

**S73 of Town and Country Planning Act 1990**

**Proposed Deletion of Condition 20 & 21 of Outline Planning Permission  
13/11450**

# **Planning Statement**

Land at Crow Arch Lane and Crow Lane, Crow, Ringwood, BH24 3DZ

Vistry Southern

December 2023

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**Appendices**

Appendix 1 – Outline Planning Permission (13/11450) Decision Notice

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## **1. Introduction**

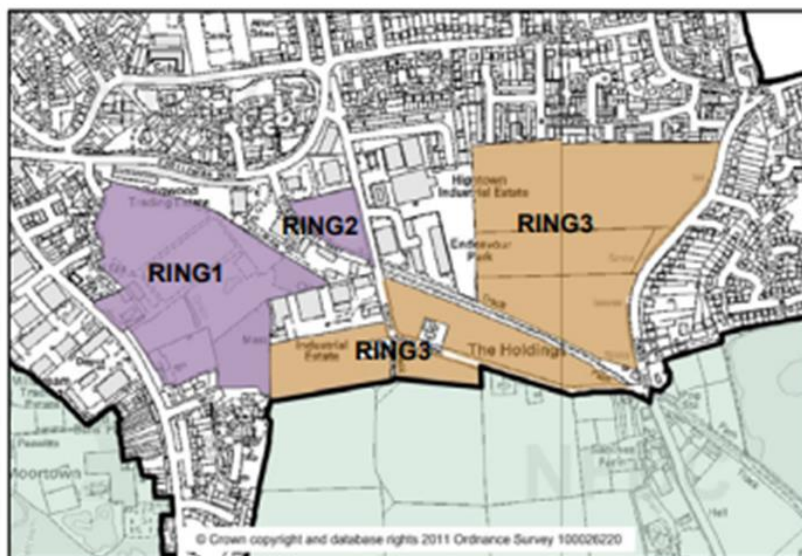
- 1.1 This Planning Statement has been prepared by Vistry Southern to support this Section 73 Planning Application under the Town and Country Planning Act 1990 (as amended) to New Forest District Council in respect of Conditions 20 and 21 relating to pedestrian cycle links from the Central Plot.
- 1.2 Outline Planning Permission (LPA Reference 13/11450) was granted on 10<sup>th</sup> October 2014 for the following development;
- “Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)”*
- 1.3 A copy of the decision notice is contained at Appendix 1 and the site location plan at Appendix 2.
- 1.4 This Planning Statement highlights the relevant planning background to the proposals, presents the application and demonstrates how the proposal to remove these conditions from the outline planning permission is acceptable in planning terms.

## **2. Site and Surroundings**

### The Application Site

- 2.1 The site was formerly in agricultural use to the south of Ringwood, west of Crow Lane and north of Crow Arch Lane. To the north, it is bound by existing residential development (Hightown Gardens). To the east, it is bound by the line of Crow Lane, with residential development beyond. To the south, it is bound by the line of Crow Arch Lane, with sporadic residential development present. To the west, it is bound predominantly by existing employment sites known as Endeavour Business Park, Hightown Industrial Estate and Crow Arch Lane Industrial Estate.
- 2.2 In the outline, the site was split into two defined areas: Northern Plot and Central Plot. These were explained in the Officer Report for the Outline as the Northern Plot being the larger parcel of land which was the “area north of the Castleman Trail” and the Central plot as the land bordered by the “Castleman Trail to the north and Crow Arch Lane to the south and west”. These are referred to later on in this report.
- 2.3 At the time of determining the outline permission, the site was allocated by Policy RING3 of the Local Plan Part 2 (2014) for up to 150 dwellings, up to 5 hectares of employment land and a minimum of 3.4 hectares of public open space. Neighbouring the site was the employment allocation of RING1. The extract from the Local Plan below show the relationship between the two allocations;

Extract page 179 of Local Plan Part 2 (2014)



**RING1/RING2/RING3: Overview map of south Ringwood proposals**

2.4 At the time of the writing this report, the residential phases have now been completed in accordance with the various planning permissions (see Section 3 Planning History). The adjoining employment land was sold to NFDC.

### 3. Planning History

3.1 A summary of the relevant planning history is provided below in the table;

<p>Outline Planning 13/11450</p>	<p>13/11450 - Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 &amp; B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul &amp; surface water infrastructure (Outline Application with details only of access)</p>	<p>Approved October 2014</p>
<p>RM Phase 1 16/11520</p>	<p>Phase 1: development of 62 dwellings comprised: 15 houses; 9 pairs of semi-detached houses; 3 terraces of 3 houses; 3 terrace of 4houses; 8 flats; garages; public open space; SANG; ancillary infrastructure;</p>	<p>Approved March 2017</p>

	allotment land (Details of appearance, landscaping, layout & scale development granted by Outline Permission 13/11450)	
RM Phase 2 17/11309	Phase 2: development of 113 dwellings comprised detached houses; semi detached houses; terraced houses; flats, link detached houses; garages; parking; access; open space; and cycle path (Details of appearance, landscaping, layout & scale. Development granted by outline permission 13/11450)	Approved January 2018
RM Phase 3 Industrial Land 17/11358	Phase 3; Development comprised of a care home (Use Class C2); 31 flexible use industrial units (Use Class B1 & B2) associated parking; landscaping; internal access arrangements & ancillary infrastructure (details of appearance landscaping, layout and scale. Development granted by outline permission 13/11450)	Approved 26 <sup>th</sup> November 2018
New Standalone Planning Permission relating to Central Plot 18/11648	Development of 20 dwellings comprised of semi-detached houses; terraces; 1 block of flats, bin & cycle store; detached garages; public open space, landscaping, internal access arrangement and ancillary infrastructure	Approved 21 <sup>st</sup> May 2020

3.2 The outline planning permission Site Location Plan is provided at Appendix 2 and the Site Location Plan for the standalone planning permission for the Central Plot (18/11648) is provided at Appendix 5.

3.3 The outline planning permission was subject to a number of planning conditions which required the submission of additional details relating to on and off site connections. The majority of these conditions have been discharged and implemented. Below is a summary of those relevant conditions:

- Condition 15 – Access to Allotments – discharged 25.1.2021
- Condition 16 – South Eastern Footpath Link detail to be provided – discharged 20.3.2018
- Condition 17 - South Eastern Footpath Link - compliance with approved details
- Condition 18 – Castleman Trail Improvements – discharged 22.6.2022
- Condition 18 – Castleman Trail Improvements – compliance with approved details
- Condition 20 – Pedestrian/Cycle Link from Central Plot to Christchurch Road– proposed to be deleted
- Condition 21 – RING1 and RING3 connections – proposed to be deleted

#### **4. Pre-Application Consultation**

- 4.1 These conditions have been the subject to ongoing discussions with various officers at the Council. The content of these discussions is set out in sections below.

## 5. Proposed Development

- 5.1 The purpose of this proposed S73 application is to delete condition 20 and 21 from the planning decision notice.

- 5.2 The wording of the conditions on the decision notice sets out a condition requiring the detail of the condition to be submitted before works commencement on a specified plot (Central or Northern as defined by officers above) and then a second condition restricting occupation of dwellings in that specified plot until the works have been completed.

- 5.3 Condition 20 states;

***No development of the Central plot shall commence until such time as a design for a pedestrian / cycle connection between the Central plot and Christchurch Road has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.***

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

- 5.4 Condition 21 states;

***No dwellings to the south of the Castleman Trail shall be occupied until such time as the continuous pedestrian / cycle link between these dwellings and the western boundary of the RING 3 land/eastern boundary of the RING1 land has been completed to the satisfaction of the County Council and made available for use. This pedestrian / cycle connection must remain available for use at all times.***

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

- 5.5 The intent of these conditions was to provide a link from the residential parcel forming part of RING3 (Housing Allocation) and the most southern point of the allocation being the Central Plot (south of Castleman Trail) to the adjoining employment allocation RING1, specifically to Christchurch Road, to the west. This would be via the industrial estate linking via Wellworthy Way.

- 5.6 There are several grounds for the removal of these two conditions which firstly relate to Vistry's position that the imposition of condition 20 and 21 are not lawful and fail to meet the requisite planning condition requirements set out in the NPPF. Secondly, that the conditions do not achieve the required objective and provide a link. Finally, that the planning considerations have now changed with the subsequently allocation of the adjoining land which will be able to fully secure the link without potentially prejudicing parts of the wider allocation. These will be discussed in more detail in Section 7.

- 5.7 In respect of Condition 21, detailed discussions have taken place with the Council and the County Council regarding the requirements of this condition. Detailed plans were provided to the Council under this condition back in Summer 2020 and then again in February and April 2021, but no agreement could be reached on the extent of the path and the alignment of it with the landowner (HCC). This largely related to concerns over the path prejudicing the layout in the new allocation.
- 5.8 Following further discussions, it is now proposed by Vistry Southern that these conditions should be removed, and this is the purpose of this application.

## **6. Planning Policy**

6.1 The relevant planning policy here relates to both the superseded Local Plan and Core Strategy policies and those which are now applicable under the new Local Plan Part 1 (2020).

### Development Plan

#### Local Plan Part 1: Core Strategy (2009)

6.2 At the time of the outline report, the Core Strategy provided the spatial strategy for the District and under **Policy CS11** setting out a requirement of approximately 150 new homes to be delivered in Ringwood during the plan period. The details allocation would then follow in the Local Plan Part 2.

6.3 Other relevant policies in the Core Strategy would have been the following;

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport, and recreation
- CS9: Settlement hierarchy
- CS10: The spatial strategy
- CS11: New housing land allocations
- CS15: Affordable housing contribution requirements from developments
- CS23: Transport proposals
- CS24: Transport considerations
- CS25: Developers contributions

6.4 At this point, the majority of the policies within the Core Strategy have been replaced by the Local Plan 2016-2036 Part 1 which was subsequently adopted in 2020. The only saved policies which still apply at this point are Policy CS7 Open Spaces, sports and recreation, CS19 Tourism and CS21 Rural Economy.

#### Local Plan Part 2: Sites and Development Management (2014)

6.5 This contains the detailed policies including site allocations. It was formally adopted in April 2014.

6.6 Relevant to this application are the allocations for **RING1** and **RING3** which are the employment and housing allocations in this location. The allocation for RING1 is provided in full below;



### **RING1: Land east of Christchurch Road – employment land allocation**

Land east of Christchurch Road is allocated for employment development in accordance with Policy CS17 of the Core Strategy. The site will be developed in accordance with the following site-specific criteria:

- within the site, the provision of an access road to adoptable standards connecting Christchurch Road to land allocated south of Crow Arch Lane Industrial Estate in Policy RING3;
- a full transport assessment outlining how any negative impacts upon the road network will be satisfactorily dealt with;
- appropriate transport contribution being paid towards any necessary transport improvements;
- provision of a cycle route within the site linking Christchurch Road to New Street (see RING6.7);
- pedestrian and cycle links to Castleman Way and Christchurch Road (see RING6.9);
- the resolution of existing contamination issues prior to, or in association with, development (see Policy DM5); and
- compatible employment uses being located in those areas of the site closest to existing housing. Consideration will need to be given to any impact on residential amenities in terms of noise or other disturbance.



6.7 The reference to RING6.9 within RING1 relates to a series of 12no. transport improvements within the Local Plan Part 2 for the Ringwood area. It specifies the improvements for the link to the industrial estate in RING1 and was identified on the following plan which shows the route of improvements within RING6.9;



6.8 This link is noted as requiring non highway land as it passes through the industrial estate and to be delivered through the development of the allocation RING1. There is no reference to the delivery of the link subject to conditions 20 and 21 forming the route sought by conditions. The Local Plan is silent on this specific link.

6.9 The housing development which has been completed by Vistry (Linden Homes) was subject to RING3 allocation which is provided in full below;

**RING3: Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane**

Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane is allocated to provide:

- residential development of up to around 150 dwellings, with 50% of the dwellings provided to be affordable housing, in accordance with Policy CS11(ii) and Policy CS15(a) of the Core Strategy;
- up to five hectares of employment development in accordance with Policy CS18 of the Core Strategy; and
- public open space, to include natural green space designed to mitigate the recreational impacts of the development on European nature conservation designations (SANGS).

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

- the residential development being located principally in the northern and eastern parts of the site adjoining the existing housing;
- the employment development being located in the western and southern parts of the site, primarily adjoining Crow Arch Lane Industrial Estate and Hightown Industrial Estate;
- provision of an access road to serve employment uses south of Crow Arch Lane, through the site and the industrial land allocation east of Christchurch Road (see Policy RING1);
- a full transport assessment outlining how any negative impacts upon the road network will be satisfactorily dealt with;
- appropriate transport contributions being paid towards any necessary transport improvements;
- retention and enhancement of the green route/cycleway on the route of the old railway line (see RING6.4);
- provision of links to the proposed cycle route on Hightown Gardens to the north of the site (see Ringwood Town Access Plan) and the proposed cycle route on the Castleman Trailway (RING6.4) towards the south of the site, including links across the site;
- provision of appropriate landscape buffers between the employment and residential uses;
- on-site provision of public open space (both formal and informal) in accordance with Policy CS7, including provision of children's play space(s) located within the residential development;
- provision of required measures to mitigate the recreational impact of the development on European nature conservation sites in accordance with Policy DM3, to include the provision on or close to the site of publicly accessible land designed to provide Suitable Alternative Natural Green Space (SANGS);
- provision of land for a minimum of 15 full size allotment plots within the site in order to provide for local needs arising from the development and in the wider community; and
- phasing of the development being agreed.



6.10 The policy wording makes reference to an access road linking the employment uses. There are also other references to links to Hightown Gardens and Castleman Trail which have been approved and delivered. There is no specific reference to this link.

6.11 Other relevant Local Plan Part 2 policies included;

- RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites

### Local Plan 2016-2036 Part 1 Planning Strategy (2020)

6.12 The Local Plan Part 1 replaced the Core Strategy and was formally adopted in July 2020, and now forms the current Development Plan. The site is no longer an allocation in the current development plan as it has now been delivered. The employment land (RING1) and the land to the south/west of the original RING3 are now subject to a new allocation.

6.13 Policy Strategic Site 13 is the new allocation which effectively infills the land to the south of the former RING3. The policy allocates the site for circa 480 units along with 2ha of employment land, 15no allotments, land for a primary school. The policy contains a number of key objective and cross references to the masterplan contained within the Local Plan. The allocation in full states;

**Strategic Site 13: Land at Moortown Lane, Ringwood**

i. Land to the north of Moortown Lane, Ringwood, as shown on the Policies Map is allocated for residential-led development and will comprise the following:

- At least 480 new homes and public open space dependent on the form, size and mix of housing provided.
- Retention of about two hectares of allocated employment land<sup>20</sup> adjoining Crow Arch Lane Industrial Estate in the north west corner of the site.
- Provision of land for a minimum of 15 full size allotment plots<sup>21</sup> within the site in order to provide for local needs arising from the development and in the wider community.

ii. Land in the Green Belt to the south of Moortown Lane, Ringwood as shown on the Policies Map is allocated for the following supporting uses to enable allocated land north of Moortown Lane to deliver the minimum number of homes required:

- The provision of natural recreational greenspace and public open space (including outdoor sports facilities).
- Two hectares of land to be reserved for a primary school.

iii. The **masterplanning objectives** for the site as illustrated in the **Concept Master Plan** are to create a well-designed and integrated southern extension of Ringwood by:

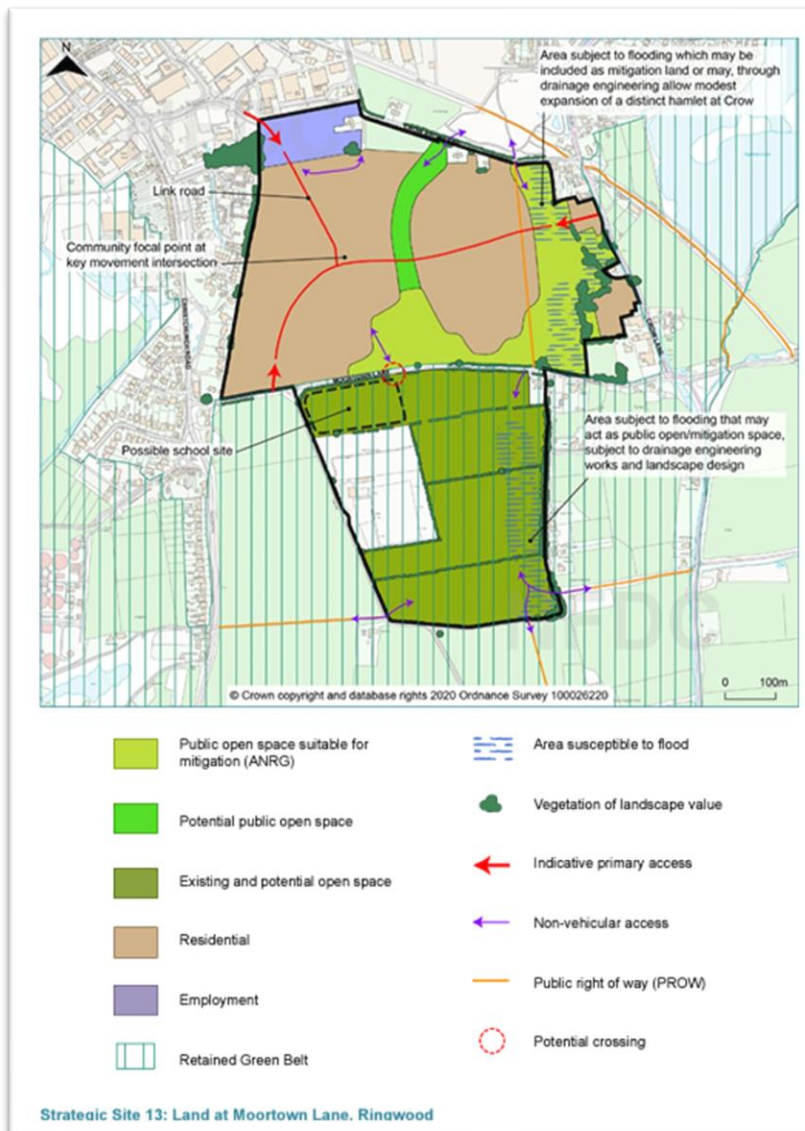
- a. Providing natural greenspace corridors that connect the new residential areas to the town and to the countryside, linking the greenspace provision to the north of Crow Arch Lane with the recreational greenspace and playing fields area south of Moortown Lane.
- b. Providing a hierarchy of connected streets that enable the through-movement of local traffic between the B3347 Christchurch Road and Crow Lane, including a vehicular connection through Forest Gate Business Park to link through to the town centre area, and a new north-eastern access point from Crow Lane towards the A31.
- c. Providing a community focal point in a prominent location including ground floor premises suitable for community use.
- d. Integrating sustainable drainage features to manage water course and surface water flood risks in the eastern part of the site
- e. Enhancing the character of Moortown Lane with public open space provision and planting so that Moortown Lane is a strongly defined new Green Belt and settlement edge.



**IV. Site-specific Considerations to be addressed include:**

- a. The preparation of a detailed site-specific Flood Risk Assessment (FRA) will be required which should demonstrate that there will be no inappropriate development within Flood Zone 3b.
- b. Provision of a new connection to the Ringwood Sewage Treatment Works with sufficient capacity to serve this site and to also serve and provide a point of connection for Strategic Site 14: Land to the north of Hightown Road.
- c. Assess the need for enhancements to the Moortown Lane junctions with the B3347 Christchurch Road and with Crow Lane, and where necessary, to other parts of the local highways, pedestrian and cycle network.

6.14 A high level masterplan is include in the plan;



6.15 Broader other relevant policies include the following;

- Policy STR1 - Achieving Sustainable Development
- Policy STR5 - Meeting our housing needs
- Policy 10 - Mitigating the impact of development on International Nature Conservation sites
- Strategic Site 13 - Land at Moortown Lane, Ringwood

## **7. Planning Assessment**

- 7.1 Fundamental to this application, is that this link would be on land which did not form part of the outline application site, and only small sections of the land required was included in the blue line extent of the application. The connection points up to Christchurch Road remained in third party control, outside the control of the applicant. These issues are not in dispute.
- 7.2 The condition wording is considered to be flawed and the link undeliverable when considered against the well established principles on planning conditions with Circular 11/95 and the NPPG. In addition, there is no explicit policy requirement for the imposition of the conditions on this land. In the context of the current Development Plan and allocation, the conditions continue to be unreasonable and could affect how this land can be developed going forward. Furthermore, the objective of the link can now be delivered through the new allocation.
- 7.3 The next sections will put forward the considerations on these conditions to provide a robust case that the conditions should be deleted.

### Planning Condition Objectives

- 7.4 The initial assessment needs to consider the objectives of the conditions. Condition 20 has slightly different wording to that of condition 21 but when read in identification of the 'Central Plot' and then the wording of condition 21, it can be concluded that they relate to the same link. Condition 20 is the pre-commencement detail for the link and condition 21 is the delivery of the said link.
- 7.5 The wording and the reasons given to both conditions provide that the conditions were added on the basis of highway safety and in the wider objective of delivering wider connections to reduce car usage. The key wording for both conditions is the requirement of these conditions for the delivery of a pedestrian/cycle link though from the Central Plot to Christchurch Road in the west. The wider objective was to provide pedestrian/cycle links from the site to the west of Ringwood. The importance of creating sustainable communities and supporting new links is not at question, but the key issue is how this link could be delivered within the extent of the application site and therefore the failure of the objective of these conditions.

### Unlawful Planning Condition

- 7.6 The imposition of planning conditions has long been established by a series of tests to ensure that conditions meet the necessary standards which are known as the 6 Tests. These 6 Tests are now enshrined in the NPPF Paragraphs 55 and 56 which states;

*55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

56. Planning conditions should be kept to a minimum and **only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects...**(my emphasis)

7.7 The NPPG also provides the same guidance stating that;

*Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:*

1. *necessary;*
2. *relevant to planning;*
3. *relevant to the development to be permitted;*
4. *enforceable;*
5. *precise; and*
6. *reasonable in all other respects.*

*These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply. See also guidance on the use of model conditions.*

*Paragraph: 003 Reference ID: 21a-003-20190723*

7.8 The NPPG then cross refers to the well established principles in Circular 11/95 that provides long standing guidance on the imposition of planning conditions. This sets out that particular care must be taken on the imposition of planning conditions requiring works on land which the applicant does not own or control.

7.9 Paragraph 28 sets out specifically that a condition may not be reasonable if compliance cannot be enforced. This is particularly pertinent to conditions 20 and 21 given they require a pedestrian/cycle link to be installed on land outside of the application site and outside of the control of the applicant. The paragraph provides guidance on framing the condition wording so that it requires the works to be completed prior to works commencing on site.

*Paragraph 28 "...One type of case where this might happen is where a condition is imposed requiring the carrying out of works (eg. construction of means of access) on land within the application site but not, at the time of the grant of planning permission, under the control of the applicant. If the applicant failed to acquire an interest in that land, and carried out the development without complying with the conditions, the local planning authority could enforce the condition only by taking action against the third party who owned the land to which the condition applied, and who had gained no benefit from the development."*

7.10 The example provided in the Circular applies in relation to Condition 20 and 21. Condition 20 does prohibit commencement until the details are provided but it does not require the link to be installed beforehand. Condition 21 is a pre-occupation trigger for completion. This raises the point that the condition requirement itself is unreasonable but certainly that the enforcement of this condition could be levied on the third parties which own the land linking to Christchurch Road, none of which are the



applicants or beneficiaries of the planning permission. **The conditions fail to comply with the reasonable test as well as the enforceable test.**

- 7.11 Paragraph 37 of Circular 11/95 specifically deals with such conditions. It sets out that such conditions, should form part of the application or be on land which at the time of determining the application, the LPA can be satisfied that the applicant will have sufficient control over that land.
- 7.12 In this instance, the conditions required a link from the Central Plot to Christchurch Road. The outline site location plan is provided at Appendix 2, and this clearly shows that whilst it was identified that some land fell within the blue line for which the applicants had an interest, that this did not continue to the point of Christchurch Road. Indeed, the outline application is silent on the land ownership of the land between the edge of the blue line and Christchurch Road. Therefore, in line with Circular 11/95 paragraph 37, the LPA cannot have been assured at the point of imposing that condition that the requirements were deliverable and within sufficient control of the applicant. There is no such evidence provided in the Officer Report dated 9<sup>th</sup> April 2014, although there is an assumption the link is deliverable at paragraph 14.7.5 where it is stated that the land was within the applicants control. Clearly this is not the case as the blue line did not cover the whole extent of the link required nor was there any discussion on how the link could be achieved to the industrial estate to Christchurch Road which is not in public or applicant control. **Again, the conditions fail to comply with the reasonable test.**
- 7.13 Paragraph 38 of the Circular then sets out that it is *'unreasonable to impose a condition worded in a positive form which developers would be unable to comply with themselves, or which they could only comply with the consent or authorisation of a third party.'*
- 7.14 The planning system has established the principle of Grampian Conditions which allow for negatively worded conditions to be imposed and not considered as ultra vires (paragraph 39). This should also be balanced with consideration on whether there are reasonable prospects of the action in question being performed within the imposed time limit (Paragraph 40).
- 7.15 The outline included an area of blue land which, as noted above, falls within the control of Hampshire County Council for which the applicant had a right of access across. It can therefore be argued to an extent that the condition could be complied with on this blue land and therefore a Grampian condition could be used. However, the full wording of condition 20 and 21 require a connection up to Christchurch Road that is entirely on third party land and not forming part of the application in any way. It cannot be seen that the LPA had any grounds to conclude that the link could be delivered and **therefore the condition can only be seen as unreasonable and unenforceable.**

Lack of Planning Approval

- 7.16 Furthermore, the works involved in the creation of this link would require planning permission in their own right. The description of development makes reference to pedestrian links, the extent of the application does not include the whole length required. Aside from the unreasonable imposition, the compliance of this condition would therefore be reliant upon a separate planning permission as not all

of the works required by the condition would have the benefit of planning permission within the red line or even the blue line.

### Policy Position

#### Development Plan at the time

- 7.17 Turning the policy position which applied at that point. It is noted that there is no express reference. The site was the subject of the RING1 allocation which required provision for a link within the site for the following;

*“RING1...within the site, the provision of an access road to adoptable standards connecting Christchurch Road to land allocated south of Crow Arch Lane Industrial Estate in Policy RING3;”*

- 7.18 It is clear from the Policy wording that the link running through the industrial estate was to be delivered by the industrial estate. It is not apparent if this link has been provided. A recent Google maps search would suggest there is not a linking road through this industrial estate linking to Christchurch Road on the far west.



- 7.19 Turning to RING3 for the housing allocation, there is no specific reference in RING3 to the need for a pedestrian/cycle link through to Christchurch Road. It contains the matching requirement within RING1 to facilitate an access link road to link to RING1. The requirement is clear however that its intention was to link the employment uses between these two allocations:

*“RING3...provision of an access road to serve employment uses south of Crow Arch Lane, through the site and the industrial land allocation east of Christchurch Road (see Policy RING1);” (our emphasis)*

- 7.20 There are explicit references to other pedestrian/cycle links in RING3 namely relating to Hightown Gardens and the Castleman Trail which were addressed through over planning conditions. These are

not affected. However, there are no explicit references in the RING3 allocation for the link required by condition 20 and 21. **There is no explicit policy basis for these conditions.**

- 7.21 It is noted that the creation of such a link would be a general policy objective, noted by the Policy ground noted in the condition reason, however, at the time of the Local Plan, it is understood that the intention was to provide access to Christchurch Road via Crow Arch Lane linking on the Castleman Trail and out onto Christchurch Road as indicated below;



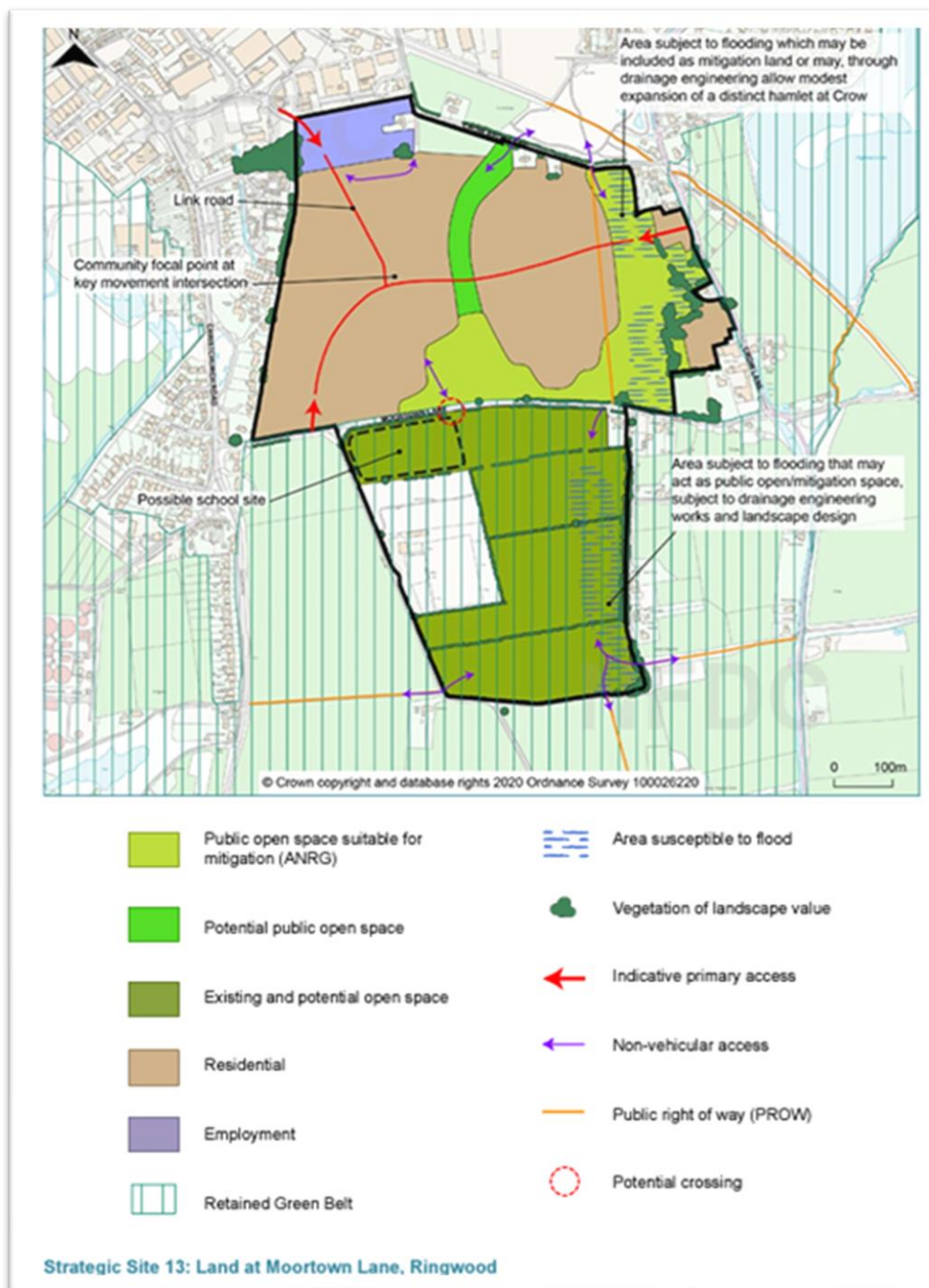
- 7.22 This is demonstrated in the 12np. Improvements outlined in RING6. This does not include the link subject of these conditions.
- 7.23 The Outline Officer Report suggests that the route outline in RING1 and then RING6.9 was not considered preferable by the Highway Authority at the time of the outline planning permission. This is not expressly said in the officer report but reference to Christchurch Road is taken to refer to this link. This why this alternative route was conditioned, however, the fact remains that this 'revised' link was not carefully considered, and conclusions were drawn as to its deliverability which did not match the facts. As noted above, the **conditions are not deliverable or enforceable.**
- 7.24 This route remains an option to provide access to the wider area, along with the other links secured in the outline. Therefore, the deletion of these two conditions does not reduce the Councils ability to secure connections in and around this area. However, it is apparent that in pure policy terms there is no explicit policy requirement in the RING3 allocation which requires the link required by these two conditions.
- 7.25 It would have been in the Councils gift to require a link up to the boundary of the blue line, as has been suggested by officers subsequently as a way of meeting the condition requirement. However even if the condition wording had referred to the link as up to the boundary of the industrial estate in RING1 or amend to that extent, the fact still remains that the final link would not be delivered. It would in essence

a link to nowhere providing no tangible benefit. The ability to link through to Christchurch Road as the objective of this condition to improve pedestrian and cycle links in this area would still not be achieved. Ultimately the delivery of this link on this location requires the agreement of multiple land owners and separate consents, all of which are outside the remit of the planning conditions.

Current Development Plan Position

- 7.26 It has been highlighted above that there was a different Development Plan (and allocation) in place at the time the outline planning permission was granted. The above has also set out why it is considered that the Development plan at that stage did not expressly require this link. However, this S73 application has to be considered against the current Development Plan, therefore, the position of the link and the landownership is linked to the later adoption of the Development Plan (Local Plan 2016-2036) which was adopted in 2020.
- 7.27 As noted above, the land in question now forms part of as strategic housing led allocation (Strategic Site 13) for a development for 480 new homes. The masterplan in the Development Plan shows the broad land uses;

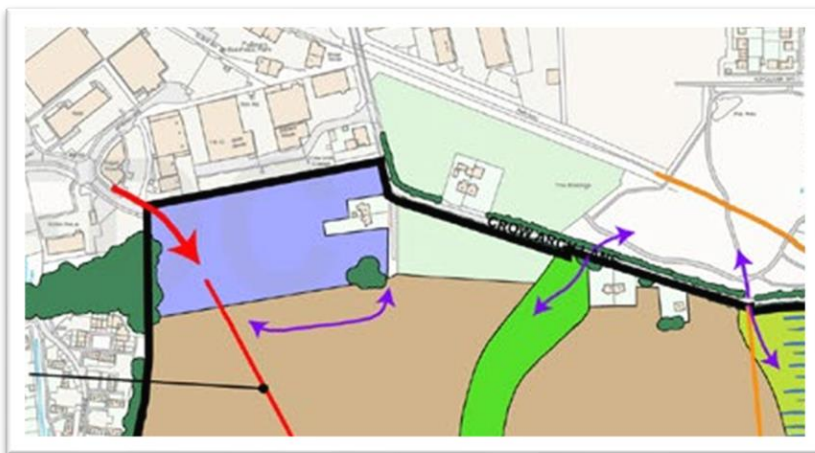




7.28 Policy Strategic Site 13 is the new allocation which infills the land to the south of the former RING3. The policy allocates the site for circa 480no. units along with 2ha of employment land, 15no allotments and land for a primary school. The full detail of the policy wording is set out above in the Planning Policy section but in terms of policy requirements and of relevance is for this allocation to deliver connections between Christchurch Road and Crow Lane at iii. b;

*“Providing a hierarchy of connected streets that enable the through movement of local traffic between the B3347 Christchurch Road and Crow Lane, including a vehicular connection through Forest Gate Business Park to link though to the town centre area, and a new northeastern access point from Crow Lane towards the A31.”*

- 7.29 Unsurprisingly, there is no reference to a horizontal link from Crow Lane to Christchurch Road, as was required in the outline planning permission by Condition 20 and 21.
- 7.30 The Concept Masterplan illustrates how the Development Plan envisages the delivery of this land and the wider allocation. This clearly demonstrates this is through the separation of employment and residential areas and the provision of a link road (shown in red) running from the north east from the industrial estate then spurring into two forks linking to Moortown Lane to the south and Crow Lane on the far eastern boundary. The allocation does continue to provide additional non pedestrian links as indicative locations (shown in purple). There are connections proposed to the outline development site subject to 13/11450 with the two north to south connections linking into the SANG land. There is a further link running east to west between the land shown for employment and residential.
- 7.31 Whilst the Concept Masterplan is indicative at this stage, it is part of the Development Plan and shows the clear direction of travel for the delivery of this allocation. **As such it can be concluded there is no specific policy requirement in the current Development Plan which requires this link.**
- 7.32 Additionally, the Concept Masterplan highlights that the land subject of these conditions is shown as purple on the masterplan and is identified for employment uses. An extract is provided below;



- 7.33 Aside from the legal ability to deliver the path on land outside of the applicants control and the lack of detailed planning permission, to provide this path at this stage could be argued to conflict with the current development plan. This would result from a path being installed which effectively could predetermine the layout of the employment land through sterilising the area with path. This is aside from being able to achieve HCC consent to build the path on their land affecting their allocation delivery.
- 7.34 Even in the event that a path was built, in theory, not only would it fail to actually connect to Christchurch Road, but it would also most likely require any such path to be removed to facilitate the delivery of the allocated employment land. This would then cause a breach of condition 21 which required the link to be maintained in place going forward.

*“No dwellings to the south of the Castleman Trail shall be occupied until such time as the continuous pedestrian / cycle link between these dwellings and the western boundary of the RING 3 land/eastern boundary of the RING1 land has been completed to the satisfaction of the County Council and made available for use. This pedestrian / cycle connection must remain available for use at all times.” (our emphasis)*

- 7.35 As stated above, there is no ability of the applicant being able to secure this path in perpetuity on land it does not control and when considered in light of the current Development Plan position. All of which return to the point that the conditions seek the provision of a path which is undeliverable and does not achieve any useful planning function at this point in time.
- 7.36 Furthermore, the Development Plan has moved on since the grant of the outline planning permission 13/11450. The new allocation provides for the comprehensive allocation of the remaining land adjoining the Vistry site. This will deliver a range of connections linking to the wider area which will far and exceed that envisaged in this outline. The links providing access for the residents of this completed site can be and are arguably best served by the comprehensive masterplan delivery of this area. **Therefore, the requirements of this condition, are in essence, superseded by the new allocation but the objective of improving connectivity remain deliverable through the Development Plan, not via these conditions.**
- 7.37 The above has set out the various arguments for the deletion of conditions 20 and 21 from the planning permission. The next section will provide an overall summary of these points.

## Conclusion

- 8.1 The first stage of the consideration was an assessment of the condition wording and clarifying what the intention of the condition was intended to be at the time of granting the outline planning permission.
- 8.2 The requirements of these conditions were to deliver a pedestrian/cycle link though from the Central Plot to Christchurch Road in the west. This is on land which did not form part of the outline application site and only small sections of the land required was included in the blue line extent of the application. The connection point up to Christchurch Road remained in third party control, outside the control of the applicant. **The link is undeliverable.**
- 8.3 The second stage was considering the condition wording in line with the guidance with the NPPG and associated guidance. The condition wording fails to comply with the reasonable test enshrined in the NPPG and the cross referenced Circular 11/95 as the condition requirements itself are unreasonable but certainly that the enforcement of this condition could be levied on the 3rd parties which own the land linking to Christchurch Road, none of which are the applicants or beneficiaries of the planning permission. **The condition wording therefore fails the reasonable tests in the NPPG (and Circular 11/95) and the requirements are undeliverable.**
- 8.4 The full wording of condition 20 and 21 require a connection up to Christchurch Road that is entirely on third party land and not forming part of the application in any way. **The condition wording therefore fails the enforceability tests in the NPPG (and Circular 11/95).**
- 8.5 **The compliance of this condition would therefore be reliant upon a separate planning permission** as not all of the works required by the condition would have the benefit of planning permission within the red line or even the blue line.
- 8.6 It is therefore considered that the **conditions are unlawful** and serve no functional or deliverable planning function and should be deleted from the planning permission.
- 8.7 Additionally, it is also considered that the **delivery of this link can be achieved through the subsequent allocation of the adjoining land** in the more recently adopted Local Plan Part 1 2016-2036 adopted in July 2020.
- 8.8 Moreover, it considered that there are multiple grounds for the deletion of condition 20 and 21 from the planning permission.



**Appendix One – Outline Planning Permission Decision Notice (13/11450)**

**NEW FOREST DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order 2010**

Mr B Sellwood  
Sellwood Planning Ltd  
Stoughton Cross House  
Stoughton Cross  
Wedmore  
Somerset  
BS28 4QP

Application Number: **13/11450**

Applicant: Linden Ltd and Hampshire County Council

Date of Application: 19 November 2013

**THE NEW FOREST DISTRICT COUNCIL** as the Local Planning Authority **GRANTS OUTLINE PLANNING PERMISSION** for the following development:

Development: **Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)**

Site Address: **Land At Crow Arch Lane & Crow Lane, Crow, Ringwood BH24 3DZ**

This decision has been taken in respect of the plans and particulars which were submitted with the application and numbered as follows: PP1180/100-00 Rev P5 and PP1180/100-01 Rev P5

**Subject to the following Conditions:**

1. Approval of the details of the layout, scale, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. At the reserved matters stage the dwellings will be required to achieve the level of the Code of Sustainable Homes applicable on the date of the reserved matters application. No development should commence on site until an interim certificate has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until a final code certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved the required Code Level.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

4. The outline planning permission hereby approved does not imply that the quantum of housing development sought on the site would be approved following submission of the reserved matters.

Reason: The submitted masterplan and plans contained within the Design and Access Statement are illustrative only and have not fully satisfied the Local Planning Authority that 175 dwellings could be accommodated within the site, whilst contributing positively to the character of the area and local distinctiveness, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. Prior to any reserved matters approval, details of the surface water management strategy and scheme shall be submitted to, and agreed in writing by the Local Planning Authority. The strategy and scheme shall be in accordance with the submitted Flood Risk Assessment (Level 3 prepared by RPS and dated November 2013) and shall include details of the development phasing arrangements and provisions. As each development area/phase comes forward full and up-to-date details of the surface water management proposals shall be submitted. The development shall be implemented in accordance with the approved scheme.

Reason: In order to ensure that the drainage arrangements are appropriate and to prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF), Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. Before development commences details of the future maintenance of the drainage system approved under condition 5 above shall be submitted to the Local Planning Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 8 to 11 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition II relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

9. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

12. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with policy CS3 of the Core Strategy for the New Forest District outside the National Park.

13. No development hereby permitted shall commence until plans and particulars showing the detailed proposals for the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting, landscaping (including the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels), the method of disposing of surface water, and details of a programme for the making up of the roads and footways has been submitted to and approved by the Local Planning Authority.

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

14. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details on the on site provision for contractor's parking, construction traffic access, the turning of delivery vehicles, lorry routing, provisions for removing mud from vehicles, and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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

15. No development of the allotments plot south of Crow Arch Lane shall commence until such time as a design for the access route has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The access route shall be implemented in accordance with the details approved and thereafter permanently retained and maintained before the allotments are first used.

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

16. No development hereby permitted shall be occupied until the design of the South Eastern Footpath Link between the Crow Arch Lane S278 works shown in principle on drawing 110048/A/21 and the North Plot's Southern Access shown in principle on drawing 110048/A/15 (Rev. C) within the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway

Authority.

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

17. No development hereby permitted shall be occupied until the South Eastern Footpath Link is provided between the Crow Arch Lane S278 works shown in principle on drawing 110048/A/21 and the North Plot's Southern Access shown in principle on drawing 110048/A/15 (Rev. C) within the site has been constructed and made available for use in accordance with the approved design. The South Eastern Footway Link must remain available for use at all times.

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

18. Details of the improvements to the section of Castleman Trail that falls within the applicant's ownership shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the implementation of this improvement.

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

19. No more than 50% of the development hereby permitted shall be occupied until the section of Castleman Trail that falls within the applicants ownership has been improved and made available for use in accordance with the approved design. This section of Castleman Trail must remain available for use at all times.

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

20. No development of the Central plot shall commence until such time as a design for a pedestrian / cycle connection between the Central plot and Christchurch Road has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

21. No dwellings to the south of the Castleman Trail shall be occupied until such time as the continuous pedestrian / cycle link between these dwellings and the western boundary of the RING 3 land/eastern boundary of the RING1 land has been completed to the satisfaction of the County Council and made available for use. This pedestrian / cycle connection must remain available for use at all times.

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

22. No development of the Central plot shall commence until such time as a design for a pedestrian / cycle connection between the Central plot and the Northern Plot's Southern Access has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

23. No development on the Central plot shall be occupied until such time as a pedestrian / cycle connection between the Central plot and the Northern Plot's Southern Access has been completed and is made available for use. This pedestrian / cycle connection must remain available for use at all times.

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

24. Prior to the commencement of development the recommendations and commitments outlined in Section 2 of the Ecological Survey prepared by RPS and dated October 2013, relating to mitigation and compensation measures in respect of protected species, shall be implemented in accordance with an approved programme of works to be submitted to and be approved in writing by the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

25. At the reserved matters stage, a scheme to control light spillage from the development shall be submitted for approval to the Local Planning Authority. The scheme shall be implemented and permanently maintained in accordance with the details approved.

Reason: To safeguard the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

### **Notes to applicant**

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.
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.
3. If this permission leads to the creation of any new properties or a change to your property's access onto a different street, you should contact Mrs Sally Dobson in the Council's Address Management Section on 023 8028 5588 or e-mail [address.management@nfdc.gov.uk](mailto:address.management@nfdc.gov.uk) regarding the addressing of the property/development.



1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case pre-application discussions took place between the Local Planning Authority, applicants and relevant consultees. The planning application process itself has resulted in preparation and submission of extensive additional documents seeking to justify the proposal in light of comments received from consultees and notified parties. In light of the original submissions and additional information received, the proposal is considered to be acceptable, as submitted.

2. The Environment Agency advise that the surface water drainage scheme for each phase of the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to Greenfield run-off rates and volumes and discharged incrementally for all return periods up to and including the 1 in 100 year storm.

2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection/storage" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

5. Whilst the primary strategy is to discharge to ground there remains the possibility that some attenuation/storage may be required. Any such storage should not be permitted within any area liable to flood during events up to and including the 1% event plus climate change allowance.

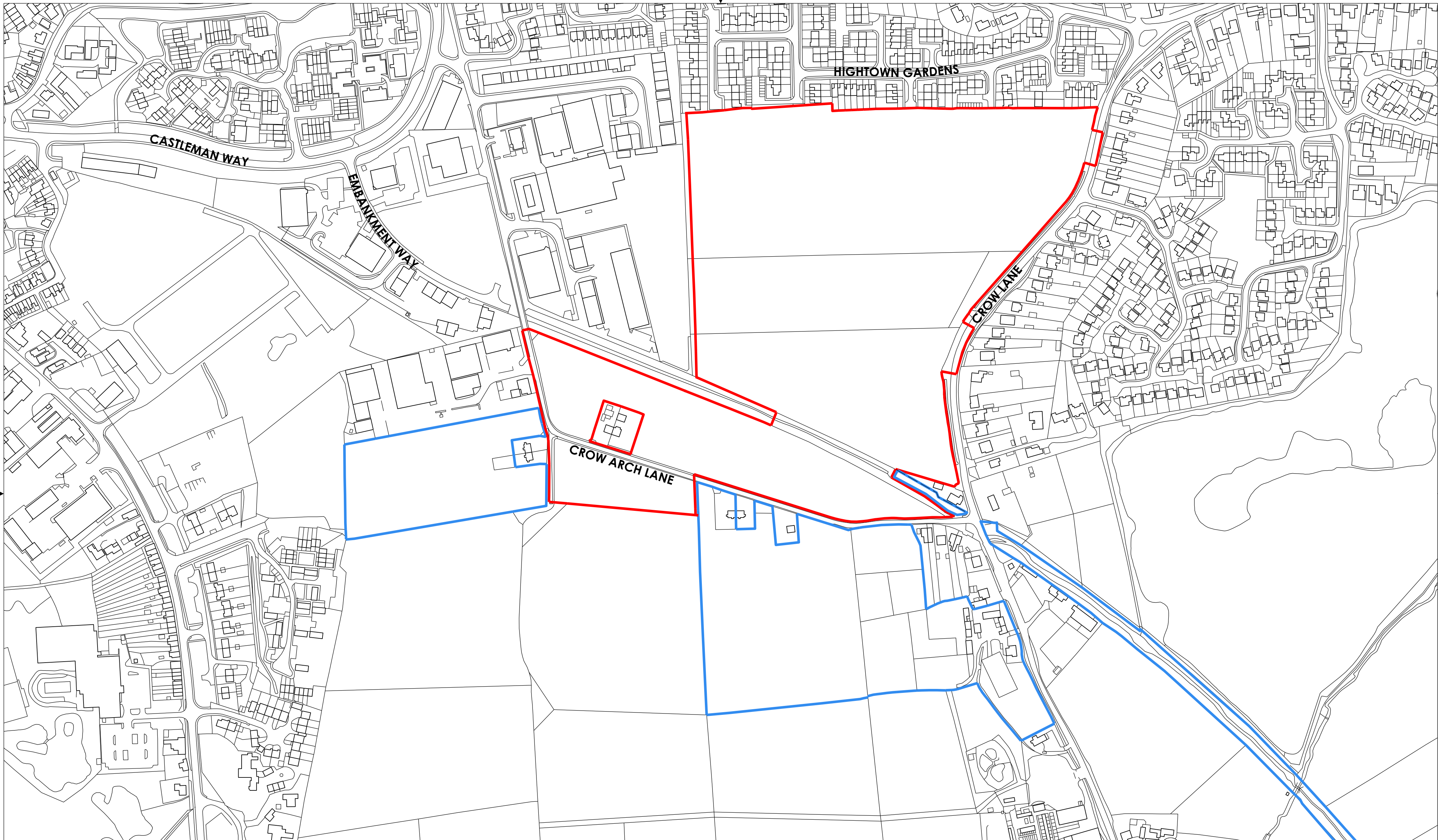
Any works that could affect the flow of the ordinary watercourse (i.e. culverting, in channel works etc) may require the prior written Land Drainage Consent from the Lead Local Flood Authority (in this case Wiltshire Council - contact Danny Everett).

*CJ Elliott*

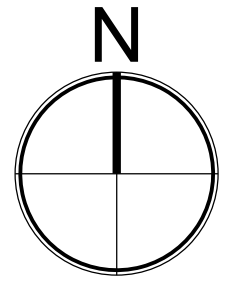
Date: 10 October 2014

C J Elliott  
Head of Planning and Transportation  
Appletree Court  
Beaulieu Road  
Lyndhurst  
Hampshire  
SO43 7PA

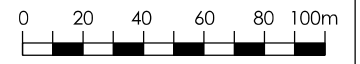
**Appendix Two – Outline Planning Permission Site Location Plan (13/11450)**



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- **THE APPLICATION BOUNDARY**
- **OTHER ADJACENT LAND OWNED BY HAMPSHIRE COUNTY COUNCIL**



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FERRY HOUSE, CANUTE ROAD, SOUTHAMPTON, HAMPSHIRE, SO14 3FJ T: +44 (0)23 80335228 F: +44 (0)23 80632886 E: info@popepriestley.co.uk

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**LAND WEST OF CROW LANE AND ADJACENT TO CROW ARCH LANE RINGROOD**

**APPLICATION BOUNDARY PLAN**

**PRELIMINARY ISSUE**

SCALE: A2 1: 2500	DATE SEPT 2013	AUTHOR MG	CHECK -	DRAWING NO. <b>PP1180/100-00</b>	REVISION <b>P5</b>
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**Appendix Three – Outline Planning Permission Officer Report (13/11450)**

**Application Number: 13/11450** Outline Planning Permission

**Site:** Land at CROW ARCH LANE & CROW LANE, CROW,  
RINGWOOD BH24 3DZ

**Development:** Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)

**Applicant:** Linden Ltd and Hampshire County Council

**Target Date:** 18/02/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Major planning application

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Green Belt  
Housing Reserve Site  
Industry/Business Reserve Site  
River Valley

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS4: Energy and resource use  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS9: Settlement hierarchy  
CS10: The spatial strategy  
CS11: New housing land allocations  
CS15: Affordable housing contribution requirements from developments  
CS18: New provision for industrial and office development and related uses  
CS23: Transport proposals  
CS24: Transport considerations  
CS25: Developers contributions



## **Local Plan**

RW-12: Land west of Crow Lane  
DW-E9: Hedgerows  
DW-E28: Archaeological field assessment

## **Local Plan Part Two**

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane  
DM2b - Provision of Suitable Alternative Natural Green Space  
DM13 - Tourism and visitor facilities

### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Planning Practice Guidance

### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Hampshire County Council's Transport Contributions Policy (Oct 2007)  
Parking Standards SPD (Oct 2012)  
Ringwood Local Distinctiveness SPD  
HCC's Developer Contributions Policy towards Education Facilities (December 2013)  
Council's Draft Habitats Mitigation Strategy SPD

### **6 RELEVANT PLANNING HISTORY**

- 6.1 99/NFDC/65802/OU - Residential development (approximately 100 dwellings), open space & new access on 5.4 ha of land West of Crow Lane, Ringwood - Refused August 1999
- 6.2 NFDC/98/65104/OUT - Residential development (approximately 100 dwellings) open space & new access on 5.4 ha of land West of Crow Lane, Ringwood - Appeal withdrawn November 2000
- 6.3 94/NFDC/54868 Erect 40 dwellings, landscaping, open space & new access on land west of Crow Lane, Ringwood - Refused September 1994
- 6.4 XX/RFR/15253 Residential development with access - Refused August 1972
- 6.5 XX/RFR/14656 Residential development with construction of access - Refused February 1972

### **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council: recommends Permission, subject to the following conditions:

- The development should not worsen the flood risk in the surrounding area, in accordance with Policy CS6.

- The development should not have a detrimental impact on the sewerage system. Any recommendations by Wessex Water for upgrading local sewers and pumping stations should be implemented.
- 50% of the dwellings to be affordable, in accordance with Policy CS15, to be secured by S.106 agreement with no opportunity for negotiation.
- The District Council is requested to review the mix of property type it requires for affordable housing to best meet the needs of Ringwood. More family homes should be provided.
- The findings of the Traffic Assessment should be challenged and account taken of the independent assessment to be provided by A Better Ringwood group.
- Further assessment is needed of the impact of the development on the surrounding road network, to include the highway implications for: Hightown Hill, Moortown Road, Cloughs Road, Manor Road, Junction of Parsonage Barn Lane/Hightown Road, A31 slip road (from Eastfield Lane), Nouale Lane and Milky Down Lane.
- Further assessment is needed on the number of additional trips likely to be generated by the development, with consideration being given to seasonal variations in existing traffic flows.
- Further assessment is needed of the proposed southern access from Crow Lane, with measures taken to avoid the creation of a blind bend.
- Further assessment is needed on the proposed narrowing of Hightown Road, which could have a detrimental impact on pedestrians and cyclists due to large vehicles mounting verges and pavements.
- Consideration should be given to the provision of a bridleway within the development, running parallel with Crow Lane, for the safety of horse riders and cyclists.
- That the option of routing traffic for the industrial units through Endeavour Business Park instead of Crow Lane is investigated, noting that the landowner in question is open to discussion.
- A structural survey of the road bridge in Crow Arch Lane is required to ensure it is able to withstand increased traffic.
- That no right hand turn from Eastfield Lane to the A31 slip is provided
- That the non-residential uses proposed on the site do not have a detrimental impact on the vitality and viability of the town centre, or generate traffic movements unsuited to a residential area.

## 8 COUNCILLOR COMMENTS

None

## 9 CONSULTEE COMMENTS

- 9.1 **Environment Agency** - initial comment was no objection, subject to informatives and planning conditions to address the surface water management strategy for the site and its future maintenance. Having reviewed the letter from RPS (dated 17 March 2014), the winter soakaway testing and the original Flood Risk Assessment (dated November 2013) it is not disputed that soakaways could be a viable option for surface water management. The detailed design of the site drainage will need to be based upon more detailed ground investigation and discreet drainage systems will be needed for each phase. At this stage it would be prudent to utilise the worst case 'available' infiltration testing and groundwater level results (i.e. from the testing conducted this winter) as the design infiltration rate across the whole site. It is advisable to conduct continued testing between now and as the development comes forward through to its conclusion, to ensure any more severe conditions



are captured and design parameters duly amended. Further testing where soakaway proves to be inappropriate, other methods will need to be put forward at the appropriate time. On this basis it is unreasonable to revise the FRA or drainage strategy.

- 9.2 **Council Drainage Section** - The Environment Agency is the lead authority to comment on the suitability of the on-site surface water management proposals. The historical flooding events at Crow Crossroads and areas downstream of the site are acknowledged, though consider the submitted flood risk assessment to be acceptable. No objections are raised to the proposal subject to conditions to address surface water discharge details and future maintenance of site drainage. Specifically; greenfield run-off rate from the site would need to be assessed, infiltration techniques and SUDS features should be varied across the site, pollution from areas such as highways or parking areas intercepted, in areas where surface water is not collected it is to be specified how pluvial water from a heavy downpour will be dealt so as not to cause a local flood, evaluation of any changes in the ground water level during the more severe rainfall events and how maintenance of agreed drainage measures can be carried out for the lifetime of the development.

The testing undertaken in January 2014 consisted of 9 trial pits with water strikes at between 1.9m and 2.5m below ground level in five of them. No water strikes were recorded in the latest survey for the western side of the site where pits of between 2.1m and 2.3m were dug, so the water level is not known at these locations. Water levels should be found to aid the design of soakaways. The original site investigation report stated that all seven window sample boreholes were installed with permanent water monitoring installations. It is queried why the logs for these were not included in the later report. Although the soakage rates are shown to be somewhat reduced under the latest tests the site should still be suitable for soakage but the structures are likely to be larger and flatter because of the water table and therefore a different design.

- 9.3 **Wessex Water** - Wessex Water is sewerage undertaker at this location and water supply is provided by Sembcorp Bournemouth Water. With regard to Foul & Surface Water Drainage separate systems of drainage will be required to serve development proposals. Existing public foul systems in this location drain to Ringwood STW via a number of pumping stations. An engineering appraisal will be required to confirm points of connection and any downstream capacity improvements. Wessex Water is currently working with the developer to agree a strategy for foul water disposal. These include options to attenuate flows or upgrading pumping capacity at Crow Lane SPS to the treatment works. An existing 150mm diameter foul sewer crosses land at the extreme western boundary. Surface water discharges should be made to existing land drainage systems subject to any agreed flood risk measures under the National Planning Policy Framework and Environment Agency requirements. With regard to Sewage Treatment, sufficient headroom capacity is available within the existing discharge consent. Wessex Water are currently reviewing replacement and maintenance of assets at the works. This may include upgrading where necessary.

- 9.4 **Urban Design, Landscape and Open Space Team** - The principle of

development is supported, but some important matters remain to be resolved. At this stage it is not possible to confirm numbers of dwellings or quantum of development that can satisfactorily be accommodated whilst meeting design quality and all other policy requirements. The application does not include a proposed layout, although there is an illustrative masterplan and a supporting Design & Access Statement that makes reference to 175 dwellings. No information has been provided on parking provision. At the point when a detailed layout is drawn up, there will need to be very careful attention given to the balance between parking provision and the provision of green space within the housing layout, to avoid the creation of a hard urban layout and ensure that the character of the development is sensitive to its rural edge context. The full open space requirements (including SANG) should be provided on site, but the proposed 3.8ha total open space is insufficient for the suggested 175 houses of the type indicated, so the number of houses may need to be reduced to satisfy open space policy requirements. Any approval to be subject to conditions as required, and subject to specific reference in the decision confirming that:

- the submitted illustrative masterplan and D&AS are merely illustrative,
- the quantum of development (number of houses) is not agreed, and
- the landscape strategy plan is not agreed and will require further consideration.

9.5 **Environmental Health Section (Contaminated Land)** - The Phase 1 Report complies with the requirements of the NPPF and CLR 11. RPS's Phase 2 report concludes that the site is suitable for residential use, further ground gas monitoring is required to comply with CIRIA C665 and that a discovery strategy should be put in place to identify unanticipated contamination. No objections are raised, subject to imposition of standard contaminated land planning conditions.

9.6 **Environmental Health Section (Pollution)** - There is little information supplied at this stage of the application process on which we are able to comment. We would like to see the detailed plans for the buildings and associated services when they become available.

9.7 **Highways Agency** - No objections

9.8 **Hampshire County Council Highway Engineer** - Following submission of further information in support of the planning application, the concerns previously raised by the Highway Authority have been alleviated. No objections are raised to the development, subject to the applicant entering into a Section 106 Agreement with the Highway Authority to secure a highway contribution of £583,000 towards highway improvements, to provide the access junctions under Section 278 of the Highways Act 1980, to provide the offsite highway works under Section 278 of the Highways Act 1980 and to submit and implement a bonded Full Travel Plan approved by the Highway Authority. Twelve conditions are recommended to ensure detailed proposals for the construction of the roads, footways and accesses, together with details of street lighting, landscaping, paving and surface water disposal, a Construction Traffic Management Plan is prepared and implemented, to ensure appropriate provision of access to the allotments is made and various conditions to ensure adequate pedestrian/cycle connections are made throughout the site, including those parts of the scheme related to improvement of the Castleman Trail. A fuller summary of the Highway Authority's comments

is included in the Highway Implication section below.

- 9.9 **Hampshire County Council Education** - Ringwood is an area of pressure for primary school places which has resulted in Poulner Infant School admitting above its published admission number in recent years. A development of 175 dwellings of two beds or more, would yield 52 primary age pupils, adding to the pressure for places in the area. To reflect this a contribution of £379,275 towards the cost of additional provision should be made. The contribution being sought represents the expected impact from this development on the requirement for additional places and is related to the principles contained in HCC's Developer Contributions Policy towards Education Facilities updated in December 2013. Whilst the development lies in the catchment area of Ringwood Infant and Junior Schools the expected yield of additional pupils is not sufficient to warrant an expansion of these schools. The contribution would, therefore be directed at expansion of Poulner Infant School to provide 90 places per year group, thus providing additional places to meet the expected demand for pupil places from this development. Additional modular teaching accommodation, costing in the region of £100,000 (including installation, rental and removal costs) will be provided at Poulner from September 2014 pending a permanent expansion of the school, planned for 2016. Plans for the permanent expansion have not been finalised but expected costs could be in the region of £800,000. At Junior level it is felt there will be sufficient places available within the local schools to accommodate any additional pupils.
- 9.10 **HCC Archaeologist** - The planning application is supported by an archaeological desk based assessment (DBA), which appears to underestimate the archaeological potential of the site. However, archaeological mitigation is not an overriding issue and it is recommended that an archaeological condition is attached to any planning permission to secure a preliminary archaeological survey, any mitigation and to report arising results.
- 9.11 **Natural England** - No objections as the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the SSSI, SAC, SPA and Ramsar sites are designated, subject to conditions being attached to any permission to ensure the recommendations and commitments set out in the Ecological Assessment and Habitats Regulations Assessment are addressed, prior to development commencing to include:
- Detailed SANGS proposals including walking routes, interpretation and the habitats to be created;
  - Details of hedgerow replacement ensuring no net loss of extent over existing;
  - A lighting strategy/plan which demonstrates that impacts to commuting bats (primarily along hedgerows) will be minimised.
- 9.12 **New Forest National Park Authority** - No objections to the principle of the proposed development, but consider a number of matters require further scrutiny, so lodge a holding objection pending clarification.
- The Transport Assessment does not thoroughly assess the potential impact the proposal could have on the National Park, by way of increased vehicular activity. The development could result in an increase

of vehicular activity, primarily from the A31 across Hightown Hill. Alternative accesses should be considered to limit potential activity across the National Park. The employment area would be better accessed from the existing adjoining industrial estate, via Crow Arch Lane or by extending Embankment Way. The proposed residential areas to the north of the site should be better linked to the existing highway network serving Hightown Gardens;

- This application should not be granted unless the Council is satisfied that it can meet its obligations under the European Habitat Regulations with regard to the adjacent New Forest Natura 2000 sites (approximately 2km to the east of the site at their nearest point). On-site provision of public open space and Suitable Alternative Natural Greenspace (SANG) should be secured;
- 50% of dwellings provided should be affordable and;
- Links should be provided to the proposed cycle route on the Castleman Trailway.

9.13 **Ecologist** - No objection, subject to matters being reserved in respect of detailed design and implementation of open space/SANG provision and wildlife mitigation/compensation measures.

9.14 **Tree Officer** - notes that the proposed access points puncture stretches of hedgerow but do not affect any individual trees which are important to the area's amenity.

9.15 **Housing Development Manager** - No objections. Core Strategy Policy CS15 requires 50% of new residential dwellings within Ringwood to be made available as affordable housing. The application proposes 175 new dwellings and confirms provision of 87 affordable dwellings on-site, of which 70% are required to be for social rent and 30% for intermediate housing. At least 50% of the affordable housing should be family housing. The current proposals meet the requirements of Policy CS15, subject to provision of the affordable dwellings being tied to a Section 106 agreement to ensure delivery of the dwellings to a Registered Provider. The affordable housing must be available in perpetuity and meet the Design and Quality Standards set by the Homes and Community Agency and meet at least Code 4 of the Code for Sustainable Homes. The dwellings must also meet the affordable definition set out in the National Planning Policy Framework.

9.16 **Crime Prevention Design Advisor** - No objection

## 10 REPRESENTATIONS RECEIVED

10.1 176 pieces of correspondence have been received from notified parties. Four in support, 40 offering comments and 132 objecting to the proposal on the following grounds:

- Development of the density and height proposed would be detrimental to the character and distinctiveness of the area;
- Overdevelopment of site;
- It is inappropriate to develop this greenfield site;
- The site should be retained for agricultural or equestrian use;
- The proposal would exacerbate local service problems associated with school places and medical service provision;
- Existing infrastructure such as sewerage and drainage could not accommodate the proposal;

- Exacerbation of localised flooding problems;
- There is no road access to the development under flood conditions. Any permission should be subject to funding of up to £50k to alleviate highway flooding problems and facilitate access to the development.
- The proposal would lead to a reduction in highway safety for road users and pedestrians;
- Inadequate parking provision;
- Inadequate pavements and excessive walking distance from facilities.
- Inadequate transport links to local schools;
- Exacerbation of traffic congestion on local roads at peak periods;
- Inconvenience caused by highways mitigation works, particularly the proposed alteration to the A31 Slip Road
- Alternative access to the employment site should be sought, instead of the 7.5 tonne restricted roads, as proposed
- The 7.5t limit on Crow Lane will restrict operational capability of the industrial area and thus job creation.
- Clarification is sought that the path from Ringwood Industrial Estate through Crow to North Kingston would not be affected;
- Doubts are expressed that the affordable housing will be delivered;
- Increased light pollution;
- The non-residential (hotel, pub and retail) aspects of the proposal are considered inappropriate; Detriment to the town centre retail/commercial offer, as the proposed hotel, restaurant and shops will take much needed visitors away.. One small convenience store (under 200sqm) would be of benefit and would reduce the number of vehicle movements without affecting the town centre.
- Affordable housing should be orientated more towards family housing (3 to 4 bed units)
- Affordable housing should be made available to Ringwood residents first
- Detriment to wildlife and protected habitats
- A bridleway should be provided within the site along the line of Crow Lane
- Loss of privacy;
- Alternative housing allocations should be brought forward prior to this site
- Inadequate open space arrangements
- The dual role of HCC as applicant and Highway Authority is queried

Support for the proposal is based on the following:

- Provision of affordable housing;
- Provision of additional employment opportunities;
- The proposal offers an opportunity to enhance public transport and non-motorised transport facilities within the town
- The children's nursery would be a useful local facility

10.2 A Better Ringwood: a 15 page document has been submitted by a firm of Solicitors on behalf of this community group. Whilst it is stated that the Group would like to support an application for development on this site and that they acknowledge that the site is allocated for up to 150 dwellings and employment uses, due to the nature of the proposals within the outline application, the group feels that they must raise objections. The Executive Summary of the report sets out the reasons why they consider that the proposals fail the National Planning Policy Framework sustainability policies and relevant local plan policies as follows:

- Adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk (para 94, NPPF).

The Environment Agency has requested that Linden Homes provide a new Flood Risk Assessment.

There is no road access to the development under flood conditions. A flood action committee has been set up by Ringwood Town Council to resolve the existing problem. A Better Ringwood would like to see as condition of any grant of permission that funding of up to £50k be secured and provided by either the Council or the developer to facilitate access to the development.

- Building a strong, competitive economy (paras 18 – 22, NPPF)

7.5t limit on Crow Lane will severely restrict operational capability of the industrial area and thus job creation.

- Ensuring the vitality of town centres (paras 23 – 27, NPPF)

The proposals fail the sequential test of development as highlighted in these paragraphs. The proposed hotel, restaurant and shops will take much needed visitors away from Ringwood town centre. One small convenience store (A1 – not more than 200sqm) would be of benefit to the development and would reduce the number of vehicle movements without affecting the town centre. More shops and/or a single shop greater than 200sqm will be to the detriment of the town centre

- Promoting sustainable transport (paras 29 – 41, NPPF)

Inadequate pavements and excessive walking distance from facilities. The bus service serving the development is inadequate and children will be taken by car to Poulner school.

- NFDC Affordable Housing Policy

The proposals meet 50% in number of affordable houses (mostly 1 or 2 bedrooms), but not as required by this policy 50% of family houses (mostly 3 or 4 bedroom houses). In addition, a full needs analysis has not been prepared for Ringwood as to the split between shared equity homes and rental. Furthermore, data relied upon by Linden Homes is factually incorrect and therefore the viability assessments produced by them are fatally flawed.

## **11 CRIME & DISORDER IMPLICATIONS**

The Police have made no comment at this stage, but subject to approval, reserve the right to comment at reserved matters stage. They recommend the applicant engage in consultation with their Crime Prevention Design Advisor at the earliest time in order to maximise opportunities to 'design out crime'.

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £201,600 in each of the following six years from the dwellings' completion, and as a result, a total of £1,209,600 in government grant under the

New Homes Bonus will be received. New Forest District Council currently does not have an adopted CIL scheme.

### **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case pre-application discussions took place between the Local Planning Authority, applicants and relevant consultees. The planning application process itself has resulted in preparation and submission of extensive additional documents seeking to justify the proposal in light of comments received from consultees and notified parties. In light of the original submissions and additional information received, the proposal is considered to be acceptable, as submitted.

### **14 ASSESSMENT**

#### **14.1 Introduction**

14.1.1 The site is located on a greenfield site, currently in agricultural use to the south of Ringwood, west of Crow Lane and north of Crow Arch Lane. To the north it is bound by existing residential development (Hightown Gardens). To the east it is bound by the line of Crow Lane, with residential development beyond. To the south it is bound by the line of Crow Arch Lane, with sporadic residential development present. To the west it is bound predominantly by existing employment sites known as Endeavour Business Park, Hightown Industrial Estate and Crow Arch Lane Industrial Estate. The site is allocated by Policy RING3 of the

emerging Development Plan Document for up to 150 dwellings (50% affordable), up to 5 hectares of employment land and a minimum of 3.4 hectares of public open space. Much of the proposal site has been allocated for mixed use purposes since 2005 by the Local Plan.

- 14.1.2 The application is made in outline, with details of access only to be determined at this stage. A reserved matters application would determine the matters of detail at a later stage, should the outline application be approved. The outline application proposes a mixed development of up to 175 dwellings, small employment uses (Classes B1 & B2); nursing home (Class C2); child nursery (Class D1); hotel / pub / restaurant (Class C1); fitness centre (Class D2); retail / professional services / restaurant (Class A1/ A2/ A3); open space areas; allotments; estate roads; footpaths; cycle ways; foul & surface water infrastructure. A land use plan forms part of the submission, which shows two areas of residential development to the north east and south west of the site, accessed from Crow Lane and Crow Arch Lane respectively. The larger residential area would be accessed from two new points of access from Crow Lane, the smaller residential area would be accessed from Crow Arch Lane. A 1.5 hectare area of employment/commercial land uses would be located on the western boundary of the site, adjoining the existing Endeavour Business Park employment site, with access off Crow Lane. Areas of public open space, totalling 3.8 hectares, are indicated throughout the site and would provide children's equipped playspace, informal open space and SANGS habitat mitigation (Suitable Alternative Natural Green Space). The largest area of open space would be concentrated to the south east of the site linking into the Castleman Trail and would predominantly provide a SANGS facility. Fifteen allotments, access and parking would be provided to the extreme south west of the site, on the south side of Crow Arch Lane.
- 14.1.3 More detailed, illustrative plans are submitted within the Design and Access Statement seeking to demonstrate that the scale of development proposed could be achieved within the confines of the site. Justification for the proposal is also sought through submission of other documents including: a Planning Statement, Transport Assessment, Landscape and Visual Impact Assessment, Ecological Assessment, Ground Conditions Assessment, Habitat Regulations Assessment, Air Quality Assessment, Flood Risk Assessment, Archaeological Assessment, Tree Survey and Statement of Community Involvement. The relevant consultees have been notified of the application and their comments, based on the submitted documentation, will inform the outcome of the application and are summarised in Section 9 of this report.

## 14.2 **The Principle of Development**

- 14.2.1 Core Strategy Policy CS11 applies to this proposal, which requires new housing development of around 150 dwellings in Ringwood during the plan period. In accordance with CS11, Policy RING3 of the emerging local plan part 2: Sites and Development Management specifically allocates this site for a mixed use development of around 150 dwellings, employment development and open space. The illustrative plans submitted with the application seek to demonstrate that 175 dwellings could be accommodated on the site, which is assessed in more detail below. There are some proposed changes to Policy RING3 relating to mitigation of impacts on international designations and provision of a Site of Alternative Natural Green Space (SANGS), but generally this policy should be accorded significant weight given the advanced stage



of the Plan. Some of the site itself is also currently allocated as a land reserve under policy RW-12 of the Local Plan First Alteration. However, this policy is outdated and its requirements are superseded by RING3.

- 14.2.2 Core Strategy Policy CS9 identifies Ringwood as a large town and therefore the most sustainable tier of settlement for development.
- 14.2.3 Core Strategy Policy CS18 (iii) requires the provision of around 5 hectares of new industrial and office development in Ringwood. Policy RING3 of the emerging Local Plan Part 2 specifically requires that these 5 hectares is provided as part of this allocation. This application allows for 3.34 hectares of new employment space, which in addition to traditional B uses also includes a hotel and leisure facility. This is less than RING3 specifies, but the application does not cover the whole of the allocation site. It is anticipated that the remaining part of the allocation will provide further employment development and so the level of employment land provided in this application is considered acceptable.
- 14.2.4 In light of the site's allocated status for housing and employment uses and the provisions of the policies highlighted above, the principle of the proposed development is acceptable.

### 14.3 **Design Issues**

- 14.3.1 The application leaves design as a reserved matter but the Design and Access Statement is important in determining the proposal. Design issues that will be resolved in more detail later are explained here, but final designs would follow the statement fairly closely. While there are many aspects suggestive of good quality contained in this design statement, there are six aspects that need further consideration, which will need to be addressed at the reserved matters stage as follows:
- 14.3.2 Impact on the character and local distinctiveness of the nearby lanes  
Issues regarding traffic will certainly impact upon character and quality of the surrounding lanes and streets and only limited information is provided on this. Alterations are necessary in order to facilitate the additional traffic generated by this proposal. Typically, this will mean additional signage, hardening and suburbanising of junctions, removal of vegetation to facilitate sight lines and possibly traffic calming and gateway features. All of these will need to be sympathetically designed to ensure that there are no unacceptable impacts on local character. Highway matters cannot be dealt with in isolation from matters of environmental design and character and fuller details will be expected of the reserved matters submission.
- 14.3.3 Intensity of building  
Much of the concept suggests streets which would be contained by buildings. To the north, the layout is typical of the grouping of buildings on Hightown Gardens but may not necessarily reflect the containment inherent in the bungalow development of a significant part of that area so that the proposed streets may appear to be far more built up. To the south east the proposed development pattern reflects and integrates with the building density and patterns of the existing east side of Crow Lane. The central area of the site is identified as being higher density with car parking placed inside the block. This is not characteristic of the locality and makes for a more urban part of the layout than might be expected this close to the rural edge.

#### 14.3.4 Building height

Building height is referred to by way of maximums. Three areas of the concept masterplan cause some minor concern, being:

- Adjacent to Hightown Gardens, where transition between streets with a high proportion of bungalow dwellings would be expected;
- The area either side of the existing cottages on Crow Arch Lane, where proposed heights should be referred to in terms of relationships between buildings so that when working up detailed designs there can be scope for both 1½ and 2 storey dwellings where appropriate.
- The central area is a fairly large area where buildings might be 2½ storeys. The suggestion that employment buildings might be of *large scale causes concern*. The local distinctiveness SPD guides business park design, highlighting the issues of size and roof heights being at odds with the town's roofscape and valley landscape locally, at Endeavour Park and Hightown Industrial Estate. New employment uses in this area should avoid adding to this impact and take influence from the Headlands Business Park. This scheme should not further damage the townscape. Impact upon the rural edge will be a sensitive issue and whilst it may be softened by tree planting, scale and especially height has the potential to create problem here.

#### 14.3.5 Car Parking

The majority of the masterplan appears to show either on-street parking as part of some rather tight street designs or in the case of the higher density central areas some rear parking courts. The Local Distinctiveness SPD explains that such parking design depletes the value of rear gardens which collectively would otherwise be more valuable than the sum of their parts. More detail would be required at the Reserved Matters stage to ensure that all car parking is identified to ensure that it will be adequate without impinging upon areas intended for green amenity.

#### 14.3.6 Garden Space and setting for buildings

Spaces between buildings are as vital as the buildings themselves in setting the character of an area and the issue is explored in the housing design density and character SPD and the Ringwood Local Distinctiveness SPD. Cumulative garden groups within blocks should be large enough to offer the potential for trees and planting to be seen between buildings and to punctuate the skyline over rooftops. The proposal provides some communal spaces that will offer this. Within the demonstration area diagrams, some minimum distances have been annotated. However, the cumulative garden groups and minimum depths of gardens has not been described or set in the concept and there remains every chance that intrusion through car parking, depth of some buildings or tight divisions between buildings may result in some very small gardens and/or some areas which do not work as cumulative tranquil garden areas and some streets that would not be as green as they are portrayed.

#### 14.3.7 Landscape Strategy

The intentions in principle for this area are fairly well explored. However, the landscape strategy is not in tune with the overall strategy for design and layout and would not support local distinctiveness. The layout offers

some division of the broad open space whereas retaining the sense of broad openness of landscape and sky is identified as being an important characteristic of the area. Too much in the way of tree groups and woodland edge type planting is shown which would alter the character of the landscape character considerably. This is exacerbated by contriving a circulation route which is superimposed upon the land as though the former railway route did not exist as a pathway.

14.3.8 The introduction of spaces and green routes within the built up layout was intended to offer some tree punctuation at rooftop level. Oaks are characteristic of the area and are to be omitted from the main built-up section in favour of some species that will appear unusual in the area. The woodland/shrub planting is too deep in many areas, often close to the built up parts of the site. This sort of planting is often associated with the screening and buffering the effects of built form. By using planting in this way the layout creates divisions, blocks natural surveillance and creates potentially insecure areas unnecessarily. Planting and building design needs to work together on rural edges like this and there should certainly be no buildings which are so poor as to need screening.

14.3.9 The applicant has submitted a Landscape and Visual Assessment (LVIA). The methodology chosen follows current LVIA guidance. The LVIA notes that 'since the detailed architectural and landscape treatment is to be a reserved matter, the assessment was based on the masterplan provided and a number of assumptions. As a result of the need to use assumptions, there are some places in the report where accurate assessment has been more difficult, which is understandable given the lack of detail available. As a result of this, the assessment is only able to go part way towards assessing the landscape and visual impacts of this development.

#### 14.3.10 Design Conclusions

The housing layout illustrated by the concept masterplan and demonstration areas might work well provided that the final designs are of high quality and provided the expectation of users is for a relatively urban lifestyle. With some concessions to local distinctiveness, it should be recognised that the intensity of development will provide a markedly different character from that of the locality across much of the centre of the site. However, the D&AS makes a strong case for creating a new sense of place within the built up layout, though if the Council is to accept this, attention to detail and high quality innovative design will be paramount in any later submission. The proposal would undoubtedly show some improvement to the rural edge, but also leaves some potential detractors. There remain important issues regarding the contribution that garden spaces and the design of trees and tree groups should offer to the area and the character of the lanes is not properly explored. Whilst the D&AS has not demonstrated that a particular amount of development (175 dwellings) is appropriate, subject to the concerns highlighted above being addressed through the reserved matters, the illustrative concept plans are generally acceptable.

#### 14.4 **Flood Risk**

14.4.1 Many representations received from notified parties remark on localised flooding problems, particularly following recent heavy and prolonged rainfall events and that the proposed development will exacerbate

flooding problems.

- 14.4.2 The Council's Drainage Section is aware of historical flooding over several decades at Crow Crossroads and other areas downstream of the site. A number of balancing ponds have been built at Crow to reduce flooding at this location and downstream. Also, an overflow pipeline was laid from the ponds area along Moortown Lane to Hampshire Hatches to reduce the incidence of flooding in Moortown Lane and Green Lane. Historical highway flooding in this area has been so severe that Green Lane has sometimes remained impassable to its residents. Further down the system near North Kingston, another weir/overflow pipe was built to remove water from the watercourse in an effort to reduce flooding downstream. Surface water flooding of the highway from the watercourse still occurs as does flooding of Crow Lane near the road junction upstream of the site.
- 14.4.3 Due to the size of the site the Environment Agency is the lead authority to comment on the suitability of the on-site surface water management proposals. However, since the site is considered to fall within fluvial Flood Zone 1 (as defined by Government under the NPPF) they make no comment regarding fluvial flood risk.
- 14.4.4 The Environment Agency recommend conditions to ensure that the principles of the agreed Flood Risk Assessment (FRA) with respect of the surface water management are delivered as the development comes forward. It is important that sufficient attenuation/storage is provided for each development area/phase. This should be clearly demonstrated in any reserved matters application(s) via a bespoke updated FRA/drainage strategy reports which shows the detailed design and provisions for each area/phase. Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the submitted FRA to allow us to recommend approval for any detailed layout proposals.
- 14.4.5 The Agency is aware that there is an element of flood risk within the site which is associated with the existing site surface water runoff and the ordinary watercourse running along the eastern site boundary. The floodplain of this watercourse is not mapped by the Environment Agency since this is an ordinary watercourse with a catchment less than 3km<sup>2</sup>, but the floodplain appears to have been modelled by the FRA consultant. The Agency is aware of public concern over localised flood risk issues and advise the Local Planning Authority to consult their drainage engineers who should be the authority to comment on the local and ordinary watercourse flood risk issues. They also recommend that the hydrology and hydraulic model conducted by RPS, and any future associated site layouts and channel designs (and maintenance) be reviewed by the Local Authority drainage engineers.
- 14.4.6 With regard to the surface water management for the proposed development, the Agency confirm that the FRA contains a sufficient level of site investigation, assessment and consideration of design standards required at this stage to demonstrate scheme feasibility. The Agency do not dispute that soakaways could be a viable option for surface water management. If appropriately designed, constructed and maintained over the lifetime of the development, the scheme should not increase flood risk elsewhere under the requirements of the NPPF. We therefore recommend that the detailed surface water management

design can be dealt with by planning condition.

- 14.4.7 The proposed site is generally flat and the Council's Drainage Engineer notes that a day after heavy rain, although there was considerable ponding on fields south of Crow Crossroads, there was no ponding of the site except at an access point between fields. Currently the rate of flow to the Crow Lane watercourse is likely to be small following a rainstorm, and from only part of the site. Due to the sensitivity of this watercourse, the greenfield run-off rate from that part of the site draining to it would need to be assessed very carefully to ensure that it will not increase the downstream flood risk, if a controlled flow was to be discharged to the watercourse from the new development. There is a public surface water sewer just beyond the western end of the Crow Arch Lane site and any surface water discharged to this sewer would need to be balanced as this sewer eventually discharges to a tributary of the River Avon which has also suffered substantial flooding.
- 14.4.8 The infiltration techniques and SUDS features should be varied across the site and not all channelled directly to one containing / filtration area at the lowest part of the site. Pollution from areas such as highways or parking areas will need to go through at least one cleaning stage before discharging to any drainage receptor.
- 14.4.9 The site is at risk of pluvial flooding. If there are areas where surface water is not specifically collected it is to be specified how pluvial water from a heavy downpour will be dealt with so as not to cause a local flood risk. The site also has a moderately high vulnerability to ground water flooding. The applicant will need to investigate this and carry out a suitable evaluation of any changes in the ground water level during the more severe rainfall events such as those occurring this winter. The monitoring of the water table should be undertaken at sufficient suitable locations in the site to show that the soakaways are not likely to be impeded as they must work satisfactorily for the lifetime of the development.
- 14.4.10 The testing undertaken in January 2014 consisted of 9 trial pits with water strikes in five of them. No water strikes were recorded in the latest survey for the western side of the site, so the water level is not known at these locations. The original site investigation report stated that all seven window sample boreholes were installed with permanent water monitoring installations and the Council's Drainage Engineer queries why the logs for these were not included in the later report. Whilst soakage rates are shown to be somewhat reduced under the latest tests the site should still be suitable for soakage.
- 14.4.11 The micro drainage method of designing the soakaways with a 1 in 100 year storm plus 30% climate change and a safety factor of 2 is acceptable. If the ground permeability proves suitable then soakage to the ground is the preferred solution. The areas used for the calculations will also need to include a percentage for urban creep such as additional garages, conservatories etc. built throughout the lifetime of the development. The applicant should also carry out an assessment to determine if the use of soakaways throughout the site is likely to cause any other flooding or water level issues.
- 14.4.12 The owner of the land adjacent to a watercourse has riparian responsibilities for its maintenance even if it is between the boundary

and the highway. The flood risk mitigation measures regarding the watercourse along the eastern side of the site is noted. Any proposed work will require the approval of Hampshire County Council the Lead Local Flood Authority for the area. The full onsite soakaway test details will need to be provided along with the detailed drawings showing how maintenance can be carried out for the lifetime of the development.

14.4.13 Wessex Water is sewerage undertaker at this location and would require foul and surface water drainage to be on separate systems of drainage. Existing public foul systems in this location drain to Ringwood Sewage Treatment Works via a number of pumping stations. An engineering appraisal will be required to confirm points of connection and any downstream capacity improvements and Wessex Water is currently working with the developer to agree a strategy for foul water disposal. These include options to attenuate flows or upgrading pumping capacity at Crow Lane Sewage Pumping Station to the treatment works. An existing 150mm diameter foul sewer crosses land at the extreme western boundary. 14. Wessex Water confirm that sufficient headroom capacity is available within the existing discharge consent, though they are currently reviewing replacement and maintenance of assets at the works, including upgrading where necessary.

14.4.14 There is clear evidence of flooding problems on roads in the vicinity of the site. A local Flood Action Group has been set up to identify and then implement an action plan to improve the situation. Flooding has created circumstances this winter where there would be no vehicular access to the application site. While the development would not make this flooding any worse, alleviating these problems, which can prevent access to the application site can be viewed as necessary and directly related to the development. The applicant has agreed to the direction of a sum from the transport contribution up to a maximum of £50,000 to be spent on these drainage works to be included in the draft S106 agreement.

#### 14.5 **Open Space**

Core Strategy Policy CS7 requires a development to provide new open space at the equivalent of 3.5ha per 1,000 population with a mixture of both informal and formal open space. The application site appears to demonstrate this ratio, based on 175 dwellings, although the details of how the informal and formal spaces are to be laid out have not been provided. The proposals also include a suitable area for the provision of new allotments in line with Policy RING3.

14.5.2 The Landscape Strategy shows a good general approach to the positioning of the different types of proposed Public Open Space (POS). It shows how smaller areas of Informal POS, incorporating play facilities can be accommodated within the new built up area, whilst the main informal and formal POS will be laid out in the south-eastern corner of the site, providing a soft edge to the development and a more rural character for users of the new POS/Site of Alternative Natural Green Space (SANG) area.

14.5.3 The route of the old railway line through the site is indicated on the illustrative layout, as being retained. However the relationship between this and the other paths proposed within the POS/SANG requires further consideration.

- 14.5.4 Full details of the Public Open Spaces have not been provided at this stage and further clarification will be required in respect of play provision, including the functions and roles of the different play spaces, the relationships between them, and the type of equipment and features to be provided, which might take the form of a play strategy. Careful design of all POS is required to ensure that it can fulfil its recreational and SANGS roles whilst enhancing the landscape character and views in and out of the development. A commuted sum related to the play provision will be required.
- 14.5.5 The application proposes a total of 3.8 ha of open space (POS + SANG). This is insufficient based on the proposed 175 dwellings of the types indicated by the Design and Access Statement. The Council's Open Space Team consider that 175 houses of the types indicated would result in a shortfall of around 0.5 – 0.9 ha. Based on proposed bedroom numbers, 3.8 ha of POS would be sufficient for provision of 453 bedrooms on site. In light of this, and following negotiations with the applicant, if the reserved matters result in more than 453 bedrooms being provided, additional SANGS will be provided through one or more of the following mechanisms; the provision of an off-site SANGS contribution in accordance with the adopted SPD; the provision of additional on-site SANGS and/or the provision of SANGS on adjoining land.
- 14.5.6 Timing of implementation is an important consideration. Account must be taken of the requirements of the Habitats Regulations which state that the SANGS element (or an agreed portion of it) of the POS needs to be provided before the first dwelling is occupied, which will be a requirement of the Section 106 agreement. Provision for ongoing maintenance will be an essential requirement for the development. Full details of the maintenance requirements will be calculated once areas of POS are agreed and finalised. The play provision and equipment will require an additional specific maintenance allowance, again to be calculated once details of the play areas have been agreed. The SANG and POS will be transferred to NFDC, to be enshrined within the terms of the Section Agreement, along with the requisite maintenance sums. Under a similar provision, fully operational allotments are likely to be transferred to the Ringwood Town Council.

#### 14.6 **Habitat Mitigation and Ecological Impacts**

- 14.6.1 The application site is within approximately 550m of habitats which form part of the Avon Valley (Bicton – Christchurch) Site of Special Scientific Interest (SSSI) and River Avon System SSSI. These SSSI are part of the River Avon Special Area of Conservation (SAC), Avon Valley Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The application site is also within approximately 1km of The New Forest SSSI, and 1.6km from the New Forest SAC, SPA and Ramsar sites.
- 14.6.1 Natural England raises no objections to the proposal, subject to conditions, including that the proposal is implemented in accordance with an approved SANG, to ensure the provisions of the Habitat Regulations are met. The Council's Ecologist notes the policy background and that provision of greenspace is close to that required by current and draft policy. The relatively high numbers of dwellings are in close proximity to the New Forest SPA and delivery of effective mitigation is required to ensure adverse effects are avoided. The accompanying information to



support Habitat Regulations Assessment is appropriate and acknowledges the likelihood of adverse effects.

- 14.6.3 Emerging policy DM2b of the Local Plan part 2: Sites and Development Management requires a development of over 50 dwellings to provide Suitable Alternative Natural Green Space (SANGS) on or close to site. SANGS should be provided at a ratio of 8ha per 1,000 population, although the 2ha of informal open space required under CS7 can also be considered as part of this 8ha. Whether the required level of SANGS is provided would be dependent on the eventual number of dwellings that come forward on the site. It is considered that 3.8 ha of POS is adequate to meet up to a maximum of 155 dwellings on site, anything over that figure would be subject to a payment of £4,050 per dwelling, to meet the requirements of the Habitats Regulations. An agreed portion of the SANGS must be provided prior to the first dwelling being occupied. Also under policy DM2b, a contribution of £50 per dwelling will be required towards monitoring the impacts of new development in the plan area as set out in the Council's Draft Mitigation Strategy SPD.
- 14.6.4 In light of the above the proposals related to ecological interests and for habitat mitigation are considered to be acceptable.

#### 14.7 **Highway Implications**

- 14.7.1 The transport implications associated with a development of the type and scale proposed are an important consideration in determining the application, to be assessed against the provisions of Policy CS24 of the Core Strategy. The application is accompanied by a transport assessment, which seeks to demonstrate the surrounding highway network can accommodate the level of development proposed. The transport assessment has been re-visited and reviewed following consultation responses received and in light of an independent transport assessment submitted by the Better Ringwood Group. The applicant's highway consultant (Vectos) responded directly to the highway concerns raised by the National Park Authority and a Better Ringwood Group in responses dated February 2014. The County Highway Authority and Highways Agency were made aware of highway related concerns and their comments on the proposal are summarised in the Consultee Response Section above and form the basis for the following section.
- 14.7.2 **Access Junctions**  
Following a request for further speed surveys in the vicinity of the proposed Crow Lane (North) and Crow Arch Lane (North) access point, additional speed survey data was collected and presented. The recorded speeds are below those previously used to inform the visibility splays achievable at the proposed junctions in these locations and the Highway Authority confirm the visibility splays shown on the submitted drawings meet the required standard set out in Manual for Streets.
- 14.7.3 Dropped kerbs and tactile paving to facilitate pedestrians crossing Crow Lane, are identified on the submitted drawings and will be supplemented with adjacent facilities. The Highway Authority is satisfied that this can be addressed during the design checking process.
- 14.7.4 With regard to the Southern Plot - Unmettled Track Access (Allotments), the applicant has provided no further details regarding ownership or improvements. Should the application be approved the Highway Authority is content that the provision of a suitable access could be secured through condition.

#### 14.7.5 Accessibility of the Site

All local facilities are beyond 500m of the development site; two convenience stores are located within 1000m and all other facilities are beyond this distance. The applicant would provide pedestrian improvements to ensure that the development does not overly rely on the private vehicle and consequently the Highway Authority does not consider the proposals to conflict with national planning policy for the Northern plot of the development (area north of the Castleman Trail). However, the Central plot (bordered by the Castleman Trail to the north and Crow Arch Lane to the south and west) is not acceptable for pedestrians. Whilst a route via the Northern plot (before connecting to existing footways towards the town centre) is possible, it is convoluted. Consequently, residents travelling on foot from the Central plot may route via Crow Arch Lane north towards Castleman Way. The section of Crow Arch Lane between the proposed site access and Hightown Industrial Estate has no footway provision and forward visibility is restricted by the approach gradients of the disused railway bridge. The Highway Authority considers this route to be unsuitable, but an alternative route has been identified to Christchurch Road using land within the applicant's control, to be secured by condition and delivered prior to occupation of the Central plot.

14.7.6 The applicant has provided further information regarding a proposed mitigation scheme on Hightown Road to better facilitate walk/cycle accessibility to Ringwood Infant School and the town centre. The highway works proposed are deemed acceptable by the Highway Authority.

14.7.7 The applicant has demonstrated that a range of facilities are located within 5kms of the proposed development. The facilities north of the A31 and east of the A338 will require cyclists to route via the A31 Slip Road/Eastfield junction and proposals to mitigate the existing road safety issue at this junction will also need to facilitate cyclists. The Highway Authority considers the development site's accessibility to facilities is acceptable, subject to conditions to ensure pedestrian and cyclist enhancements are implemented.

#### 14.7.8 Personal Injury Accident Data

Personal Injury Accident data has been collated for Castleman Way between October 2008 and September 2013, a period deemed acceptable by the Highway Authority. The data identifies 5 accidents on Castleman Way within the period, 3 of which were serious and 2 slight. None of these accidents appear to be attributable to the design of the highway. Nevertheless, the applicant has provided a mitigation scheme on Castleman Way to make walking and cycling a more attractive mode of travel.

#### 14.7.9 Committed Development Traffic

The applicant has clarified the use of the RING1 site's traffic as committed development. The applicant has applied the traffic from the RING1 site to the Christchurch Road / Castleman Way junction, but RING1 traffic is not included in other junctions due to the vast majority of trips from the RING1 site not enter the remainder of the study area. This is considered acceptable by the Highway Authority.

#### 14.7.10 Trip Distribution

The applicant has presented geographical information showing the

extent of the built-up area within Ringwood South ward, in comparison to the adjacent Ringwood East and Sopley ward. On review of Figure 3, the Highway Authority accepts that Ringwood South ward is the best comparative representation.

#### 14.7.11 Highway Impacts

The Highway Authority initially identified that further junction modelling may be required should the proposed safety led improvements on the A31 Slip/Eastfield Lane Junction alter the design and capacity of the junction. The proposed improvements put forward in Drawing 110048-A-19 (Rev. A) are negligible in capacity terms and the highway authority is content that the modelling undertaken and associated impact is considered acceptable.

#### 14.7.12 Section 278 Works

The applicant has proposed to provide a number of highway improvements under Section 278 of the Highways Act 1980. These improvements are required in order to mitigate against the developments highway impact and are as follow:

14.7.13 The applicant has developed a mitigation scheme for Crow Lane. The revised scheme removes the proposed kerb build out which was deemed ineffective by the Highway Authority.

14.7.14 The design does not incorporate footway provision along the western side of Crow Lane, linking the lower site access with the junction of Crow Arch Lane. The applicant has demonstrated that there is insufficient space for a footway to be constructed adjacent to the carriageway and consequently a footpath within the site boundary heading parallel to the carriageway is proposed. The Highway Authority considers this South Eastern Footpath Link acceptable in principle but advises that this footpath is intended to attract pedestrians from the carriageway onto a safer footpath and consequently will need to be fit for purpose, taking into account safety, accessibility and directness, at all times. This is to be secured by condition. Whilst this South Eastern Footpath Link does not require a Section 278 Agreement, the Highway Authority requires submission of any detailed design for approval to ensure the footpath is of appropriate design.

14.7.15 A mitigation scheme for Castleman Way, including the junction of Hightown Road/Castleman Way is presented by the applicant. The improvements include the upgrading of the existing footway to a Shared Use foot/cycleway. The principle of this improvement is considered acceptable.

14.7.16 The proposed mitigation scheme for A31 Slip/Eastfield Lane junction is considered acceptable in principle.

#### 14.7.17 Travel Plan

The applicant has provided an updated Interim Employment Travel Plan and Interim Residential Travel Plan, which are deemed appropriate by the Highway Authority, subject to the appointment of a Travel Plan Co-ordinator at an appropriate time, to the applicants meeting the costs of implementation, to securing the Travel Plan by a Section 106 Agreement and to a number of other minor provisos.

#### 14.7.18 Transport Contribution Policy (TCP)

A transport contribution is required to ensure suitable infrastructure is provided on the local highway network and to ensure development does not overly rely on the private motor car and consequently does not conflict with National Planning Policy. Further to discussions between the Highway Authority and the applicant regarding the highways contribution, a package of £927,927 has been agreed upon. The highway authority notes that some of the physical improvements the applicant is required to provide themselves (whilst required to make the development acceptable) will have a wider public benefit. Consequently, the cost of these improvements will be deducted from the transport contribution. A financial contribution of £583,000 is to be spent on transport improvements as set out in the Legal Agreement Section below.

#### 14.8 **Affordable Housing**

- 14.8.1 Core Strategy Policy CS15 requires 50% of new residential dwellings within Ringwood to be made available as affordable housing. The application proposes 175 new dwellings and confirms provision of 87 affordable dwellings on-site, of which 70% are required to be for social rent and 30% for intermediate housing. At least 50% of the affordable housing should be family housing.
- 14.8.2 The applicant has agreed to the required provision of affordable housing. Assuming 175 dwellings could be provided on the site, the breakdown of affordable housing would result in 20 no. 1 bed units, 52 no. 2 bed units and 15 no. 3 bed units. The Council's Housing Development Manager confirms that the proposals meet the requirements of Policy CS15, subject to provision of the affordable dwellings being tied to a Section 106 agreement to ensure delivery of the dwellings to the Council or a Registered Provider. The affordable housing must be available in perpetuity and meet the Design and Quality Standards set by the Homes and Community Agency and meet at least Code 4 of the Code for Sustainable Homes. The dwellings must also meet the affordable definition set out in the NPPF:
- Social rented housing is owned by local authorities or other registered providers, for which guideline rents are determined through the national rent regime;
  - Affordable rented housing is let by local authorities or other registered providers to households who are eligible for social rented housing at no more than 80% of the local market rent;
  - Intermediate housing is housing for sale and rent provided at a cost above social rent but below market levels, including shared equity homes.
- 14.8.3 Agreement has been reached with the applicant for the Council to receive the land for 40 affordable dwellings, to be made available as social rented dwellings. The residual affordable dwellings would be transferred to a registered provider with 21 units made available as social rented/affordable rented housing and the remaining 26 units made available as intermediate housing.
- 14.8.4 Whilst the District Council has been requested to review the mix of property type it requires for affordable housing to best meet the needs of Ringwood and to provide more family homes within the scheme, the proposed mix and tenure has met with no objections from the Council's

Housing Development Manager. The proposal is compliant with adopted policies seeking provision of appropriate affordable housing within new developments.

14.8.5 In light of the high demand and lengthy waiting list for Ringwood, Officers in the Homeseach Team consider that it would be appropriate to apply a lettings plan to the first let of vacancies on the Ring 3 site to give preference to households with a connection to the Ringwood parish.

14.9 **Potential Impacts upon Residential Amenity**

The application is made in outline only, though indicative plans contained within the Design and Access Statement, suggest how the type of development proposed might fit onto the site. Proposals should not cause unacceptable effects on adjoining amenity by reason of visual intrusion, overlooking, shading and noise, under the provisions of Policy CS2 of the Core Strategy.

14.9.2 The indicative plan shows blocks of development throughout the site. Those blocks to the centre of the site would have no direct impacts upon the amenity of adjoining occupiers. The development to the site peripheries may have potential to impact upon the amenity of existing residents, though by and large, development is set sufficiently distant from existing properties to avoid any adverse effect on residential amenities. The siting of the blocks is informed with regard to the neighbouring development, with larger employment buildings close to the boundary with existing industrial development to the west, where its impact would be minimised. It is noted that one of the employment buildings could be within 8m of the site boundary with Hightown Gardens. While the gables of dwellings on Hightown Gardens face this building, it is questionable whether 8m is adequate separation in this location considering the proposal for large scale tree planting on this boundary. The scale and mass of the employment building is unknown at this outline stage, though will be important in consideration of any subsequent reserved matters. Residential areas are sited sympathetically, with adequate levels of separation, gables facing gables or parking areas, with opportunity to orientate fenestration away from existing occupiers. The development will inevitably intensify use of the land such that the outlook and degree of quiet enjoyment currently experienced by residents will be interrupted. However, the degree of disruption would not be so severe to warrant refusal of planning permission on this allocated site.

14.9.3 It is reiterated that the plans within the Design and Access Statement are for illustrative purposes only. The application is made in outline only, with access to be determined at this stage. All other matters including appearance, layout, scale and landscaping are reserved for later consideration. The submission of the reserved matters will offer the planning authority and local residents the most appropriate opportunity to assess the direct impacts of the development upon residential amenity, when full details of siting, scale, mass, fenestration, boundary treatments and landscaping will be made available for comment.

14.10 **Other Matters**

With regard to the comments of consultees and notified parties, which are not addressed in the sections above, the following comments are offered:

14.10.2 The applicant has considered provision of a

bridleway within the development, running parallel with Crow Lane, in light of the comments received from the Town Council and notified parties. The applicant confirms that a route for horses will be made available within the site from the north eastern corner to the Castleman Trail. This may not be an exclusive bridleway, but it will take horses off Crow Lane. The detail of the route will be agreed through the reserved matters process. It should be noted that the Castleman Trail through the site will be upgraded and would be suitable for use by horseriders and cyclists alike. There is also scope to make the north/south route through the site from the Castleman Trail to Hightown Gardens suitable for use by horses, cyclists and pedestrians. A suitable crossing, for use by horseriders and others would need be provided across Crow Lane, close to its junction with Crow Arch Lane, to facilitate eventual extension of the Castleman Trail to the west and ensure the safety of its users.

14.10.3 The applicant has been encouraged to discuss with the relevant landowner, the option of routing traffic for the industrial units through Endeavour Business Park instead of Crow Lane, since the pre-application stage of proceedings. The Planning Authority concurs that the route would be a better form of access to the employment land. It is apparent that the parties corresponded some time ago, but have not been in recent contact. The Planning Authority is not in a position to insist the parties negotiate the desired outcome, particularly as the Highway Authority raises no objections to the proposed means of access to the employment site via Crow Lane.

14.10.4 The County Highway Authority advise that a BE4 (structural) assessment has been conducted on the bridge on Crow Arch Lane. The assessment concludes that the bridge was on the verge of having unlimited capacity and that the additional traffic generated by the 25 dwellings that would use it would not present a concern for the bridge. However HGV construction traffic may be more of a concern, though this may be addressed by the Construction Traffic Management Plan to be secured by condition, which will detail construction vehicle access and the structural limitations of the bridge.

14.10.5 Representations note that the non-residential uses proposed on the site (child nursery, hotel, pub, restaurant, fitness centre, retail and professional services) should not have a detrimental impact on the vitality and viability of the town centre, or generate traffic movements unsuited to a residential area. The Design and Access Statement identifies three blocks of development towards the centre of the site, which would accommodate the non-residential uses. In moderation, the specified uses may be considered acceptable on the site, though until the reserved matters are submitted, where details in respect of precise siting, scale, numbers, floorspace, car parking are known to the Planning Authority, the impact of this aspect of the proposal on the viability of the town centre cannot be readily ascertained. It is unlikely that all of the specified non-residential uses would come forward on the site and the logic of providing a hotel or fitness centre in this relatively peripheral location of Ringwood, away from passing trade, is questionable. Nothing other than small scale retail/service development, to meet the local needs of future occupiers of the development and locality, would be acceptable on this site.

14.10.6 The proposed development would inevitably increase the level of light emitted from the site. From an ecological perspective, Natural England

are content that the impact of light spillage on foraging bats may be controlled by following the recommendations of the submitted ecological survey, which would be conditioned. With regard to the impact of light spillage on visual amenity, a further condition may be imposed requiring a scheme to be submitted to control light spillage from the development for approval by the Local Planning Authority.

14.10.7 With regard to comments that it is inappropriate to develop this greenfield site, that it should be retained for agricultural or equestrian use and that alternative housing allocations should be brought forward prior to this site, it is reiterated that the site is allocated for mixed use development, with an essential role of providing the housing and employment needs for the town in the period up to 2026. While there are brownfield sites within Ringwood, none are large enough or suitable to accommodate the level of development required to meet the town's needs to 2026.

14.10.8 On a point of clarification the applicant's proposed alterations to the A31 Slip Road do not include any restriction on the ability of vehicles to turn right out of Eastfield Lane.

14.10.9 With regard to concerns raised over the dual role of Hampshire County Council as applicant and Highway Authority; Hampshire County Council is Highway Authority for all roads in the County except Motorways and Trunk Roads (which fall under the jurisdiction of the Highways Agency). The Highway Authority is a statutory consultee in the planning process and objectively assesses all development proposals in respect of their impact on the highways and transport network. There are no additional rules, procedures, protocols or safeguards for particular applicants, all applications are assessed in the same way.

## **14.11 Legal Agreement Heads of Terms**

### **14.11.1 Legal Agreement Heads of Terms**

A legal agreement is necessary to secure the requisite level of affordable housing on site, to secure off-site transport mitigation measures and works, the provision of a range of open space arrangements, to secure appropriate surface water drainage and subsequent maintenance measures, towards primary education in Ringwood and to ensure an appropriate marketing strategy for the commercial land is forthcoming. These, only where it is satisfactorily demonstrated that the works and/or contributions are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

### **14.11.2 Affordable Housing**

- 50% of total number of Dwellings to be constructed on the land – to be Affordable Housing Dwellings.
- Each reserved matters application will deliver equal numbers of Affordable Housing Dwellings and Open Market Dwellings.
- NFDC to have the right (in priority to any other RP), for the Affordable Housing Land equating to land for 40 Affordable Houses, to be transferred to it, at a peppercorn. Balance of affordable housing



remaining, to be transferred to a registered provider.

- Affordable Housing Land should be transferred prior to first occupation of an Open Market Dwelling on the land. If the development is to be phased, then the Affordable Housing Land in each phase is to be transferred prior to first occupation of an OMD in that phase.

#### 14.11.3 Highway Works

To enter into a Section 106 Agreement with the Highway Authority to secure the following:

- A highway contribution of £583,000 towards highway improvements including;
  1. Improvements to the junction of A338/A31;
  2. Traffic Management on Hightown Road;
  3. Cycle Improvements on Crow Arch Lane;
  4. Improvements to Castleman Trail;
  5. Pedestrian Improvements to High Street and West Street;
  6. Improvements to Quomp, Hightown Gardens and Hightown Road;
  7. Castleman Way to Town Centre cycle route;
  8. Junction Improvements at Castleman Way and Christchurch Road;
  9. Ringwood Bus interchange waiting and information improvements;
  10. Ringwood Bus Interchange layout improvements.
  11. Following confirmation from the County Council as to whether there is control over that portion of the Castleman Trail outside the application site, the cost of works shall come off the Transportation Contribution.
  12. Direction of a sum up to a maximum of £50,000 to be spent on drainage works to alleviate existing flooding problems on surrounding roads
- Enter into further agreement with the Highway Authority to provide the access junctions at Crow Lane (North), Crow Arch Lane (North) and to the proposed allotments under Section 278 of the Highways Act 1980;
- Enter into further agreement with the Highway Authority to provide the off-site highway works under Section 278 of the Highways Act 1980 including;
  1. Improvements to the A31 / Eastfield Lane slip road junction;
  2. Pedestrian Improvements to Crow Lane;
  3. Pedestrian Improvements to Hightown Road; and
  4. Improvements to the section of Castleman Trail within the applicant's ownership.
- To submit and implement a bonded Full Travel Plan approved by the highway authority.

#### 14.11.4 Public Open Space/SANGs

To produce a SANGS package in accordance with adopted policy and to be identified and approved as part of the first Reserved Matters Application. Total POS (including SANG, informal and formal open

space and play areas) shall be a minimum of 3.8 ha. If the reserved matters result in more than 453 bedrooms being provided, additional SANGS will be provided through; the provision of an off-site SANGS contribution in accordance with the adopted SPD; the provision of additional on-site SANGS and/or the provision of SANGS on adjoining land. An agreed proportion of the SANG to be made available for use prior to first occupation of any dwelling on the land. All POS to be transferred to NFDC with a Maintenance Contribution based on the calculation of £56,000 for every hectare of land or such other figure that has approval at the time of a Reserved Matters Application. SANGs monitoring payment of £50 per dwelling to be payable to NFDC.

#### 14.11.5 Allotments

Size and location of allotments land to provide 15 allotments to be identified as part of the first Reserved Matters Application. Allotments to be transferred to the Council or to Ringwood Town Council and made available for use as allotments (including provision of fencing, a right of access from a public highway and an on-site parking for 6 vehicles with a 'hard' base and gravel surface along with metered water supply), prior to occupation of 50% of the Open Market Dwellings.

#### 14.11.6 Management and Maintenance of Surface Water Drainage System

As part of the first Reserved Matters Application, to submit a scheme detailing the surface water drainage system works for whole site for approval and then to carry it out in accordance with the 'Approved Scheme'.

#### 14.11.7 Education Contribution

Applicant to pay £379,275 (or such lesser sum as agreed with HCC), based on a formula of 3/7ths of 175 dwellings x £5,057, in case the reserved matters achieve less than 175 dwellings.

#### 14.11.8 Commercial Land

Prior to occupation developer to seek NFDC's approval in respect of a Marketing Strategy for the Commercial Land and to implement the Marketing Strategy in accordance with its approved terms.

#### 14.11.9 Pedestrian Route (South of Site)

As part of the first Reserved Matters Application, details of the works to be carried out to enable users of the footpath/cycleway (going through the site on a path with an appropriate treatment to reflect the use of the land as a SANGS) to gain safe access across Crow Lane and Arch Crow Land and to carry out such works prior to occupation of 50% of Open Market Dwellings.

### 14.12 Conclusion

#### 14.12 Conclusion

The proposed development would undoubtedly alter the character of the area from that of an agricultural field to a significant extension of the town's built-up area. However, the site is allocated for mixed use development and the proposal indicates an acceptable level of development, with opportunities to enhance open space, landscaping and links to the town centre and further afield. The application is made in outline only, though the layout illustrated might work well and there is

no reason to suggest it would have any significant adverse impact upon the character and appearance of the area. Similarly the proposed development can be designed so that its impact upon adjoining amenity, nature conservation interests flood risk and highway safety are mitigated, which will be subject to reserved matters application/s. The proposal complies with Policies of the Core Strategy for the New Forest District outside the National Park and the adopted New Forest District Local Plan First Alteration. Accordingly it is recommended for approval, subject to the conditions outlined below and to completion of a Section 106 Agreement to secure the matters outlined in Section 14 above.

- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **RECOMMENDATION**

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 1st August 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the requisite level of affordable housing on site, to secure off-site transport mitigation measures and works, the provision of a range of open space arrangements, to secure appropriate surface water drainage and subsequent maintenance measures, to secure a contribution towards primary education in Ringwood and to ensure an appropriate marketing strategy for the commercial land is forthcoming.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 1st August 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

### **Conditions to be attached to any consent:**

1. Approval of the details of the layout, scale, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

Act 1990.

3. At the reserved matters stage the dwellings will be required to achieve the level of the Code of Sustainable Homes applicable on the date of the reserved matters application. No development should commence on site until an interim certificate has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until a final code certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved the required Code Level.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

4. The outline planning permission hereby approved does not imply that the quantum of housing development sought on the site would be approved following submission of the reserved matters.

Reason: The submitted masterplan and plans contained within the Design and Access Statement are illustrative only and have not fully satisfied the Local Planning Authority that 175 dwellings could be accommodated within the site, whilst contributing positively to the character of the area and local distinctiveness, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. Prior to any reserved matters approval, details of the surface water management strategy and scheme shall be submitted to, and agreed in writing by the Local Planning Authority. The strategy and scheme shall be in accordance with the submitted Flood Risk Assessment (Level 3 prepared by RPS and dated November 2013) and shall include details of the development phasing arrangements and provisions. As each development area/phase comes forward full and up-to-date details of the surface water management proposals shall be submitted. The development shall be implemented in accordance with the approved scheme.

Reason: In order to ensure that the drainage arrangements are appropriate and to prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF), Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. Before development commences details of the future maintenance of the drainage system approved under condition 5 above shall be submitted to the Local Planning Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National

Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 8 to 11 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition II relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

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

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

9. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised,

together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

12. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DW-E28 of the adopted New Forest District Local Plan First Alteration.

13. No development hereby permitted shall commence until plans and particulars showing the detailed proposals for the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting, landscaping (including the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels), the method of disposing of surface water, and details of a programme for the making up of the roads and footways has been submitted to and approved by the Local Planning Authority.

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

14. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details on the onsite provision for contractor's parking, construction traffic access, the turning of delivery vehicles, lorry routing, provisions for removing mud from vehicles, and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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

15. No development of the allotments plot south of Crow Arch Lane shall commence until such time as a design for the access route has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The access route shall be implemented in accordance with the details approved and thereafter permanently retained and maintained before the allotments are first used.

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



16. No development hereby permitted shall be occupied until the design of the South Eastern Footpath Link between the Crow Arch Lane S278 works shown in principle on drawing 110048/A/21 and the North Plot's Southern Access shown in principle on drawing 110048/A/15 (Rev. C) within the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
17. No development hereby permitted shall be occupied until the South Eastern Footpath Link is provided between the Crow Arch Lane S278 works shown in principle on drawing 110048/A/21 and the North Plot's Southern Access shown in principle on drawing 110048/A/15 (Rev. C) within the site has been constructed and made available for use in accordance with the approved design. The South Eastern Footway Link must remain available for use at all times.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
18. Details of the improvements to the section of Castleman Trail that falls within the applicant's ownership shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the implementation of this improvement.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
19. No more than 50% of the development hereby permitted shall be occupied until the section of Castleman Trail that falls within the applicants ownership has been improved and made available for use in accordance with the approved design. This section of Castleman Trail must remain available for use at all times.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
20. No development of the Central plot shall commence until such time as a design for a pedestrian / cycle connection between the Central plot and Christchurch Road has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
21. No development of the Central plot shall be occupied until such time as the pedestrian / cycle connection between the Central plot and Christchurch Road has been completed to the satisfaction of the County Council and made available for use. This pedestrian / cycle connection must remain available for use at all times.

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

22. No development of the Central plot shall commence until such time as a design for a pedestrian / cycle connection between the Central plot and the Northern Plot's Southern Access has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

23. No development on the Central plot shall be occupied until such time as a pedestrian / cycle connection between the Central plot and the Northern Plot's Southern Access has been completed and is made available for use. This pedestrian / cycle connection must remain available for use at all times.

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

24. Prior to the commencement of development the recommendations and commitments outlined in Section 2 of the Ecological Survey prepared by RPS and dated October 2013, relating to mitigation and compensation measures in respect of protected species, shall be implemented in accordance with an approved programme of works to be submitted to and be approved in writing by the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

25. At the reserved matters stage, a scheme to control light spillage from the development shall be submitted for approval to the Local Planning Authority. The scheme shall be implemented and permanently maintained in accordance with the details approved.

Reason: To safeguard the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Reason(s) for Refusal:**

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for

the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.

3. The proposed development is likely to impose an additional burden on the existing transport network which would require improvements in order to mitigate the impact of the development. In the absence of any contribution towards the costs of the necessary improvements to enable the additional travel needs to be satisfactorily and sustainably accommodated, the development conflicts with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS24 and CS25 of the Core Strategy.
4. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent Maritime Special Area of Conservation, the Solent and Southampton Water Special Protection Area and the Southampton Water Ramsar Site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.
5. The proposed development is likely to impose an additional burden on the existing education system which would require improvements in order to mitigate the impact of the development. In the absence of any contribution towards the costs of the necessary improvements to enable the additional educational needs to be satisfactorily and sustainably accommodated, the development conflicts with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policy CS25 of the Core Strategy.

**Notes for inclusion on certificate:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case pre-application discussions took place between the Local Planning Authority, applicants and relevant consultees. The planning application process itself has resulted in preparation and submission of extensive additional documents seeking to justify the proposal in light of comments received from consultees and notified parties. In light of the original submissions and additional information received, the proposal is considered to be acceptable, as submitted.

The Environment Agency advise that the surface water drainage scheme for each phase of the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to Greenfield run-off rates and volumes and discharged incrementally for all return periods up to and including the 1 in 100 year storm
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including allowance for climate change for the lifetime of the development. Drainage calculations must be included to

demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection/storage" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

5. Whilst the primary strategy is to discharge to ground there remains the possibility that some attenuation/storage may be required. Any such storage should not be permitted within any area liable to flood during events up to and including the 1% event plus climate change allowance.

Any works that could affect the flow of the ordinary watercourse (i.e. culverting, in channel works etc) may require the prior written Land Drainage Consent from the Lead Local Flood Authority (in this case Wiltshire Council - contact Danny Everett).

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)