

PALLS OBJECTION to New Forest District Council planning application 22/11424

The proposed development fails to deliver sustainable development (NPPF para 126) and will not achieve a net environmental gain, as required by the Environment Act 2021 and NPPF para 174, rather a net environmental loss. It proposes a poor quality, visually unattractive and unsafe development contrary to the NPPF para 130 and will create a car dominated development, which will fail to comply with NPPF para 112 in prioritising the private car over pedestrian and cycle movements. It proposes a piecemeal development which would fail to comply with every one of the criteria a. to e. of Policy SS6 ii of the adopted NFDC Local Plan and the site specific criteria b. c. and d. of Policy SS6 iii.

Background

The inclusion of a site as a strategic allocation does not mean that a grant of planning permission is automatic. The starting point is that the application has to be determined in accordance with the development plan unless material considerations indicate otherwise. Part of the application site (5.58ha) forms part of a strategic housing allocation SS6 in the New Forest District Local Plan (adopted July 2020). The remaining 25% (1.7ha) of development is within the New Forest National Park and is not allocated in their adopted Local Plan. NFDC Policy SS6 provides masterplanning objectives for the site and a Concept Master Plan. The site falls within the Rural Lanes character area of the Lymington Local Distinctiveness Supplementary Planning Document.

Two applications have been submitted to NFDC and NFNPA with similar (but not identical) information but different red lines. The applications are in outline with details of access and siting to be considered. This is unusual for a strategic site where there is no identified developer or housebuilder. The applications have been submitted by a site promoter. Consent is sought for the full layout including the siting of each dwelling unit including parking, open space and associated works. Only landscaping and appearance are reserved for future consideration.

Errors, Inconsistencies and Misleading Statements in the Planning Application

The application documentation is erroneous, inconsistent and misleading. A schedule of the incorrect statements, inconsistencies between documents and misleading statements found within the planning application documentation by PALLS is included in Annex A to this objection. We feel sure there are likely to be many others. The plans do not all correlate with each other and documents contradict each other. In addition to this, the application excludes from the application site off-site works which are fundamental to the delivery of the development but which cannot be delivered without third party approval, which has not been secured. Given this, it is impossible to have confidence in the reliability of the submitted application documentation. Unless or until these matters are resolved through the submission of revised or additional accurate and consistent information and a full re-consultation has taken place, no further progress should be made in assessing these applications.

The consultation response from the Tree Officer does not consider the impact of the proposed off-site works nor the provision of sightlines, both of which would result in significant tree and hedgerow removal. Others, such as the Conservation Officer have based their response on a misleading Heritage Assessment which fails to mention the proposed widening and straightening of

Ridgeway Lane and Poles Lane and so fails to assess the impact of those works on the Grade II listed Wood End House. These are just two examples of the consequences, whether deliberate or otherwise of these poorly presented and misleading applications.

Pre-application discussions with NFDC and NFNPA

There has been no pre-application engagement with the New Forest National Park Authority over the proposed development within the National Park now submitted to them under application 22/01024OUT. This is despite clear written advice from NFNPA officers at the Local Plan Examination stage that such advice should be sought, particularly in respect of the proposed site access onto Ridgeway Lane. At that time there was no mention of the creation of a large drainage basin or areas of ANRG within the National Park that have been subsequently added to the development plans.

Pre-application discussions did take place towards the end of 2020 with NFDC and a response was sent by NFDC officers to the applicant's agents in December 2020. This is referred to in the submitted Planning Statement but a copy of the advice is not included with the NFDC planning application. Despite the clear advice from the Planning Advisory Service that pre-application correspondence should be disclosed once a planning application has been submitted, NFDC refuses to provide a copy of the correspondence. This unhelpful approach denies the public the opportunity to view the advice given and to form a view as to whether it has been followed by the applicant or not. We believe the advice has not been followed given the clear and significant objections to the development which have been made to the NFDC planning application by officers on urban design and landscape grounds. No weight can be given to the claims in the Planning Statement that pre-application advice has been followed or that the expectations of the NPPF para 132 have been fulfilled.

Token and misleading pre-application consultation

Cicero Estates held an online 'community consultation event' in Summer 2021 which purported to consult the community about their plans. 156 responses to their proposals have been duly recorded in the submitted Statement of Community Involvement. However the applicant is unable to provide any details as to what engagement has taken place or to specify the changes made to the proposals as a result. There has not been any meaningful engagement or genuine attempt to address concerns through changes to the proposals.

It is clear from the statement in para 4.67 of the Planning Statement that, apart from a few token tweaks to the plans, the applicant never had any intention of modifying their proposals to address community concerns.

' The Applicant considers that the changes made appropriately address the comments made where these could be incorporated into the scheme and appropriately reinforce the character of the development which has been thoroughly developed across a period of several years.'

In making no genuine attempt to engage with the local community or their representatives or to address in any meaningful way the substantive comments made by PALLS and many others, the applicant has failed to comply both with New Forest District Council's Statement of Community Involvement, the Gunning principles and NPPF paras 126 and 132 and the applications should be

considered on the basis that no proactive and effective engagement with the community has taken place.

PALLS' OBJECTIONS

Objection to unsustainable development and harm to rural lanes:

This proposal fails to provide a sustainable transport strategy and the Transport Assessment, which is itself inconsistent with the submitted Planning Statement, cannot deliver a safe and sustainable development. PALLS review of the submitted Transport Assessment, which has previously been submitted to both NFDC and NFNPA clearly demonstrates that the proposed development fails to comply with NPPF para 111 and further that it would have an unacceptable impact on highway safety and thus should be refused on highway grounds. The proposed pedestrian and cycle strategy is undeliverable and this is confirmed in the consultation response of Lymington and Pennington Town Council. Even if these obstacles could be overcome, the applications further fail to comply with the NPPF para 112 in that they do not give priority first to pedestrian and cycle movements. The proposed links are also not on the desire line to local facilities via Lower Pennington Lane and the applicant is unable to deliver a safe pedestrian and cycle access in that direction.

There is reference in the Planning Statement to the provision of a new pavement between the junction of Forest Gate Gardens between its junction with Ridgeway Lane and the junction with Rookes Lane to the north but this is not included in the Transport Assessment nor is it shown on any of the application plans. There is a reason for this omission. Provision of this pavement was included in the Coastal Towns Local Plan when Forest Gate Gardens was allocated for development but it was never provided. It appears that the situation remains unchanged and it cannot be delivered now otherwise detailed plans would be included within the Transport Assessment. Therefore the reference to it in the Planning Statement is incorrect and misleading. Without it, the only possible pedestrian and cycle access is through Woodside Park, a route which is unsafe due to its seclusion and lack of surveillance and where provision of a lit, tarmacked footpath would result in the felling of a significant number of mature trees. The proposed pedestrian and cycling access strategy is further undeliverable because part of the land within the proposed footpath and proposed passing places on Ridgeway Lane are on third party land and no permission has been given for the proposed development. The proposed southern link to the Woodside Park footpath/cycleway also appears to be unachievable as shown on the plans because of the significant change in levels along this part of Ridgeway Lane without the wholesale removal of mature trees and further urbanisation of this rural lane.

PALLS object strongly both to the proposed passing places in Ridgeway Lane and creation of a pavement (if it is proposed) on the grounds that they will urbanise these rural lanes contrary to the principles set out in Character Area 10 Rural Lanes of the adopted Lymington Local Distinctiveness Supplementary Planning Document. They will also result in the significant loss of trees and hedgerow as well as requiring the culverting of ditches and loss of the existing soft rural verges and vegetation.

Objection to Piecemeal Development

The application is both piecemeal and speculative – there is no named housebuilder or developer - the business of the applicant as a site promoter is to assemble sites and sell them on. The applicant has failed to reach agreement with the owner of the remainder of SS6 – Belco who have made it clear that they intend to pursue development independently of the rest of the allocation. In the circumstances we consider that the inclusion on the submitted plans of historic layouts which were presented at the time of the Local Plan Examination within the Belco land to be misleading and inappropriate given that the applicant has no control whatsoever over what might be developed on this land. The layout now presented by the applicant bears no relationship to the one which was presented at the Local Plan Examination and therefore it is thoroughly misleading to suggest that no changes will be made to proposed development on the remainder of SS6.

Much of the submitted documentation including the Design and Access Statement, the Arboricultural Impact Assessment and Tree Protection Plan all show proposals for land which is not included within the application site which is entirely inappropriate. It is unclear whether consultee responses are considering this information or not and completely confusing for members of the public given that the applicant has absolutely no control over this land or any proposals for it.

In the absence of any reliable information about the form and scale of development on the remainder of this strategic site it is not possible to establish the cumulative impact of the development of this strategic site on the lanes. Nor is it possible for this parcel to secure safe pedestrian and cycle access onto Lower Pennington Lane. This piecemeal development cannot deliver the necessary infrastructure and services required for development of both the application site and the rest of SS6, particularly in relation to access, both vehicular and pedestrian but also in respect of drainage and as such should be refused.

Objection to the through route linking Lower Pennington Lane and Ridgeway Lane.

Despite objections to this through route at the Local Plan stage from your Council, Oakhaven Hospice, Lymington Society, PALLS and others and despite the fact that the Highway Authority were not consulted at the time, this remains a masterplanning objective of criteria e. of Policy SS6. Para 4.10 of the Planning Statement admits that the Highway Authority are concerned about the principle of the strategy to access the development parcel via both Lower Pennington Lane and Ridgeway Lane and to provide a connected route through the site and the effects of through traffic but the applicants continue to rely on the unjustified inclusion of the connection contained within the Local Plan policy. The Highway Authority are right to be concerned. The through-route, whether traffic calmed or not will create a rat run for residents and visitors using Lower Pennington Lane that will have a materially harmful effect on all of the lanes to the east of the site, most of which are within the New Forest National Park. The submitted Transport Assessment takes no account of vehicles from Hurst View campsite or the recreational car park at the bottom of Lower Pennington Lane. Oakhaven Hospice continue to oppose the through-route on the grounds that it will increase traffic flow and nuisance to the tranquility of the hospice and increase safety concerns for staff and visitors. There is no necessity for the through route to facilitate emergency vehicles. PALLS can see no planning justification whatsoever for this through route. The creation of a vehicular link between

Lower Pennington Lane and Ridgeway Lane was specifically prohibited by local plan policy when the land to the north (now Forest Gate Gardens) was developed which begs the question as to why it now becomes a necessity against the wishes of every stakeholder except the principal landowner via the site promoter. It creates a car-driven development contrary to the NPPF paras 110 and 112. This is a material change in national planning policy since the site was originally allocated with criteria e. 'connecting to provide a vehicular route through the site.' This should be given due weight and the opportunity taken to look afresh at the sustainability of the site and the way in which the development ought to be revised to comply with changes to national guidance and the strong community opposition to the through-route.

Objection on grounds of harmful impact on Ecology and Biodiversity

The proposed development will have a harmful impact on the ecologically protected European designated areas to the south and the mitigation proposed is inadequate and will be ineffective and fail to comply with the relevant Directives and Regulations.

Our detailed objections to the submitted ecological information by Jonathan Cox on behalf of PALLS have previously been submitted to you. The deficiencies in the submitted Ecological Impact Assessment, Habitat Regulations Assessment and Biodiversity Net Gain calculation are such that planning permission should be refused. The inadequacy of the proposed ANRG is such that insufficient mitigation for the cumulative impact of recreation on the Solent and New Forest European sites will be achieved and this is a further substantive objection to this development.

Objection on grounds of poor design and layout:

The internal site layout is clearly not landscape led as claimed, it is very poor with monotonous terracing, lines of car parking unrelieved by landscaping and numerous areas which are lacking in natural surveillance. The Police object to the layout and the link to Forest Gate Gardens on the grounds it will increase the risk of crime and anti-social behaviour. The NFDC urban design officer objects to the layout because it fails to comply with criteria a. of Policy SS6 in that it is not respectful of the low density and rural edge character of the locality and surrounding properties. The proposal would fail to comply with Policy HOU2, ENV3, ENV4, IMPL2, CCC1 and CCC2 as well as criteria ii a. to d. of Policy SS6.

Objection to the proposed Alternative Natural Recreational Greenspace (ANRG) and Public Open Space strategy.

The proposed ANRG is not fit for purpose and does not comply with adopted policy and much of the proposed public open space is little more than highway verge; the largest area is heavily compromised by the link road and overlooked by the large 4 bed houses fronting onto it – it in no way offers an attractive, alternative location for recreational activity to the adjacent National Park, sea wall and highly sensitive Special Protection Area (SPA) which is its primary purpose. The proposal would fail to comply with Policies STR2, ENV1 and the Mitigation Strategy for European Sites SPD.

Objection to the harmful impact on Oakhaven Hospice.

The promised mitigation for Oakhaven hospice will not be delivered by this planning application and the hospice object to the proposals. The proposal will result in the loss of existing spaces currently

available to the hospice along the edge of South Drive (the inpatient access). This results in a net loss in parking spaces for the hospice. The proposed buffer zone appears to also have been reduced. No construction environmental management plan has been submitted to address issues of nuisance and disturbance to the hospice. The proposal fails to comply with criteria b. and c. of Policy SS6 iii and paragraph 9.90 of the supporting text of the policy.

Conclusion

On the grounds given above and on behalf of its 750 members drawn from a wide area of Lymington, Pennington and the surrounding area, PALLS respectfully requests that your Council refuses this planning application.