: Land east of Fernhill Lane.

New Forest District Council Supplementary Planning Documents and other guidance

5.6 The following supplementary documents are also relevant to the proposal:

- [SPD - Housing Design, Density and Character \(Adopted April 2006\)](#);
- [SPD - New Milton Local Distinctiveness \(Adopted June 2010\)](#);
- [New Forest District Council Parking Standards](#); and
- [SPD - Mitigation Strategy for European Sites \(Adopted June 2014\)](#).

6 Consultations

6.1 **Lead Local Flood Authority:** The proposals for surface water drainage meet the current standards/best practice in relation to surface water drainage.

6.2 **Highway Authority:** No objection subject to the inclusion of conditions requiring the submission of a Construction Traffic Management Plan prior to commencement and submission of Plans and particulars showing the detailed proposals for the proposed offsite highways works.

6.3 **New Forest District Council:** Advises the following:

- a. While there is no objection in principle to the development of this site with the type of accommodation proposed the current scheme does not appear to be design led; it does not relate well to the context of the site;

- or relate appropriately to the existing area of public open space; or make any provision for additional public open space;
- b. In addition, having regard to the Habitats Regulations, the County Council are reminded that they are the Competent Authority in respect of ensuring that the development provides mitigation for the impact of the development on internationally designated sites;
- c. Concerns are also expressed about the impact of car headlights shining into nearby properties as a result of the use of the access.

6.4 Environmental Health – New Forest District Council

Air Quality

Based on the criteria laid out in relevant air quality and planning guidance (*Land-use planning and development control: planning for air quality (May 2015)*) the proposed development would not significantly change the traffic flows on local roads. As such there is no requirement for the applicant to submit a detailed air quality assessment with regards to transport generated from the proposed development.

The applicant needs to consider the generation of dust during the construction phase of the proposed development. It is advised the applicant considers relevant guidance (*Assessment of dust from demolition and construction. 2014 version 1.1. Institute of Air Quality Management*), the potential impact of construction dust on human health and dust soiling of property and appropriate mitigation measures to ensure the residual construction dust effects would not be significant as locations of relevant exposure. The Environmental Health Officer recommends the inclusion of a [condition](#) relating to the submission of a Dust Management Plan (DMP) prior to commencement.

Noise

Recommends the inclusion of [conditions](#) relating to:

- the approved development being protected from external noise in compliance with BS8233:2014 and that development shall be constructed in accordance with the mitigation scheme within paragraphs 5.1 to 5.13 (inclusive) of the submitted Noise Impact Assessment and all works which form part of the mitigation scheme shall be completed before any part of the noise sensitive development is occupied and shall thereafter be retained and maintained;
- The total Noise Rating Level from any plant or equipment installed shall not exceed the Background Noise Level (LA90) at the boundary of the nearest noise sensitive premises at any time in accordance with BS4142:2014.

Lighting

“As no lighting scheme was submitted, the EHO recommended the inclusion of a [condition](#) relating to the lightings installation not exceeding the limitations of Zone E3 as stated in Table 2 (Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers) in the ‘Guidance Notes for the Reduction of Obtrusive Light GN01:2011’ produced by the Institute of Lighting Professionals. The EHO also recommended the inclusion of an informative relating to The Guidance Notes for the Reduction of Obtrusive Light.

6.5 New Milton Town Council:

The Town Council made the following suggestions:

- 1) That hedging is planted on both sides of the boundary fencing and that the hanging tiles are replaced with brickwork to make the building more in keeping with properties in the immediate vicinity (Local Plan policy CS2 Design Quality);
- 2) That Southern Water remedy the faulty hydro brake prior to any works;
- 3) That stronger traffic management options are considered for the crossing of Fernhill Lane, such as traffic light assisted pedestrian crossing; and
- 4) That construction vehicles enter from the south of the site via Violet Lane. N.B. The land directly north, and a northerly strip on the western side of the site is under Town Council ownership. Any use of this land (As illustrated via email to Louise Hague) is not permitted at any time.

6.6 County Councillor Rice: Was notified of the proposal.

6.7 Landscape Planning and Heritage (Landscape): No objection subject to the inclusion of a [condition](#) requiring full details of the plant material, size and density; a planting specification and a 5 year maintenance plan.

6.8 Ecology: Have no objection subject to the inclusion of [conditions](#) relating to:

- Works being be carried out in accordance with the ecological mitigation and enhancement measures set out within section 5 of the Ecological Appraisal and as shown on the Planting Strategy plan, unless otherwise approved in writing by the LPA; and
- The submission of a plan of detailed measures for protection and enhancement of retained habitat, plus reinstatement and restoration of grassland within the site shall be submitted to and approved in writing by the LPA prior to commencement.

7 Representations

7.1 Hampshire County Council's [Statement of Community Involvement \(2014\)](#) (SCI) sets out the adopted procedure and publicity requirements associated with determining planning applications.

7.2 In complying with the requirements of the SCI, HCC:

- Published a notice of the application in the [Hampshire Independent](#);
- Placed a site notice of the application at the corner of Forest Oak Drive and Fernhill Lane to alert local residents near to the application site and local area;
- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
- Notified by letter all residential properties within 100 metres of the boundary of the site and adjacent to the main access points. .

- 7.3 In addition, the applicant held a series of public engagement events which were separate to the planning process. Local County and Borough Council elected Members and around 150 local residents attended events on 1st and 8th September, held in the local library. The applicant also gave presentations to New Milton Town Council on 4th August 2016 and New Forest District Council Planning Development Control Committee on 9th November 2016.
- 7.4 As of 29 November 2016, a total of 15 representations to the proposal have been received objecting to the proposal. The main areas of concern raised in the objections relate to the following areas:
- visual amenity and landscape impact;
 - the development is out of character to the local houses;
 - over development of the site;
 - proximity to residential properties;
 - impact on the amenity of local residents, with regard to noise and disturbance;
 - impact on surrounding highways/local roads
 - impact on car parking spaces;
 - impact on protected species/biodiversity;
 - inaccurate information submitted as part of the planning application;
 - lack of consideration of other / alternatives sites and locations for the development;
 - devaluation of house prices; and the
 - perception that HCC application was withheld from public view online deliberately.
- 7.5 The above issues will be discussed and addressed primarily within the following commentary, except where identified as not being relevant to the decision or included as a factual record for clarification.
- 7.6 Whilst the Local Planning Authority understands that local residents may have concerns that the proposal may devalue the market price of their houses, this is not a material consideration devaluation of house prices.
- 7.7 There is also a regrettable perception that the application was withheld from public view online deliberately, as the hyperlink/documents were not accessible on occasion. This is not the case and any queries brought to our attention were given assistance.

8 Commentary

Development Plan and Policy context

- 8.1 The site is the subject of a housing allocation through Policy NMT7 (Land east of Fernhill Lane) of the [NFSDM pt 2 \(2014\)](#). A presumption in favour of residential development therefore exists on the site, subject to other material

planning considerations. It is acknowledged that this proposal does not match the exact type of residential development put forward for the allocation. However, it is considered that as this proposal is a form of social housing (C2 Use Class of the [Town and Country Planning Use Class Order 1987](#)), it is comparable with the ambitions of Policy NMT7 and so is in accordance.

- 8.2 Policy NMT7 also requires the “provision of public open space in accordance with Policy CS7: Open spaces, sport and recreation of the [NFCS pt 1 \(2009\)](#), including a natural play space for young children located within the development.” Given the proposed scheme is for a Class C2 assisted living scheme for adults with a learning and/or physical disability aged 19-64 years, it is not considered appropriate that play space for young children should be provided. However, the development offers an area of open space to the north west of the area, which is accessible to the public and will be gifted to the New Forest District Council through a Unilateral Agreement. This is considered to be the most appropriate provision of open space as it will be available for the adjoining properties and any visitors for recreation or exercising their dogs. This also contributes towards Policy CS7.
- 8.3 The proposed assisted living scheme seeks to provide accommodation for people with disabilities within a C2 use class and is therefore considered that this would not fall within the definition of the extra care specified within the strategy. Given this, it is considered that the proposal would not provide new private dwellings and as such it is considered that the provisions of Policy CS15 of the [NFCS pt 1 \(2009\)](#) for affordable housing would not be required in this instance.
- 8.4 Whilst there has been some suggestions that this proposal would result in the over development of the site, the built form would utilise less than half of the land available and includes generous amenity space. There has also been a series of other planning permissions on this site, all of which would have led to more intensive development e.g. primary school (see section 3).
- 8.5 As there are no significant adverse impacts as a result of this proposal the development is supported by Paragraph 14 of the [NPPF \(2012\)](#), which guides Local Authorities to approve development proposals that accord with the development plan without delay and recognise a presumption in favour of sustainable development. This is also reflected in Policy CS1 (Sustainable development principles) of the [NFCS pt 1 \(2009\)](#).

Demonstration of need

- 8.6 Hampshire County Council Adult Social Care (HCCASC) have identified a need to build around 75- 100 assisted living units on Hampshire County Council (HCC) owned land to meet identified future service requirements. This proposal forms part of the County Council's “Adults with Disability Housing” programme approved April 2016 which aims to provide assisted living accommodation for adults with disability. The main aim is for the transition of around 600 service users across Hampshire with learning and/or physical disability from a “care home” style setting into sheltered/supported

housing to provide greater independence whilst still providing appropriate levels of care and support.

- 8.7 Therefore, the proposal contributes to meeting the needs of the Plan Area's population by providing social care, meeting the requirements of Policy CS8: Community services and infrastructure of the [NFCS pt 1 \(2009\)](#).
- 8.8 An explanation as to how this site was chosen and the consideration of alternatives sites/locations is provided for clarity, as it has been a source of concern for some residents. The programme focuses on the provision of 100 units in areas of highest need or where other opportunities are not available. Hampshire County Council's Property Services team has reviewed around 20 HCC owned sites that are surplus to their requirements and have development potential. This was achieved through a desktop 'sieve' exercise which sought to review the sites in relation to a number of key criteria including:
- Town planning policy and Local Plan status of each site;
 - Physical constraints;
 - Development risks including title, timing of site availability etc;
 - Capacity including capability of accommodating 18-one bedroom units; and
 - Suitability in terms of proximity to existing facilities and amenities.
- 8.9 The Land off Forest Oak Drive was identified as a development opportunity suitable for the assisted living provision of an 18 one bedroom unit for the following reasons:
- The application site in question relates to a site allocation for development under Policy NMT7 of the [NFSDM pt 2 \(2014\)](#);
 - It is not located in proximity to any sensitive environmental receptors, including natural heritage designations and protected habitats and species;
 - It benefits from a close proximity to Milton town centre; and
 - It is not located in an area susceptible to flood risk.
- 8.10 The feasibility of the scheme has also been questioned by some residents as to how occupants with physical disabilities will access the local amenities. In the main this is an area for the applicant as Hampshire County Council Adult Social Care to organise, but the site is within a reasonable distance to the village centre and residents will have assisted care to aid their independence and use of the local facilities. The applicant has supplied a [Design and Access Statement](#), looking at pedestrian, cycle ways and public transport, which has been assessed by the Highways Authority and found acceptable. In addition, the applicant will be undertaking off site works to further improve the accessibility (see [Transport Statement](#) and the details of these works will be secured through condition.
- 8.11 Residents, accompanied by carers as required, will either walk to local facilities e.g. local shops in Ferndale Road (located to the north-east, of the

site), make use of available bus services, or be driven in a shared car or mini-bus to access the Town Centre facilities (shops, library, post office etc.). It is considered unlikely that residents would walk to the Town Centre but if this was the case then they would do so via Gainsborough Avenue and follow the blue town centre signs. It is not envisaged that residents in a wheelchair would make this journey.

Visual impact and landscape

- 8.12 There have been comments received stating that the site is not included in or does not comply with the [New Milton Local Distinctiveness Supplementary Planning Document](#) (SPD).
- 8.13 The SPD provides guidance to developers to ensure the local character and distinctiveness of New Milton is protected and/or enhanced. The SPD does not allocate or identify potential development sites. The document provides specific design guidance for each character area, together with more generic guidance in respect of new developments and extensions.
- 8.14 The SPD describes the character and distinctiveness of the area, known as Character Area 3: The Lanes (North East New Milton) as: *“the defining quality of this area is it’s green and tranquil atmosphere – a feeling that one is living against a backdrop of trees and close to the countryside”*.
- 8.15 The SPD provides an analysis of “The Lanes” (see page 42) and refers to the Forest Oak Drive estate as follows: *“This area of cul-de-sac developments stands apart from the planned development in that it has a greater variety in its building forms, material and detailing. Whilst each dwelling may be distinct from its neighbour, the area as a whole lacks the collective qualities that make a place distinct”*. It also includes statements relating to the opportunities for a strong design response in respect of the “park”. It is important to note that these comments pre-date the subsequent allocation of the site housing development in 2014.
- 8.16 Nevertheless, in proposing a scheme of modern flats, the development supports the landscaping character and identity of The Lanes by retaining the connectivity of existing landscape features on the site with the surrounding area. This includes the protection of the historically valuable tree line on the eastern boundary, and the continuation of the tree belt on the western boundary retaining key views from the public realm at Forest Oak Drive and along Fernhill Lane. Individual dwelling houses on the site could prejudice the preservation of these landscape assets, as it would be likely that tree belts would be divided into back gardens where their protection and enhancement as groups could not be ensured. The [Landscape Assessment](#) which has been submitted with the application provides details on this approach.
- 8.17 The proposed scheme has taken the form of a modern Alms House, adopting “The Block Form” with a single point of entry to manage access and egress of residents and visitors. Alternative approaches were considered. However given the needs and operational support required by the future residents, a single point of entry is considered most appropriate.

- 8.18 A key rationale underpinning the design of the scheme was that it be read as a series of terrace houses. This is evident in the scale and massing, and material choices of the proposed building. The use of brick and tile in the material strategy has been developed and detailed to unite ground and first floor modules to create the rhythm and impression of a series of 9 terrace houses.
- 8.19 It is accepted that in proposing the scheme as opposed to a number of detached and semi-detached dwellings, results in a different design response in terms of scale and massing. As flats there is an extra 1.1 metre to the ridge height compared to existing dwellings but the building is still of a domestic scale. The separation distances to existing dwellings range from an oblique view of at least 25 metres to the nearest properties up to 35 and 40 metres for properties within the terrace opposite the area of existing open space maintained by the Town Council. These separation distances are considered acceptable given the domestic scale of the building. Through the course of the application process, the bin storage and plant building has been relocated to further away from the residents to the south east to address concerns raised.
- 8.20 The palette of materials selected is one of traditional materials namely brick, tile and slate. There is no particular distinctiveness to the material strategy locally within Forest Oak Drive other than the houses all being brick but with a significant variation in colours (ranging from buff to red). With this in mind, the applicant felt there was an opportunity to create a more distinctive design approach for the proposed development. Whilst hanging tiles are not found in Forest Oak Drive, they are characteristic of a number of other house types elsewhere in New Milton and the New Forest area and are typically used for traditional almshouses. The way in which the materials are applied to the scheme seeks to denote the intended rhythm and feel of a terrace of 9 connected dwellings. That said, it is recommended that materials shall be the subject to a planning condition under any consent granted, and are therefore still the subject of further discussion with the Planning Authority. This condition is included in integral Appendix B.
- 8.21 Comments have also been received that the proposed boundary treatment (a fence within landscape planted either side of the fence) is not an appropriate or strong enough boundary, and that it should be a brick wall. The proposed fence strategy is a balance between the creation of separation from existing properties and provision of privacy for the residents to use and enjoy the garden. Whilst the proposed development is a public scheme, the garden area is the private amenity space, which requires a suitable boundary treatment and height to create a safe and suitable environment. The proposed fence and planting is considered to be a softer alternative to the suggested brick wall which would be very dominant and imposing and create complete separation of the scheme and residents from the public realm.
- 8.22 The relationship of the proposed fence and gates to the carpark area are being reviewed to ensure this relationship with the closest residential properties is managed as effectively and sympathetically as possible to

achieve an appropriate balance between separation and openness. The outcome of these details will be supplied to the Local Planning Authority under condition if permission is granted, and have been included in integral Appendix B.

- 8.23 The concerns of the local resident that lives directly across from site have been taken on board and special care has been given to the planting and design of the entrance and car park as this is what the resident will see.
- 8.24 Overall, it is considered that the development makes a positive contribution to the local distinctiveness and sense of place, and is appropriate and sympathetic in appearance. In addition the development provides substantial green space and landscaping to balance the new built form. In light of the above, the development is considered acceptable and in accordance with Policy CS2 (Design Quality) of the [NFCS pt 1 \(2009\)](#).
- 8.25 The applicant is committed to achieving high levels of sustainable design. The proposal has been assessed by the applicant using a pre assessment tool which gave a BREEAM (BRE Environmental Assessment Method) rating of *Very Good*. This is comparable with Code Level 4 of Sustainable Homes, which is required in Policy CS4 (Energy and resource use). Therefore the development is of a high standard of energy efficiency in accordance with Policy CS4 (Energy and resource use) of [NFCS pt 1 \(2009\)](#).

Ecology

- 8.26 The site is semi-improved grassland surrounded by peripheral vegetation including mature trees and scrub. It is not classified as an environmentally significant or important site. However, as the proposal is to build accommodation, the development is subject to Policy DM3 (Mitigation of impacts on European nature conservation sites). This requires a contribution or mitigation to offset the likely significant effects associated with the recreational impacts on both the New Forest and the Solent European Nature Conservation Sites. The applicant will provide a financial contribution which is to be secured through a Unilateral Agreement in accordance with the Mitigation Strategy for European Sites SPD.
- 8.27 Representations were received relating to the potential impact on wildlife, as the site is currently undeveloped. There is concern that rare and protected amphibians and reptiles, birds, mammals (including bats) and insects will be harmed as a result of the development. There has been an accusation that the [Ecological Appraisal](#) is missing environmental records so the ecological value and impacts of the proposal have been misrepresented. This is not the case. The report was put together by qualified ecologists with access to, and the inclusion of all official and relevant records. The County Ecologist has assessed the proposal and reviewed the appraisal, together with the amended planting and landscape proposals.
- 8.28 The site boundaries are considered to be of some value to commuting and foraging bats, and may also support bat roosts. Reptiles may be present in low numbers particularly associated with the site boundaries. As the site is allocated for residential development, there is already an expectation for the site to be disturbed and this was accepted in principle and has been through

the rigorous plan-making process i.e. Habitats Regulation Assessment, Sustainability Appraisal previous to the submission of this proposal.

- 8.29 Based on the plans it is assumed that much of the existing grassland habitat will be lost, including at the western end, although the existing habitat within the attenuation basin will be retained, un-impacted. Much of the grassland at the western end of the site will be temporarily lost during construction through use of this area as a contractor's compound area with site facilities and vehicular access and turning. It is planned to remove and store the topsoil (with seedbank) from the western site area before laying hardstanding. The [Planting Strategy Plan](#) now refers to areas A, B and C – broadly indicating areas to be retained, and areas to be lost and thereafter reinstated and restored following construction works in line with the recommendations of the ecological report. The boundary vegetation and trees (apart from where the temporary access will be formed) will be fenced off for the duration of the works with tree protection fencing. The attenuation basin will also be fenced off.
- 8.30 It is proposed that the western area of the site will be reinstated as biodiverse grassland and managed to support local wildlife, using the stored topsoil to reinstate the area. This detail has not yet been provided and is sought through a recommended condition.
- 8.31 Following the submission of further information on [lighting](#), the lights on the building will consist of low-level, downward-pointing lighting that will avoid spill into adjacent habitat areas. There will be no other external lighting (including no temporary external lighting) which may impact the existing boundary trees and habitat corridors, Therefore, there will be no harm to wildlife through light disturbance.
- 8.32 Various mitigation measures are recommended (as set out in the [Ecological Appraisal](#) and section 4 of this report). In addition to these measures, the County Ecologist requested that any permission granted includes conditions relating to works being carried out in accordance with the ecological mitigation and enhancement measures and the details for protection and enhancement of retained habitat, plus reinstatement and restoration of grassland. These recommended conditions have been included in Integral Appendix B.
- 8.33 In light of the information supplied and the responses from consultees, it is concluded that the proposal will not harm any protected species or designated areas of ecology value and so is in accordance with Policy CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation of the [NFCS pt 1 \(2009\)](#) and Policies DM2: Nature conservation, biodiversity and geodiversity and DM3: Mitigation of impacts on European nature conservation sites of the [NFSDM pt 2 \(2014\)](#).

Impact on amenity and health

- 8.34 As detailed in the representations and consultation section, there have been concerns raised over adverse impacts to local amenity and health. These issues are interlinked but have been split into subcategories for the purpose of clarity in this report.

Light pollution

- 8.35 The impact of any additional external lighting associated with the development, especially at night has also been identified as an area of concern by the New Forest District Environmental Health officer (EHO) and the County Ecologist, due to the potential for amenity and ecological impacts. Whilst there is a [Lighting Plan](#), and [further information](#) has been provided which clarifies that the lighting will be on the building or low discrete low level, a condition has been requested to control this element of the development and should be applied if planning permission be granted. This is included in integral Appendix B.
- 8.36 In addition, the car park has been realigned as shown in the [Proposed Site Plan](#) so that the cars exiting the site will not shine their headlights directly onto the house opposite. Therefore, the development is in accordance with Policies CS2 (Design Quality) and CS3 (Protecting and enhancing our special environment, Heritage and Nature Conservation) of [NFCS pt 1 \(2009\)](#).

Noise

- 8.37 Noise as disturbance has been raised as an area of concern in objection letters, in particular during the evening and night hours. However, whilst there are neighbours close to the site, they will not be disturbed by the development. There are built in safety features to ensure that there is minimal fire risk so the likelihood of fire alarms is low and there will be a staff presence at all times. The noise impact assessment concluded that the site is suitable for the intended development, as noise is not expected to be a significant issue. In terms of general disturbance, the site is surrounded by residential use and a network of footpaths so the proposal will not significantly affect the overall ambience of the residential area.
- 8.38 The New Forest Council Environmental Health officer has reviewed the proposal and the application documents and has no objections subject to conditions to ensure the amenity of the neighbours and the potential residents of the site. The imposition of such conditions will restrict the noise levels associated with the site to an acceptable level. It is therefore recommended to apply these conditions if planning permission be granted to protect local amenity. Therefore, the development is in accordance with Policy CS2 (Design Quality) of the [NFCS pt 1 \(2009\)](#).

Air quality

- 8.39 Potential impacts on air quality have been considered. The Environmental Health Officer has been consulted and has no objection to the proposal in this regard. The development is in accordance with Policies CS2 (Design Quality) of the [NFCS pt 1 \(2009\)](#).
- 8.40 Emissions to air, noise and odour would be regulated by [Environmental Permitting \(England and Wales Regulations 2010\)](#) as issued by New Forest District Council.

Dust

- 8.41 The period of concern for the amenity of the local residents in terms of disturbance from dust generation is that of the construction phase. The applicant states that it takes its responsibilities and duty of care for neighbouring land uses very seriously and has provided information on dust suppression measures.
- 8.42 Wheel washing facilities will be provided at the site entrance. Prior to any delivery or collection vehicles leaving the site they will be inspected by the Midas gateman. If wheels are dirty and likely to deposit mud on the highway then wheels will be cleaned with a jet wash prior to leaving. Access and egress points are to be swept daily to prevent build up of material from vehicles that could lead to dirt/mud being deposited on surrounding roads. These measures will be secured through a planning condition. In addition, dust suppression will be managed using the following methods:
- Use of timber, plywood and polythene screens.
 - Water to minimise dust during groundworks and cutting masonry.
 - Dust extraction will be utilised where necessary e.g. during wall chasing.
- 8.43 In consideration of the above information and in light of concerns raised, a condition as that suggested by the Environmental Health Officer for a full Dust Management Plan is submitted for approval prior to commencement is recommended. This is included in integral appendix B. The development is in accordance with Policies CS2 (Design Quality) of [NFCS pt 1 \(2009\)](#).

Potential pollution associated with the development

- 8.44 Paragraph 50 of the [National Planning Practice Guidance](#) states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes.
- 8.45 Due to the development proposed being of a residential nature, there is not carry a significant pollutant risk. However, the applicant has considered pollutant prevention measures during the construction phase and provided details in their application. Risk from spillage will be minimised by:
- Providing bunding to diesel storage tanks;
 - Ensuring that materials likely to cause spillage problems are properly stored;
 - Removing from site surplus materials as soon as possible; and
 - Having a predetermined plan to deal with any spillage that does occur.
- 8.46 Taking the above into account, the proposed mitigation measures it is concluded that the proposal is in accordance with Policy CS5: Safe and healthy communities of the [NFCS pt 1 \(2009\)](#).

Flooding

- 8.47 Policy CS6 (Flood risk) of the [NFCS pt 1 \(2009\)](#) requires that flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk in accordance with the sequential test. According to the Environment Agency [Flood Map for Planning \(Rivers and Sea\)](#) the site is located in Flood Zone 1. This is categorised as a low probability of flooding (Land having a less than 1 in 1,000 annual probability of river or sea flooding). A flood risk assessment is required when a development is over 1ha, and so this was not required. However, the applicant has provided an [assessment](#) with the application and flood risk along with surface drainage and the disposal of foul sewage has been adequately considered by the [applicant](#).
- 8.48 With regards to surface drainage, a [Drainage Report](#) accompanies the planning application as Appendix I and has been presented in paragraphs 4.19 and 4.20 of this report. Surface water will be discharged to the ditch to the west subject to Ordinary Water Course application (under separate consent).
- 8.49 The applicant is aware from residential comments that the pond is flooding on occasion. This might be because the system is blocked and the overflow mechanism of the hydro-brake is diverting the water into the basin or the hydro brake is damaged. Both issues require Southern Water action as the hydrobrake manhole is Southern Water adopted manhole and they must maintain their system. HCC are therefore in the process of lodging a formal complaint to Southern Water and this was reported this when reviewing/ checking capacities for our application.
- 8.50 It is stated by the applicant that the proposal does not make the current situation worse, but will in fact improve the situation. The surface water from the land to be developed is within the natural catchment of the pond. Therefore, the scheme would capture all the surface water from the site which would normally have entered into the pond. The collected surface water from the site would be diverted to the ditch, then to the watercourse to the west of our site. The surface water reduction (entering to the existing pond) is in the order of 2-4 litres/second, therefore a storm event for 2-3 hours would remove 20-30 m3 of water. The low area of our site has been raised so that the risk of possible surface water overflowing from the pond will not be able to enter the site. The proposed underground attenuation will provide protection for 1 in 100 year return event plus 40% climate change allowance which is in line with the current best standard.
- 8.51 Therefore, the proposed drainage layout shows that the site can be developed without increasing surface water flooding risk in or around the development. This is acceptable to the Lead Local Flood Agency and so complies with Policy CS6: Flood risk of the [NFCS pt 1 \(2009\)](#).

Highways impact

- 8.52 There have been concerns raised regarding the increase of traffic as a proposed by the development. This issue has been considered at length and

the applicant has provided comments to respond to all these points raised in the objection letters. These comments can be seen in '[Applicant responses to resident representations document](#)' (ref dated November 2016), sections 6-10.

- 8.53 The [Transport Statement](#) was submitted with the application and provided information summarised as the following:

Personal Injury Accident data

- 8.54 The [Transport Statement](#) includes an analysis of Personal Injury Accident (PIA) data from a 500 metre radius around the site for a five year period from 1st June 2011 to 31st May 2016. It is stated that seven PIAs occurred within the vicinity of the site within the above time scale, six of which were classified as 'slight' and one as 'serious'. The Highway Authority has reviewed this data and is satisfied that all of the accidents were recorded as being due to driver error or unforeseen circumstances and no issues with the design or safety of the roads have been raised.

Trip Generation

- 8.55 To establish a trip rate for the site, the TRICS database has been interrogated. It is stated within the [Transport Statement](#) that as there is no land use within the database that falls under the category of 'Assisted Living Housing', the category 'Care Home (specific condition)' was selected as the land use of similar composition. The vehicular trip rates for this category applied to the 18 dwellings proposed at this site indicates that a total of 42 vehicle movements would be generated by the site per day. The greatest number of vehicle trips generated in any one hour would be five (which would occur between 15:00 and 16:00). A maximum vehicle trip generation of 5 an hour equates to one trip every 12 minutes.

Mitigation

- 8.56 As the site will be catering for adults with learning disabilities it is stated within the [Transport Statement](#) that the majority of residents will walk to access local amenities or travel by shared vehicle or buses to access the town centre facilities. An analysis of the existing infrastructure identified a lack of crossing points along Fernhill Lane and the [Transport Statement](#) states that the provision of a raised table crossing south of the junction with Violet Lane forms part of this proposal. However, following communication between the applicant and the Highways Authority, this has resulted in a review of changing the proposed Table Top crossing solution to Fernhill Lane to minor improvements to the existing pedestrian crossing point. These amendments to facilitate access can be secured as a condition prior to the start of the works.
- 8.57 In addition, the pre-application engagement undertaken by the applicant prompted a review of the construction access so that it was altered from the north to the south of the site during the feasibility stage as residents raised amenity and highway safety concerns over the use of the cul-de-sac roads. The application has been considered on the basis that the construction access will be a temporary measure via a gap created in the vegetated southern boundary, whereas the permanent access will be via the north

through Forest Oak Drive. Whilst there are no highway objections to the access being via Forest Oak Drive as the roads are suitable for construction traffic, to ensure there are no significant amenity issues, a planning condition for a Construction Traffic Management Plan (CTMP) is recommended and included in integral Appendix B.

- 8.58 The CTMP will include a requirement for the contractor to notify residents of the key stages of work and keep them informed of progress. During construction the contractors will park within the Fernmount Centre and so the junction of Violet Lane and Fernhill Lane will not be significantly affected. The construction phase would take approximately 9 months to complete, so this is a relatively short period of disturbance for the area.
- 8.59 The approval of the CTMP will be undertaken through the standard planning process and formal consultation will be with the Highway Authority. The appointed contractor will be expected to liaise with the Town Council in proactive engagement prior to submission of the document. This way, local residents will have a role in shaping and an opportunity to inform the implementation of the CTMP.
- 8.60 Whilst the loss of parking space in the hammerhead is recognised, this is a public highway and it was always identified as a serving access to this development site (Policy NMT7: Land east of Fernhill Lane) in the [NFSDM pt 2 \(2014\)](#). The proposed level of parking (15 spaces) meets the New Forest District Council parking standards for a scheme of this kind (see sections 2.4 & 5.2 of the [Transport Statement](#)). As with a traditional housing development, the proposed parking is provided for use only by the residents and visitors of the accommodation and not for wider use by local residents. The equivalent position would be for anyone to expect to be able to park on someone's private drive which is clearly not acceptable. To manage the availability of the parking for use by the scheme the applicant feels that it is felt necessary that the entrance to the carpark needs to be formally managed in some way. This might be way of a barrier, gate or bollard system, details of which will be approved via a condition as this may have visual impact and so needs to be carefully considered.
- 8.61 There have been requests from residents to incorporate a traffic lighted pedestrian crossing to the Fern Hill Lane to the west of the site. However, the proposal is not a development of such a scale that would trigger the implementation of a traffic lighted full signal system crossing, Zebra Crossing or Raised Table Crossing. The Highways Authority is satisfied that there are no existing accident patterns or trends resulting from the existing use of the site and this situation is not likely to be exacerbated by the proposals.
- 8.62 There have been concerns raised that the development at the end of the hammerhead will create a 'blind corner', but this is not the case. Neither will the residents be prevented from accessing their drive safely. The changes to the hammerhead have been assessed for their safety and compliance with highway standards and are acceptable to the Highways Authority.
- 8.63 The Highways Authority has no objection to the proposal based on the projected traffic figures, construction management details and conditions. It

is considered that the impact of the proposal on the highway capacity, road safety and amenity of local residents and users of the locality is acceptable. Taking the above into account the development is considered to be in accordance with Policy CS24 (Transport considerations) of the [NFCS pt 1 \(2009\)](#).

Non material planning issues raised in representations

- 8.64 A lack of consideration of other/alternatives sites and locations for the development has been raised as a criticism in representations received. However, this is not information relevant to this proposal and the application is being considered on its own merits.
- 8.65 There has been a suggestion that the footpath to Gainsborough Avenue from Forest Oak Drive could be improved and a dog waste bin provided by the applicant. However, the County Council does not own the land required to effect the suggested improvement, this is owned by a third party. This has been the case since earlier phases of the Forest Oak Drive were developed. It is believed that a permissive right of way has been established but this does not allow the County Council either as a landowner (in respect of this application) or as Highway Authority to undertake works without the approval of the landowner. Discussion on this land are planned to be resurrected but there is no guaranteed outcome as the works are outside the scope of the development and would only be a voluntary measure. Provision of refuse bins (general litter and/or pet waste) is a matter for the District Council to consider and/or provide.
- 8.66 The impact of a development on the value of neighbouring property does not constitute a material planning consideration.
- 8.67 In relation to the future of the current Fernmount Centre, whilst not relevant to the planning application, the applicant has confirmed the following information:
- That Fernmount House and Fernmount Centre were previously used for short term respite and as a Day Centre for adults with a Learning Disability;
 - As part of the County Council's Learning Disability Transformation programme, a decision was made to close Fernmount as part of an overall transformation strategy which has moved the service away from dedicated day centres to smaller Community Link facilities which provide a local base for service users to visit as part of a more embedded delivery of services within the wider community;
 - In New Milton, a Community Link has been established in the former Leonard Cheshire building (16-18 New Milton Road) which the County Council acquired and refurbished earlier this year. No County Council services are now run from the Fernmount site. The premises are managed through the use of Property Guardians pending its sale or redevelopment; The Fernmount site has been identified as part of the Older Persons Extra-care strategy – the site had been under offer from a

registered provider and HCA grant funding was secured last year to support the project. However, unfortunately with the introduction of the Housing Benefit cap on over 65 specialist accommodation last year the unviability of this project as a fully affordable housing scheme for rent has resulted in the withdrawal of the developer. A new Older Persons Extra-care Housing Strategy is currently being developed and will be considered by the Executive Member for Policy and Resources at his December Decision day. This and other Council owned sites will be brought forward in the new year for a mixed tenure scheme of 1 and 2 bedroom flats with supporting communal spaces. This scheme will be owned and operated by a registered provider/developer.

Summary

- 8.68 It is considered that the proposal would be in accordance with the relevant policies of the [NFCS pt 1 \(2009\)](#) and the [NFSDM pt 2 \(2014\)](#). The site is allocated within the development plan for residential development, including affordable housing, and so the principle of the social housing development is be considered acceptable (Policy NMT7: Land east of Fernhill Lane). The proposal contributes to meeting the needs of the Plan Area's population by providing additional social care (Policy CS8: Community services and infrastructure).
- 8.69 The development is well designed, respects the character, identity, local environment and designations and context of the location. The development would also make a positive contribution to the local distinctiveness and sense of place, and is appropriate and sympathetic in appearance. In addition the development provides substantial green space and landscaping (Policies CS2: Design quality, CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation, DM2: Nature conservation, biodiversity and geodiversity and the SPDs on [Housing Design, Density and Character](#) and [New Milton Local Distinctiveness](#)). The development is of a high standard of energy efficiency (Policy CS4: Energy and resource use). The proposal will not give rise to significant adverse amenity impacts as the noise and lighting levels will be acceptable (Policy CS2: Design quality) and mitigated where necessary through condition. There will be no pollution of the land through construction (Policy CS5: Safe and healthy communities). The proposal is acceptable in highway terms (Policy CS24: Transport considerations).
- 8.70 Due to the financial contribution attached to the proposal, the development will not give rise to impacts on the New Forest National Park or designated sites (Policy DM3: Mitigation of impacts on European nature conservation sites). The proposal contributes towards open space as an area is also to be secured through a Unilateral Agreement (Policy CS7: Open spaces, sport and recreation).

9. Recommendations

9.1 That is recommended that:

A Section 106 Unilateral Undertaking be provided by the applicant to secure the following:

- a. The transfer of land for use as public open space to New Forest District Council; and
- b. The payment of an agreed financial contribution to New Forest District Council to offset the effects associated with the recreational impacts on both the New Forest and the Solent European Nature Conservation Sites.

9.2 Provided that by no later than 31 March 2017 the Unilateral Undertaking is completed, then authority be delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in integral appendix B.

9.3 In event that the Unilateral Undertaking is not completed by 31 March 2017, then the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Integral Appendix C – Annexe to Reasons for Conditions

Appendix D - Location Plan

Appendix E – Proposed Site Plan

Appendix F- Landscaping Layout Plan

Appendix G- Landscape section

Appendix H- 3D Aerial View

Appendix I- Proposed Ground Floor Plan

Appendix J- Site Set up Plan and Logistics Statement Preliminary Site Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?AppNo=16%2f11323>

Rpt/7971/KS

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because: The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

Other Significant Links**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocationApplication no: 16/11323

Hampshire County Council

Site Reference: NFS014

Location: Land off Forest Oak Drive, NEW MILTON, BH25 5NT

Proposal: Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping

CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Hours of Working

2. No work relating to the construction of the development approved, including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials, shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1400 on Saturday and not at all on Sunday or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

Materials

3. Prior to the commencement of the development, samples and/or details of the materials and finishes to be used for the external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

4. Prior to the commencement of the development, samples and/or details of the materials and finishes to be used for the barrier, gate or bollard system for the entrance to the carpark shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

5. Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

6. Prior to the first occupation of the accommodation hereby permitted, details for a communal aerial/satellite dish system shall be submitted to and approved in writing by the Local Planning Authority. None of the new dwellings hereby permitted shall be occupied until the approved scheme has been installed and is operational.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

7. The cycle parking facilities and refuse bin storage area as shown on the approved plan (Landscaping Layout (226-CDLA-A1-00-DR-0200 Rev10) shall be constructed, completed and made available for use in full in accordance with the approved details before any part of the development is occupied and shall be retained thereafter for their respective purposes as approved.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

8. Prior to the first occupation of the development hereby permitted, details of measures to achieve high energy performance standards shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to the first occupation of the dwelling and retained in perpetuity.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with in accordance with Policy CS4 (Energy and resource use) of the New Forest Core Strategy (2009) (part 1).

Highways

9. Prior to the commencement of development, plans and particulars showing the detailed proposals for the proposed offsite highways works shall be submitted to and approved by the Local Planning. The development shall be implemented in accordance with the approved plans and particulars.

Reason: In the interests of highway safety in accordance with CS24 (Transport considerations) of the New Forest Core Strategy (2009) (part 1).

10. Prior to the commencement of development, a Construction Traffic Management Plan, including lorry routing, the provision for contractor's vehicle parking and turning spaces, measures to prevent mud being deposited on the highway and a programme for the construction shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the development is commenced and maintained for the duration of the development.

Reason: In the interests of highway safety in accordance with CS24 (Transport considerations) of the New Forest Core Strategy (2009) (part 1).

11. None of the accommodation hereby permitted shall be occupied until the parking spaces shown on the approved plan (Landscaping Layout (226-CDLA-A1-00-DR-0200 Rev10) have been provided as approved. Thereafter the parking spaces shall be kept available at all times for parking purposes.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with in accordance with Policies CS2 (Design Quality) CS24 (Transport considerations) of the New Forest Core Strategy (2009) (part 1).

Landscaping

12. Prior to the commencement of development, a detailed scheme of landscaping for the site shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall specify the types, size and species of all trees and shrubs to be planted; details of all trees to be retained; and details of fencing/enclosure of the site, phasing and timescales for carrying out the works, and provision for future maintenance. Any trees or shrubs which, within a period of five years

from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved.

Reason: In the interests of visual amenity in accordance with Policies CS2 (Design Quality) and CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation) of the New Forest Core Strategy (2009) (part 1).

13. The trees/hedges to be retained as identified in Tree Protection & Removal Plan 712Rev A shall be protected during building operations by the erection of protective fencing or other measures in strict compliance with the requirements of the Local Planning Authority relating to their protection. The existing trees shall not be lopped, topped, felled or destroyed without the prior approval in writing of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of trees/hedges in accordance with Policies CS2 (Design Quality) and CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation) of the New Forest Core Strategy (2009) (part 1).

14. No works shall start on site until the existing trees and hedges which are to be retained have been adequately protected from damage during site clearance and works in accordance with details set out in the submitted Arboricultural Reports (Arboricultural Survey and Method Statement (amended Plan 712 RevA Tree Protection & Removal Plan) hereby approved. A tree protection monitoring completion statement shall be submitted to the Local Planning Authority following the practical completion of the development to demonstrate the effective implementation of the proposed tree protection measures. The development shall be implemented in accordance with the approved protection measures.

Reason: To ensure the enhancement of the development by the retention of trees/hedges in accordance with Policies CS2 (Design Quality) and CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation) of the New Forest Core Strategy (2009) (part 1).

Ecology

15. Works shall be carried out in accordance with the ecological mitigation and enhancement measures set out within section 5 of the Ecological Appraisal (HCCET, June 2016) and as shown on the Planting Strategy plan 226-CDLA-A1-00-DR-0400Rev 03.

Reason: To provide sufficient ecological mitigation and enhancement in line with Policy DM2 (Nature conservation, biodiversity and geodiversity) of the New Forest Sites and Development Management (part 2) (Adopted: 2014).

16. Prior to commencement of the development, a plan of detailed measures for protection and enhancement of retained habitat, plus reinstatement and restoration of grassland within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of soil and seedbank treatment and storage prior to and during construction, and during habitat reinstatement, and measures such as temporary fencing. It shall also include details of ongoing ecologically sensitive future management of the habitats including grassland, on site. The development shall be implemented in accordance with the approved plan.

Reason: To provide sufficient ecological mitigation in accordance with Policy DM2 (Nature conservation, biodiversity and geodiversity) of the New Forest Sites and Development Management (part 2) (Adopted: 2014).

17. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development (including features such as bird and bat boxes on the proposed buildings or other habitat features around the site) shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, the local authority's duty under the Natural Environment and Rural Communities Act 2006 and in the interests of nature conservation in accordance with Policy DM2 (Nature conservation, biodiversity and geodiversity) of the New Forest Sites and Development Management (part 2) (Adopted: 2014).

Lighting

18. Any lighting installed at the hereby approved development shall not exceed the limitations of Zone E3 as stated in Table 2 (Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers) in the ‘Guidance Notes for the Reduction of Obtrusive Light GN01:2011’ produced by the Institute of Lighting Professionals. The scheme shall be implemented as approved.

Reason: In the interests of the amenity of the site and to minimise impacts of lighting on the ecological interest of the site in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

Environmental management

19. To ensure the hereby approved development is protected from external noise in compliance with BS8233:2014, the hereby approved development shall be constructed in accordance with the mitigation scheme within paragraphs 5.1 to 5.13 (inclusive) of the submitted Noise Impact Assessment (Technical Report R6262-1 Rev 0 - dated 30 June 2016). All works which form part of the mitigation scheme shall be completed before any part of the noise sensitive development is occupied and shall thereafter be retained and maintained.

Reason: In the interests of the occupants and neighbours of the site in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

20. The Total Noise Rating Level from any plant or equipment installed at the hereby approved development shall not exceed 36 dB LAeq, 1 hour between the hours of 07:00 to 23:00 and 30 dB LAeq, 15 mins between the hours of 23:00 to 07: 00 when assessed at 1m from the nearest noise sensitive window in accordance with BS 4142: 2014.

Reason: In the interests of the occupants and neighbours of the site in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

21. Prior to works commencing on the hereby approved development, a written Dust Management Plan (DMP) shall be submitted and approved by the Planning Authority. The approved DMP shall consider all aspects of the works being undertaken on site, and include mitigation measures which follow good practice and are site specific. The development

construction shall be undertaken in accordance with the approved Dust Management Plan.

Reason: In the interests of amenity in accordance with Policy CS2 (Design Quality) of the New Forest Core Strategy (2009) (part 1).

22. If at any time during the implementation of the approved development there are discovered any ground conditions or materials at the site that indicate a potential or actual contamination any time during implementation of the approved development then a written report shall be submitted immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying remedial action which shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented. Following completion of measures identified in the approved remediation scheme a written verification report to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy CS5: Safe and healthy communities) of the New Forest Core Strategy (2009) (part 1).

Plans

- 23 The development hereby permitted shall be carried out in accordance with the following approved plans: **226-CDLA-A1-00-DR-0700 Rev01, P11317-HCC-A0-00-VS-A-1810 RevA1, P11313-HCC-A0-xx-DR-A-1814 RevA1, P11317-HCC-A0-GR-DR-A-2000Rev A2, P11317-HCC-A0-01-DR-A-2001 RevA1, P11317-HCC-A0-RL-DR-A-2002 RevA1, P11317-HCC-A0-XX-DR-A-3001 RevA1, P11313-HCC-A0-GF-DR-A-3040 RevA1, P11317-HCC-A0-XX-DR-A-3060 RevA1, P11317-HCC-A0-XX-DR-A-3100 RevA1, P11317-E-001 Rev P1, 700, E13556/FM/SP1 RevD, P11317-HCC-A0-XX-DR-A-1012 Rev A3, P11317/200 RevB, P11317-HCC-A0-XX-DR-A-3000 RevA1, P11317-HCC-A0-XX-DR-A-1000 RevA2, P11317-HCC-A0-XX-DR-A-1005 RevA3, 226-CDLA-A1-00-DR-0200 Rev10, 226-CDLA-A1-00-DR-0400 Rev03, P11317/100RevC, P11317/200RevB P11313-HCC-A0-00-VS-A-1830 RevA1**

Reason: For the avoidance of doubt and in the interests of proper planning.

Note to Applicants

1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework, as set out

in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

*Annexe to Reasons for Conditions (as required by Article 31 of the Town and Country Planning
(Development Management Procedure) (England) Order 2010)*

National Planning Policy Framework (NPPF) 2012

Paragraph 14 – Presumption in favour of sustainable development

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 34 – Sustainable Transport

Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

Paragraph 118 – Conserving and enhancing the natural environment

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites;²⁶ and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

In preparing Local Plans, local planning authorities should:

- identify and include policies for extraction of mineral resource of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction;
- so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;
- safeguard:
 - existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk

- transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and
- existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

Local Plan Policies

New Forest Core Strategy (2009) (part 1)

Policy CS1 Sustainable Development Principles

All new development will be expected to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment within the Plan Area by:

- (a) meeting most development needs within existing communities and, where appropriate to meet Core Strategy objectives, providing for some small developments adjoining the main towns and villages;
- (b) ensuring a balanced mix of uses where development takes place in environmentally, socially and economically sustainable locations with a good range of services and facilities and is accessible by both car and other transport modes in order that reliance on the private car is minimised (as further developed in Policies CS10 and CS24)
- (c) minimising the risk of damage to areas of importance for nature conservation and/or landscape value, both directly and indirectly (as further developed in Policy CS3);
- (d) ensuring building construction and other forms of development adheres to high environmental standards with particular regard to energy efficiency, water efficiency, use of sustainable materials and the minimisation of waste (as further developed in Policy CS4);
- (e) ensuring communities are safe and feel safe, are well served by emergency services and the risks from potential hazards are minimised (as further developed in Policy CS5);
- (f) following a sequential approach to flood risk, in line with the requirements of Planning Policy Statement 25: Development and Flood Risk (PPS 25), avoiding the development of previously undeveloped land which is, or will be, at risk from flooding, and managing and reducing flood risk for development on previously developed land where continuing development has wider sustainability benefits to the community, or where there is no reasonable alternative site compatible with other sustainability considerations (as further developed in Policy CS6);

- (g) ensuring accessibility to a good range of services and facilities, and not putting an unreasonable burden on existing infrastructure and services (as further developed in Policies CS7 and CS8).

In order to enable required development to take place, in some cases mitigation measures will be needed to address the impacts of new development on existing infrastructure and on nearby sensitive areas (e.g. international nature conservation designations.)

Policy CS2 Design Quality

New development will be required to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. All new development will be required to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

New development will be required to:

- (a) provide public and private spaces that are well-designed, safe, attractive, and complement the built form;
- (b) be accessible to those with disabilities, and designed to minimise opportunities for anti-social and criminal behaviour;
- (c) incorporate well integrated car parking, and pedestrian routes and, where appropriate, cycle routes and facilities; and
- (d) provide appropriate green spaces and landscaping (see Policy CS7 below).

New buildings should be flexible to respond to future social, technological and economic needs. All new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever practical. New homes should be built to a standard capable of adaptation to enable people to remain in their homes in old age. All new homes constructed after 1st January 2013 (2011 for affordable housing) should be built to Lifetime Homes Standard.

Policy CS3 Protecting and enhancing our special environment (Heritage and Nature Conservation)

Development proposals must protect and, where possible, enhance sites of recognised importance for nature and heritage conservation. Working with local communities, features of local heritage value which contribute to local distinctiveness will be identified. New development proposals should maintain local distinctiveness and where possible enhance the character of identified features. Measures will be taken, working with other partners, to secure the enhancement, restoration and creation of biodiversity, including measures to adapt to the consequences of climate change, so as to assist in achieving national, county and local biodiversity targets as set out in the Hampshire and New Forest Biodiversity Action Plans.

The special characteristics of the Plan Area's natural and built environment will be protected and enhanced through:

- (a) applying relevant national and regional policies;
- (b) ensuring that new development protects and enhances local distinctiveness (see Policy CS2);
- (c) a review of Areas of Special Character and landscape features through subsequent Local Development Framework Documents;
- (d) using the development management process to positively bring about development which enhances local character and identity and which retains, protects and enhances features of biological or geological interest, and provides for the appropriate management of these features;
- (e) producing Conservation Area appraisals and management plans, including enhancements such as environmental improvements, traffic management etc.;
- (f) supporting an ongoing programme of survey of habitats and species, and designation of Sites of Importance for Nature Conservation;
- (g) encouraging and developing public understanding of biodiversity, e.g. through the New Forest Biodiversity Action Plan, and enabling public access to designated sites for the purpose of interpretation and understanding where feasible without harm to nature conservation interests;
- (h) encouraging land management practices that restore or enhance sites of biodiversity value and which create new sites;
- (i) working with landowners and developers to ensure land management practices protect and enhance valued landscapes, and to restore landscapes where valued features and habitats have been lost or degraded;
- (j) protecting networks of natural habitats identified through the local Biodiversity Action Plan, where appropriate including them in access routes and areas of natural green space;
- (k) extending specific protection to important trees and hedgerows including those not currently included within designated sites;
- (l) ensuring development contributes, where possible, to biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for (including on sensitive areas outside the Plan Area including the international nature conservation designations in the National Park); and
- (m) retaining and enhancing the green infrastructure networks within settlements.

Policy CS4 Energy and resource use

High standards of energy efficiency and efficient water use in existing developments will be promoted wherever possible through retro-fitting. All new development should be built to a standard which minimises the consumption of resources during construction and thereafter in its occupation and use.

New development will be required to:

- (a) demonstrate high standards of energy efficiency;
- (b) incorporate energy-efficient passive solar design principles wherever possible;
- (c) maximise opportunities for the micro-generation of renewable energy.

Renewable, low carbon and de-centralised energy will be encouraged in all development, and developments of more than 10 dwellings or 1000m² of non-residential floorspace will be required to provide at least 10% of their energy from these sources unless (having regard to the type of development involved and its design,) this is not feasible or viable;

- (d) use recycled materials in construction where possible;
- (e) achieve a decrease of between 8% and 20% in water use (compared to the national average in 2005) for all new developments and help promote more efficient water use in existing developments and as set out in the South East Plan; and
- (f) include sustainable urban drainage systems where feasible; recognising that these measures may involve the use of innovative building design, styles and techniques.

New homes will be required to meet requirements in the Code for Sustainable Homes, achieving a minimum of Level 3 from 2010 to 2012, Level 4 from 2012 to 2016, and Level 6 from 2016, with particular emphasis on water efficiency. New commercial buildings over 1000 sq. m. built before January 2012 will be required to meet the BREEAM 'very good' standards up to 2012, and thereafter the BREEAM 'excellent' standards. Local opportunities to contribute towards energy supply from renewable and low-carbon technologies will be facilitated where there is no over-riding adverse local impact.

Policy CS5 Safe and healthy communities

Development should not result in pollution or hazards which prejudice the health and safety of communities and their environments, including nature conservation interests and the water environment. Appropriate mitigation measures may be required to enable development. Development in the vicinity of hazardous sites and uses, known to present risks to public health and safety, will be restricted to ensure that there are no unacceptable risks to people or to nature conservation or other environmental interests.

When the opportunity arises, particularly through development proposals, remedial measures will be taken to address existing problems of land contamination or air quality. To reduce future threats to public safety, vulnerable development will not be permitted within the defined coastal erosion zone which runs along the cliff tops from the District boundary west of Barton-on-Sea to Milford-on-Sea. Development will be planned, designed and managed to create environments in which people feel safe, reducing the fear of crime and opportunities for anti-social behaviour.

Encouragement will be given to incorporation of Secured by Design principles in new development and in the design of public spaces. Particular attention will be given to creating places that:

- (a) have well-defined routes, spaces and entrances that provide for convenient movement without compromising security;
- (b) are structured so that different uses do not cause conflict;
- (c) provide adequate surveillance of publicly accessible spaces;
- (d) promote a sense of ownership, respect, territorial responsibility and community;
- (e) where appropriate, offer well designed security features giving physical protection;

- (f) have a level of activity which is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times; and
- (g) are managed and maintained to discourage crime in the present and the future.

Policy CS6 Flood risk

Flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk in accordance with the sequential test. Development should not worsen flood risk elsewhere.

Subject to this, development which provides regeneration benefits may be permitted on previously-developed land within defined settlements which is at risk from flooding, provided:

- (a) it is for uses which are not “Highly vulnerable”;
- (b) a site-specific Flood Risk Assessment demonstrates that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall;
- (c) the scheme incorporates appropriate flood resilience and resistance measures;
- (d) appropriate flood warning and evacuation plans are in place; and
- (e) new site drainage systems are designed taking account of events which exceed the design standard.

Developer contributions may be required towards publicly-funded flood alleviation schemes.

A sustainable and practicable approach to coastal protection and flood defence for the built-up areas, to a level consistent with predicted sea level rise and increased river flows arising from climate change, will be established. This will include identification of opportunities for managed retreat of the coastline where defence is no longer the most economic or environmentally sustainable option, or to provide for replacement habitats in mitigation for continuing to maintain some of the sea defences along the district's coastline.

Flood protection measures should minimise damage to nature conservation and biodiversity interests.

The use of surface materials which increase surface water run-off will be discouraged.

Policy CS7 Open spaces, sport and recreation

The aim is to provide, as a minimum standard, the equivalent of 3.5 hectares of public open space per 1000 population to serve the district's towns and larger villages. This provision will be supplemented by support for the community use of sports pitches on educational land and by private provision.

There will be a presumption against any development that involves the loss of a sport, recreation or play facility except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development.

Improvements will be made to enhance recreation, play and sports facilities within communities. Outdoor opportunities to improve the physical fitness of all age groups will be enhanced by providing accessible green spaces within our towns and villages, especially where new development takes place, and by creating safe

environments for walking and cycling within and adjoining our towns and villages, where access is compatible with environmental designations.

The improvement of play, sports and other public open space provision will be implemented in the following ways:

- (a) through the identification of new sites in the Sites and Development Management Development Plan Document; New Forest District (outside the National Park) Core Strategy: Adopted 26 October 2009
- (b) through requiring all new residential developments to make provision for appropriately designed public open space, either through on site provision of new open space or by financial contribution to enhance or create off-site provision and management of public open space (based on a minimum level of provision of 3.5ha per 1000 population);
- (c) through requiring all new residential developments on sites of 0.5ha or over to provide appropriately designed informal public open space on site and to include the provision of designed good quality play spaces;
- (d) through giving priority to addressing the shortfall in the provision of play spaces designed for children's play and young people;
- (e) by creating new designed play spaces for children and young people within existing informal open spaces;
- (f) through the protection and improvement of existing facilities, including changes in open space management to address specific community needs;
- (g) through securing more community use agreements with schools;
- (h) through improving informal leisure opportunities created by green infrastructure within settlements; and
- (i) in order to prevent adverse effects on internationally designated nature conservation sites, the Council will work with other local authorities to develop and implement a strategic approach to protecting such sites from recreational pressures, including provision for new and enhanced open spaces.

New open space provision should contribute to wider open space objectives, including enhancing local biodiversity and healthy lifestyles.

Allocations will be made for additional provision of new allotment gardens, to meet local needs identified through community plans.

The Council will work with the Partnership for Urban South Hampshire (PUSH), the National Park Authority and other local authorities to develop green infrastructure strategies; and with landowners and local communities to preserve and enhance green infrastructure and green links between open spaces.

Policy CS8 Community services and infrastructure

New Forest District Council will work with service and infrastructure providers with the aim of ensuring the delivery of adequate infrastructure and services, (Chapter 10 and the Delivery Plan) to serve existing and proposed development in the Plan Area and support the local economy, ensuring that any adverse impacts arising are minimised, and that decisions on the provision of such infrastructure are taken on the basis of environmental sustainability as well as cost. Attention will be given to addressing the needs of areas of particular social deprivation.

Proposals for new and improved health care, education and social facilities that result in improvements in meeting the needs of the Plan Area's population will be supported. These facilities should be well related to public transport

infrastructure, and should provide high standards of accessibility to all sectors of the community. In rural communities and other areas with poor public transport, support will be given to innovative schemes to secure the local delivery of public services. Delivery of some services through the use of mobile services and technology will be encouraged where this results in better local provision.

There will be a presumption against any development that involves the loss of education, health, social and other publicly provided community services, except where it is part of a service provider's plans to provide improved local services in equally accessible locations.

Suitable alternative uses, and environmental improvements, will be sought for major built infrastructure that has reached the end of its useful life (including Fawley Power Station if it should be decommissioned).

Policy CS15 Affordable housing contribution requirements from developments

Private developments creating new dwellings will be required to contribute towards the provision of affordable housing by making provision as set out below, under one of requirements (a) to (d). Affordable housing provision will not be required where the development is:

- a single replacement dwelling
 - an agricultural/ forestry workers dwelling or commoners' dwelling (but the removal of an occupancy condition will require an affordable housing contribution)
 - the conversion or subdivision (without significant extension) of an existing dwelling
 - a residential redevelopment scheme for 4 or less dwellings, involving the demolition of at least 1 dwelling, and where the site size is smaller than 0.1 hectare.
- (a) On greenfield housing site allocations (except for those covered by (b) below) the target is 50% affordable housing, of which 35% of the total dwellings will be social rented housing and 15% of the total dwellings will be intermediate housing. At least 50% of the affordable dwellings provided should be family housing.
 - (b) On greenfield housing sites released specifically to meet an identified local need for affordable housing which will not otherwise be met (under Policy CS12), the target will be a minimum of 70% affordable housing. The development should provide a minimum of 40% social rented housing and 30% intermediate affordable housing. The remainder of the site should be developed for low-cost market housing which could include starter homes, self-build units and extra-care housing. At least 50% of the affordable dwellings provided should be family housing.
 - (c) Within the defined settlements of Lymington, Everton, Hordle and Milford-on-Sea and Bransgore, the target is for 50% of all new dwellings on the site to be affordable housing, of which 35% of the total dwellings will be social rented housing and 15% of the total dwellings will be intermediate housing.
 - (d) Within the other defined towns and villages³, the target is for 40% of all new dwellings to be affordable housing, of which 25% of the total dwellings will be social rented housing and 15% of the total dwellings will be intermediate housing.

Provision will normally be made on site. The affordable housing should reflect the type and size of the development as a whole, and should include family housing if that is provided as part or all of the market provision.

Where it can be demonstrated that provision of the target level of social rented and/or intermediate affordable housing is not economically viable the Council will: First, seek to maximise the potential for affordable housing contributions from that development by allowing a higher proportion of intermediate housing to be provided to meet the overall housing target; Second, seek to negotiate a percentage of affordable housing as close as possible to the target level set in this policy, having regard to a site specific economic viability assessment.

In the following circumstances the affordable housing contribution may be made by payment of a fixed affordable housing contribution/ tariff rather than on site provision. This will be additional to any other planning charges or tariffs (including Community Infrastructure Levy) required by the development.

- On developments of 4 or less dwellings in the defined built-up areas of Totton, Hythe, Lymington, New Milton and Ringwood;
- On developments of 1 or 2 dwellings in all other defined settlements.

The contributions will be used to enable additional affordable housing provision on alternative sites, or to subsidise the provision of social rented housing on sites where social rented housing cannot be achieved without public subsidy.

In settlements where the site size threshold for affordable housing provision had previously been set at 15 or more dwellings⁴, on developments of 14 or fewer dwellings, the above affordable housing contributions will be applied subject to a 50% discount in the affordable housing provision required until 31 December 2010.

The spatial strategy seeks to promote improvements in the quality and sustainability of transport infrastructure in the following ways:

To minimise the impact of new development on the existing transport infrastructure, where appropriate, development proposals will be required to:

- (a) include a range of appropriate mitigating transport measures, particularly aimed at improving accessibility by non-car modes and reducing the adverse impact of traffic;
- (b) ensure that adequate lorry access routes are available and suitable;
- (c) ensure necessary transport improvements are addressed prior to development;
- (d) produce and implement Transport Assessments and Site Travel Plans, as appropriate.

New land allocations should be in locations where good pedestrian routes can be provided to the town or local centre. Where appropriate the development shall make provision for improvements to pedestrian and cycle routes running alongside or through the site.

Walking and cycling will be promoted by:

- Safeguarding land for improvements to pedestrian and cycle networks.
- Ensuring all development has safe and convenient links to:
 - existing pedestrian and cycle routes
 - proposed pedestrian and cycle routes including those on adjacent developments.

Contributions will be sought to improve pedestrian and cycle routes and assist public transport to improve accessibility by non-car modes.

Development proposals will be assessed in relation to the Council's published parking standards. These set out the maximum provision to be made for different types of development proposals.

Management measures will ensure town centre car parks are used efficiently and effectively, and in the interests of maintaining the vitality of the town centre.

Measures to improve pedestrian and road safety will be supported, including by ensuring new development accords with Government and Highway Authority design guidance related to road safety.

New Forest Sites and Development Management (part 2) (Adopted: 2014)

Policy DM2: Nature conservation, biodiversity and geodiversity

Development proposals which would be likely to adversely affect the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site will not be permitted unless there is no alternative solution and there are imperative reasons of overriding public interest which would justify the development.

Development proposals within or outside a Site of Special Scientific Interest (SSSI) which would be likely to adversely affect the site will not be permitted unless the benefits of the development outweigh both the adverse impacts on the site and any adverse impacts on the wider network of SSSIs.

Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance (including Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological/Geomorphological Sites (RIGGS), and habitats of species of principal importance for biodiversity) will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.

Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity.

Where development is permitted, the local planning authority will use conditions and/or planning obligations to minimise the damage, provide mitigation and site management measures and, where appropriate, compensatory and enhancement measures.

Development will not be permitted which would adversely affect species of fauna or flora that are protected under national or international law, or their habitats, unless their protection can be adequately secured through conditions and/or planning obligations.

Policy DM3: Mitigation of impacts on European nature conservation sites

Except as provided for in the first paragraph of Policy DM2, development will only be permitted where the Council is satisfied that any necessary mitigation is included such that, in combination with other developments, there will not be adverse effects on the integrity of:

- the New Forest European nature conservation sites (the New Forest SAC; New Forest SPA; the New Forest Ramsar site) or
- the Solent Coast European nature conservation sites (the Solent Maritime SAC; Solent and Isle of Wight Lagoons SAC; Solent and Southampton Water SPA; Solent and Southampton Water Ramsar site).

For residential development, the required suite of mitigation measures relating to the European nature conservation sites consists of a combination of the following measures:

(a) Provision of alternative natural green spaces (SANGS) and recreational routes: new or improved open space and recreational routes of a quality and type suitable to attract residents of new development within the Plan Area who might otherwise visit the European nature conservation sites for recreation. These will be delivered by:

- Additional areas of publicly accessible natural green space (30 to 40 ha) of SANGS quality
- Enhancing the character and accessibility of existing public open spaces to provide additional areas of publicly accessible natural green space of SANGS quality;
- Improvements to walking routes and the connectivity between local green spaces, to be more attractive to local visitors who might otherwise visit the European nature conservation sites.

(b) Access and Visitor Management: measures to manage the number of recreational visits to the New Forest European sites and the Solent Coast European sites; and to modify visitor behaviour within those sites so as to reduce the potential for harmful recreational impacts.

(c) Monitoring of the impacts of new development on the European nature conservation sites and establishing a better evidence base: to reduce uncertainty and inform future refinement of mitigation measures.

To achieve these mitigation measures, all residential developments that result in additional dwellings will be required to provide for appropriate mitigation and/or financial contributions towards off-site mitigation. This will need to be agreed and secured prior to approval of the development. The required level of contributions (to be set out in more detail in the Mitigation Strategy Supplementary Planning Document) will be based on x/y where:

x = the assessed overall cost of the package of mitigation measures set out in (a) and (b) above needed to offset potentially harmful visits to the European nature conservation sites, and

y = the number of contributing dwellings (having regard also to the size of the dwellings).

On sites of 50 or more dwellings, the full mitigation requirements should be met by provision of SANGS on-site or close to the site, based on a standard of 8ha of SANGS per 1,000 population. The details of the SANGS will need to be agreed with Natural England as part of the planning application process. This provision should be available for new occupants of the development at the time of first occupation.

Informal open space required by Policy CS7 will be accepted as a part of the mitigation contribution where it is demonstrated as contributing towards SANGS requirements.

In addition, all residential developments will be required to contribute towards monitoring [measure (c)].

NMT7: Land east of Fernhill Lane

Land east of Fernhill Lane is allocated for residential development, including affordable housing in accordance with Policy CS15(d) of the Core Strategy.

The site will be developed in accordance with the following site specific criteria:

- provision of vehicular access from Forest Oak Drive;
- retention of the trees on the boundary of the site with Fernhill Lane;
- provision of public open space in accordance with Core Strategy Policy CS7, including a natural play space for young children located within the development.