

Dear Councillor

**PLANNING DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 11 JANUARY 2017**

Please find attached, for consideration at the meeting of the Planning Development Control Committee on Wednesday, 11 January 2017, the following report that was unavailable when the agenda was printed.

Please bring this document with you to the meeting.

**Agenda No 3 Item (i)**

3. **Planning Applications for Committee Decision**

To determine the application set out below:

- i) Land South of Gore Road, New Milton (Application 16/10994) (Pages 1 - 22)

Development of 28 dwellings comprised: four pairs of link detached, semi-detached houses; 2 detached houses; one pair of semi detached houses; two terraces of 3 houses; one terrace of 4 houses; garage block with flat over; one terrace of 4 houses, 3 garages and flat over; detached garages; carports; shed/cycle stores; roads; parking; landscaping; public open space

**RECOMMENDED:**

Service Manager Planning and Building Control authorised to grant planning consent subject the completion by 31 January 2017 of an agreement pursuant to S106 of the Town and Country Planning Act 1990 and with the imposition of conditions.

Yours sincerely

**Bob Jackson**  
**Chief Executive**

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**Application Number:** 16/10994 Full Planning Permission

**Site:** Land south of GORE ROAD, NEW MILTON

**Development:** Development of 28 dwellings comprised: four pairs of link detached, semi-detached houses; 2 detached houses; one pair of semi detached houses; two terrace of 3 houses; one terrace of 4 houses; garage block with flat over; one terrace of 4 houses, 3 garages & flat over; detached garages; carports; shed/cycle stores; roads; parking; landscaping; public open space

**Applicant:** Pennyfarthing Homes

**Target Date:** 12/10/2016

**Extension Date:** 30/12/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Consideration (October 2016 Item 3k)

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area  
Green Belt  
Housing Allocation  
Listed Building adjacent

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Local Plan Part 1 (Core Strategy) 2012:

Policy CS2: Design quality  
Policy CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
Policy CS6: Flood risk

Policy CS7: Open spaces, sport and recreation  
Policy CS8: Community services and infrastructure  
Policy CS10: The spatial strategy  
Policy CS15: Affordable housing contribution requirements from developments

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

Policy NPPF1 - Presumption in favour of sustainable development  
Policy NMT1: Land south of Gore Road Policy  
Policy NMT13.6 Cycle/pedestrian route  
Policy DM1: Heritage and Conservation  
Policy DM2: Nature conservation, biodiversity and geodiversity  
Policy DM3: Mitigation of impacts on European nature conservation sites

## National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

NPPF Ch. 9 – Protecting Green Belt land

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

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

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

Parking Standards SPD (Oct 2012)

SPD - Mitigation Strategy for European Sites

New Milton Local Distinctiveness Document

Housing Design, Density and Character

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable

Housing (Nov 2012)

### **6 RELEVANT PLANNING HISTORY**

- 6.1 The applicant has engaged with the Council in respect of pre-application advice on a similar form of development to that now proposed, which was generally supported by the Council, subject to some minor design changes.
- 6.2 11/98002 Use of land for car parking (Retrospective) - 31/01/2012 Withdrawn
- 6.3 05/84389 Use as B1 (Lawful Development Certificate that planning permission is not required for proposal) - 18/05/2005 Refused
- 6.4 03/79711 Use as B1 - 21/01/2004 Refused - Appeal Dismissed
- 6.5 03/78694 Use as repair and storage of aircraft (Lawful Use Certificate for retaining an existing use) - 02/10/2003 Granted

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

New Milton Town Council: object due to:

- (1) Lack of parking as set in NFDC Car Parking Standards SPD;
- (2) Flooding/drainage issues - the developers analysis had not been evidenced by statistics; Members strongly suggest that any application on this site should have a condition to deal with the existing drainage issues.
- (3) Contrary to NFDC Core Strategy policy CS15b on Affordable Housing.

### **8 COUNCILLOR COMMENTS**

Cllr Steve Davies as ward Councillor for Milton considers the development will enhance this area and offer significant opportunities for affordable housing and is therefore supportive.

## 9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - no objections, but give informatives.
- 9.2 District Valuer - Consider that a policy compliant scheme with 70% affordable housing is not viable, 50% is the maximum affordable housing that the scheme can provide taking into account viability.
- 9.3 Hampshire County Council (Drainage) - The proposals for surface water drainage are acceptable and meet the current standards. Where the proposals are connecting to an existing drainage system it is likely that the authorities responsible for maintaining those systems will have their own design requirements. These requirements will need to be reviewed and agreed as part of any surface water drainage scheme.
- 9.4 Southern Water - The proposal would increase flows into the wastewater system and increase the risk of flooding in the locality, a condition should therefore be attached to any approval requiring a full drainage strategy to be prepared, prior to commencement of works. The applicant must ensure that arrangements are made for the long term maintenance of the proposed Sustainable Urban Drainage scheme.
- 9.5 Hampshire County Council (Education) - despite existing pressure in the New Milton area for primary school places, it is not appropriate to seek a contribution in this case. Twenty eight dwellings will only generate 1 primary age pupil per school year, which would not make an expansion viable.
- 9.6 Hampshire County Council Highway Engineer - On the assumption that the proposed car parking is to be allocated the recommended average provision of car parking for a development of 11 x two-bed; and 17 x three-bed dwellings would be 65 spaces. The current proposal would provide a gross provision of 59 car parking spaces, approximately 10%, less than the recommended provision. However, allowing for the parking areas in front of plots 5- 18 - to be shared, together with the fact that the parking SPD does not set minimum/maximum standards, but just provides a recommended average provision, an objection based upon an under-provision of car parking would be inappropriate in this instance, given the location of the site which is within a 10 minute walk of the town centre and local public transport links. The proposed additional vehicular trips generated by the development can be accommodated within the adjacent highway network without any adverse impact upon the safety and convenience of existing users of the network. No objection subject to the completion of the 106 Agreement to secure the footway to Gore Road and subject to car parking and cycle parking conditions. Also suggest informative notes.
- 9.7 Ecologist - No objection subject to condition to require details of biodiversity mitigation, compensation and enhancement prior to commencement and informatives.
- 9.8 Tree Officer - There are prominent and important boundary trees that overhang the site. These have been surveyed and categorised. A small section of tree group marked as G2 will require removal to accommodate the development; this is acceptable given the mitigated tree planting that has been suggested. The specified Tree Protection Fencing that has

been specified to protect the above mentioned trees is in accordance with BS5837:2012 and has been positioned outside of the calculated RPA's of all trees to be retained. A Lighting Assessment illustrates the extent of shading that is expected to all new dwellings. This is particularly important for gardens situated along the southern boundary. The expected shading of these properties is not considered as excessive and will not result in pressure to remove or heavily prune. No objections, subject to conditions to address site landscaping, to secure a Full Arboricultural Method Statement and tree protection.

- 9.9 Environmental Protection Section (Contaminated Land) - The site has been previously used as agricultural land with a barn (used as a hanger), the opposite side of Gore Road there is an industrial estate and we have information that planning permission was granted for a petrol station, however from historic maps and local information it seems unlikely that a petrol station was developed. No objection, subject to conditions.
- 9.10 Strategic Housing - The application proposes 28 new dwellings, including 5 dwellings for the provision of affordable rented housing and 9 Starter Homes. The Council's Core Strategy Policy CS15(b), requires private developments creating new dwellings on greenfield housing sites should provide a minimum of 70% affordable housing. The site was allocated for residential development in the Local Plan Part 2 to specifically provide for local housing need in accordance with Policies CS12 and CS15(b). Policy CS15(b) stipulates that the development should provide a minimum of 40% social rented housing and 30% intermediate affordable housing, the remainder of the site should be developed for low-cost market housing. The applicant should provide 20 affordable housing dwellings on-site. The proposal for 14 affordable units would not meet the policy requirements of CS15(b) and on this basis the application is not supported.
- 9.11 Environmental Design Team (Urban Design) - A little more intense than would otherwise be ideal but subject to construction details and materials being of good quality, the design is a good one. The quality of design justifies the intensity of development by creating a new but appropriate sense of place, a character that will improve the area.
- 9.12 Environmental Design Team (Open Space) - The sketch layout design of POS showing the proposed POS and Play locations are all appropriate. Full details of all planting, play design and equipment will all be required for approval. There are some detailed areas that still need to be resolved, for example exactly how the POS boundaries will work around the parking areas for plots numbers 15-18. Consideration also needs to be given to how any boundary fencing will be positioned so as to allow access to all POS for maintenance. There is also the situation that we have several trees, areas of grass verge and other potential planted areas that are within neither the defined POS or private gardens. It needs to be made clear where the ownership and responsibility of these trees and areas will lie.
- 9.13 Environmental Design Team (Conservation) - no objections, subject to conditions to clarify materials and finishes.

## **10 REPRESENTATIONS RECEIVED**

One representation has been received to the proposal, objecting on grounds of increased flood risk, traffic generation, lack of local services and potential to damage adjoining property.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £32,256 in each of the following six years from the dwellings' completion, and as a result, a total of £193,536 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £205,167.01. Tables setting out all contributions are at the end of this report.

The applicant has agreed to enter into a Section 106 agreement with the Council prior to the grant of planning permission to ensure provision of the cycle way, affordable housing, the on-site open space is publicly accessible and to pay a contribution for the future maintenance of the open space together with a further Section 106 agreement following the grant of planning permission to secure the contributions necessary to fund the access & visitor management measures and monitoring measures for each additional dwelling (£550 per dwelling). A condition will be imposed on any planning permission preventing the carrying out of your development until appropriate mitigation measures have been secured. It is not possible to secure all mitigation in one Section 106 agreement because part of the mitigation relies on a full CIL payment. The amount of CIL paid will not be settled until after the planning permission has been issued.

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

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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, following engagement in the pre-application process and receipt of amended plans to address minor issues in relation to the setting of the adjoining listed building and the treatment of boundaries within the site, the proposal was considered to be acceptable.

## **14 ASSESSMENT**

### **Introduction**

This planning application was considered by the Planning Development Control Committee on 12th October 2016 and the resolution was that the Service Manager Planning and Building Control be authorised to grant planning consent subject to the completion of the requisite Section 106 Agreement by 30th December 2016. Unfortunately, the Agreement was not completed in time and it is hoped that it will be completed before this meeting. However, in order to allow some flexibility it is suggested that the resolution be extended until 31st January 2017. All other aspects remain the same as considered by this Committee in October as set out in the previous report below.

### **14.1 The Site and Proposal**

14.1.1 The north western portion of the site is occupied by concrete hardstandings and a structure of agricultural appearance. The concrete hardstandings were formerly used for car parking associated with employment uses to the north. The remainder of the site is greenfield, bound by a belt of trees on its southern boundary, residential development to the east, Milton Barns (Grade II Listed) to the west and Gore Road to the north. The site is largely allocated and within the built-up area, though a small square of land to the south west, to be used as open space, is outwith the allocation and within defined Green Belt.

14.1.2 It is proposed to erect twenty eight 2 and 3 bedroom dwellings and flats on the site, 14 of which would be affordable units (subject to the outcome of the viability appraisal). The proposal also includes vehicular access and parking arrangements for 59 cars, a cycle path fronting Gore Road, pedestrian footways and public open space provision. The proposed development would comprise linked and attached dwellings and flats fronting Gore Road, with semi-detached, detached and linked dwellings to the rear of the site, accessed via a new access point from Gore Road. An area of open space is proposed at the rear, south west corner of the site.



## **14.2 Principle of Development**

- 14.2.1 The site is within the Built-up Area of New Milton and is allocated in the adopted Local Plan: Sites and Development Management (Part 2) DPD under Policy NMT1. As an allocated housing site, a presumption in favour of residential development exists here. The site is allocated for 20 dwellings, although it is now proposed to provide 28 units. However, additional space was freed up within the allocation for housing through provision of the open space outwith the allocation, but within Green Belt.
- 14.2.2 While beyond the boundary of the allocated site and within Green Belt, the main area of open space is considered to be a logical extension to the allocation. Furthermore Paragraph 89 of the NPPF relates to the types of development that may be appropriate within Green Belt, which includes facilities for outdoor recreation. The open space would be visually well contained and would not significantly impact upon amenity or openness of the Green Belt, by virtue of its undeveloped and landscaped form. The benefits of the proposed open space outweigh the very limited harm to the Green Belt.
- 14.2.3 The principle of housing development and area of open space on the application site is considered to be acceptable subject to other material planning considerations, as outlined below.

## **14.3 Character and Appearance**

- 14.3.1 Policies CS2 and CS3 of the Core Strategy and the New Milton Local Distinctiveness Document, seek to ensure that new development is well designed to respect the character, identity and context of the area's towns and countryside and heritage assets.
- 14.3.2 The site adjoins the Phoenix Centre to the south and is opposite an industrial area to the north, but the character of the area is predominantly informed by the semi-detached dwellings to the east and a listed building to the west, which bookend the site frontage. The Urban Design Team consider the proposal to be a little more intense than would otherwise be ideal, but subject to construction details and good quality materials, the design is a good one. The quality of design justifies the intensity of development by creating a new, but appropriate sense of place and a character that will improve the area. There are a couple of small concerns regarding landscape detail which can be overcome by an appropriately worded landscape condition. The internal street relies heavily on hard standing with 90 degree parking along the frontage of two terrace rows. The details of hard surfacing will need to be of good quality with trees in properly constructed pits with a means of natural irrigation and a long term management undertaking.
- 14.3.3 By careful consideration of building line, massing and the regular rhythm of dwellings along Gore Road and by creating a clear highlight as the landmark end to the row, the proposal makes a statement at the settlement edge. The quality of this group of terrace houses and outbuildings as a feature would add considerably to the quality and character of the area. The frontage buildings with open space provision and cycleway are acceptable, as is the treatment of their rear curtilages, provided that the rear boundaries of Plots 2, 3, 4, 15, 21, 24 and 25 to 28 are bound by good quality walling, which may be ensured by condition. Details will be needed for walled sections with some element to create natural surveillance on rear and side boundaries where they abut the public realm.

- 14.3.4 Concerns were initially raised by the Conservation Officer over the impact of the proposal on the setting of the listed building (Milton Barns) at the western extent of the site. Concern revolved around provision of an overly large building of poor design and materials, with parking courtyard open to the listed building. Those concerns have been overcome through submission of amended plans introducing a courtyard of less heavily massed, utilitarian buildings, finished in brick and slate to enclose the parking area for the units. The revised plans enhance the transition between the allocated housing site and the listed building to the satisfaction of the Conservation Officer.
- 14.3.5 An attractive line of trees bounds the southern boundary of the site, which will be retained. This is an important buffer and screen between this site and the youth centre to the rear and also important as a green backdrop to the new houses as seen from Gore Road and within the development. The extent of shading is evident from the applicant's shadow drawing and may lead to pressure to prune these trees. However, the applicant has extended these gardens slightly and it is proposed to retain the trees as they contribute significantly to the character and visual amenity of the locality. The Tree Officer raises no objections to the proposal, subject to conditions.
- 14.3.6 The amended form of development is acceptable in terms of its character impacts in accordance with Policies CS2 and CS3 of the Core Strategy, DM1 of the Local Plan Part 2 and the New Milton Local Distinctiveness Document.

#### **14.4 Provision of Open Space**

- 14.4.1 The site plan shows approximately 0.17 HA of public open space, which complies with adopted Local Plan (Policies CS7 and Policy NMT1). This would be on the proviso that it is appropriately laid out to make it an intrinsic part of the development, to make it acceptable for use by children within the development (passively overlooked) and provide green amenity benefit for residents.
- 14.4.2 The Open Space Team require full details of all planting, play design and equipment for approval, as there are some detailed areas that still need to be resolved, for example exactly how the POS boundaries will work around the parking areas for plots numbers 15-18. Consideration also needs to be given to how any boundary fencing will be positioned so as to allow access to all POS for maintenance. It needs to be made clear where the ownership and responsibility of several trees, areas of grass verge and other potential planted areas will lie. An example is the trees between parking spaces to the fronts of plots 9 to 14. These matters may be clarified by landscape conditions and through preparation of the legal agreement to secure the open space.

#### **14.5 Impacts upon adjoining amenity**

- 14.5.1 Policy CS2 requires the Planning Authority to consider the impact of development proposals upon adjoining amenity and upon the amenity of future occupiers of the new units. The proposal site does not adjoin any residential curtilages, with the exception of 67 Gore Road. However, Plot 1 and Plots 5-8 are well separated from the boundary with number 67 and an acceptable form of development can be achieved without impacting significantly on the amenity of existing residents, in terms of loss of privacy, light or overbearing impact. It would, however, be prudent to

ensure the boundary with no. 67 Gore Road is bolstered by heavy standards to limit intervisibility, which can be ensured by landscaping condition.

- 14.5.2 With regard to concerns raised that building operations will damage adjoining property, there is no reason to suggest that Plots 1 and 2 cannot be constructed without damaging adjoining property. The degree of separation appears to be sufficient to allow works to progress without complication. If damage does occur this would be a private legal matter, to be addressed between the parties involved.

#### **14.6 Affordable Housing Contribution, Habitat Mitigation Measures and Scheme Viability**

- 14.6.1 The applicant proposes 28 new dwellings, including 5 dwellings for the provision of affordable rented housing and 9 Starter Homes. This equates to 50% of total unit numbers. The Council's Core Strategy Policy CS15(b), requires private developments creating new dwellings on greenfield housing sites to provide a minimum of 70% affordable housing. The site was allocated for residential development in the Local Plan Part 2 to specifically provide for local housing need in accordance with Policies CS12 and CS15(b). The applicant should provide 20 affordable housing dwellings on-site where only 14 affordable units are offered. The offer does not meet the policy requirements of CS15(b) and the proposal does not comply with the Council's adopted policy.

- 14.6.2 Policy CS15(b) also stipulates that the development should provide a minimum of 40% social rented housing and 30% intermediate affordable housing, the remainder of the site should be developed for low-cost market housing. The applicant has offered 5 dwellings for the provision of affordable rented housing and 9 Starter Homes. Notwithstanding the reduced number offered, the type offered needs to be considered, as it does not comply with policy. With regard to the offer of Starter Homes, the Strategic Housing Section note that the Housing and Planning Act 2016 seeks to address the need for low cost homes by requiring at least 20% of dwellings on under-used or unviable commercial or industrial sites not currently identified for housing to only be sold to qualifying buyers at a minimum of 20% discount on open market value (Starter Homes). The section of the Act that defines Starter Homes as affordable housing (section 159) has not yet come into force, and accordingly, the Government's current definition of affordable housing does not include Starter Homes. It is, however, the intention that Starter Homes will fall within the definition of affordable housing and it will become a duty for all councils to promote Starter Homes from 1<sup>st</sup> October 2016. The Strategic Housing Section advise that if the council were to take into consideration the direction of travel with regards to Government legislation, then the current proposals could be interpreted as providing a total of 14 (50%) dwellings for affordable housing. The offer of Starter Homes is likely, therefore, to be acceptable.

- 14.6.3 In light of the proposed under provision of affordable housing the applicant has prepared a viability appraisal and an independent view on the viability of the scheme has been sought from the District Valuer. The District Valuer considers that a policy compliant scheme with 70% affordable housing is unviable, 50% being the maximum affordable housing that the scheme can provide taking into account viability. Consequently, 14 affordable dwellings consisting of 5 affordable rent and 9 starter homes is considered to be acceptable.

- 14.6.4 The type and number of affordable dwellings will be ensured by a Section 106 agreement to determine delivery of the affordable rented dwellings to a Registered Provider as well as provision of the Starter Homes.
- 14.6.5 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Until the viability appraisal has been assessed by the District Valuer and the number of affordable units is known, the precise level of habitat mitigation cannot be calculated.

## **14.7 Highway Impacts**

- 14.7.1 The Town Council point out that the proposal fails to comply with the adopted parking standards. The development of the size proposed requires 65 spaces, where only 59 spaces are provided by the amended scheme; approximately two spaces per dwelling. However, the Highway Authority point out that while the standard has not been met, the site is located sustainably in relation to the town centre, to bus stops and to the adjoining 'proposed' cycle way. Furthermore the communal parking spaces available in front of Plots 5 to 18 (fourteen plots) dictate that unallocated spaces would be available to visitors and residents, where a reduced parking requirement is acceptable. In coming to this view the Highway Authority have had due regard to the written statement to Parliament dated March 2015 by the Department for Communities and Local Government which includes the following addition to paragraph 39 of the National Planning Policy Framework:

*'Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network'.*

In light of the Highway Authority's consultation response on the proposed access and parking arrangements, there are no clear or compelling reasons to insist that the development provides 65 spaces, consequently, refusal of planning permission cannot be substantiated on the basis of the slight under-provision of off-street parking.

- 14.7.2 Although the parking arrangements remain unaltered from the initial submission, the Highway Authority has been re-consulted on the amended scheme and their comments will be reported.

## **14.8 Flood Risk and Site Drainage**

- 14.8.1 The Town Council raise legitimate concerns over existing drainage problems in the locality and consider that the developer's analysis has not addressed this matter fully. The application is not within a Flood Risk Area, but is accompanied by a Flood Risk Assessment (FRA), which concludes that flood risk from fluvial, public sewer, ditch and groundwater sources is low. It acknowledges that risk from overland flow and highway ditch

sources is medium and suggests mitigation measures to deal with those risks, which will ensure that existing properties are not exposed to an increase in flood risk arising from the development. Details of sustainable urban drainage, to deal with surface water discharge from the proposed development, are also outlined by the FRA.

14.8.2 The applicant has looked in detail at the ground levels to ascertain how surface water currently flows around the site to enable an understanding of how surface water from the site can be managed. It will be ensured that both the amount and the speed of transmittal of water from the site do not change from the existing situation. In addition, it is proposed to engineer the site levels to allow some flood water to escape in a way that reduces risk to property. Surface water from the site will be collected and stored in a shallow tank system underneath the parking areas and released via control mechanisms that limit the rate that water can escape. This attenuated water flow will be released into a shallow open swale (shallow, planted ditch) at the lowest corner of the site, in front of Plots 1-4. The swale will remove any remaining silts before finally entering a culvert that runs along the front of the site.

14.8.3 Water currently collects at the lower end of the site (near no. 67 Gore Road) where it eventually works its way into the culvert and it is acknowledged that no. 67 has suffered inundation. The level of the swale and the surrounding ground will be at or slightly lower than that of the front of no. 67 Gore Road so that in the event that water collects in the front of no. 67, it will flow towards the swale and not the property. A cut off drain (french drain) is to be located along the boundary of the building and rear garden at no. 67 to ensure no overland flow from the development will pass across into the property (or other neighbouring properties) at this point. Once built, a robust maintenance regime for the surface water system will be in effect, which will be ensured by condition.

14.8.4 To summarise the proposed surface water drainage design:

- Will intercept, store, control and release water from the site at a rate equivalent to the current situation. It will prevent any water that may (or may not) currently escape from site from flooding neighbouring land.
- Will provide a mechanism for flood waters to escape from the site and surrounding ground.
- Consider how water currently flows around and within the site and seek to control it.
- Consider future maintenance and operation of the proposed system.

14.8.5 It is intended to provide a foul water connection to the Southern Water foul water sewer at the site. Foul water flow produced by the development will be a very small fraction of the potential capacity of the sewer and no surface water will be put into this system.

14.8.6 The Planning Authority cannot insist the developer rectifies an existing drainage problem, although incorporation of the controlled surface water release and flood water escape systems into the scheme will assist in this regard. The developer must, however, ensure that the proposal will not make the existing problem any worse, which is evidenced by the FRA and accepted by the County Drainage Authority and Southern Water. This being the case a reason for refusal cannot be substantiated on the basis

of drainage concerns. However, any approval should be subject to surface water drainage strategy and drainage system maintenance conditions, to ensure surface water discharge, foul sewerage and the SUDS scheme are designed, implemented and maintained appropriately.

#### 14.9 Conclusion

14.9.1 In conclusion it is considered that the amended form of the proposed development would be appropriate to the character and appearance of the area with no adverse implications for neighbours. Acceptable access, parking and drainage arrangements can be ensured by condition and affordable housing, habitat mitigation, cycle way and open space can be provided under the terms of the Section 106 Agreement. Accordingly the application is recommended for approval.

14.9.2 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.

#### Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	20	14	6
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution	£71,400	£54,000	£17,400

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	2460.49		2460.49	2460.49	£80/sqm	£205,167.01 *

Subtotal:	£205,167.01
Relief:	£0.00
Total Payable:	£205,167.01

\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

## 15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st January 2017 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 affordable housing, public open space and the cycle way fronting the development.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st January 2017, the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

### Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: LP-01 Rev. A, P1-4.p Rev. A, P1-4.e1 Rev. A, P1-4.e2 Rev. A, P5.pe Rev. A, P6.pe Rev. A, P7-8.p Rev. A, P7-8.e Rev. A, P9-11.p Rev. A, P9-11.e Rev. A, P12-14.p Rev. A, P12-14.e Rev. A, P25-28.p Rev. A, P25-28.e1 Rev. A, P25-28.e2 Rev. A, CP.pe Rev. A, GAR.pe Rev. A and SHED.pe Rev. A and the following amended plans received on 22nd September 2016: SL-01 Rev. C, DBML-01 Rev. D, SE-01 Rev. D, POS-01 Rev. B, P15-18.p Rev. B, P15-18.e Rev. B, P19-24.e Rev. B and P19-24.p Rev. B.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Before development commences, samples or exact details to be used on the Courtyard (Plots 19 to 24) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Details of all external materials to roof, walls and rainwater goods.
- Sample panel of brickwork and bond to be agreed.
- All external joinery, doors and windows – sections and elevations
- Details of low profile conservation rooflights.
- Details of eaves and verges
- Flues, pipes, ducts and vents not to be placed on north and west elevations

The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

5. Notwithstanding any indication on the approved Site Layout Plan (PENN151219 SL-01 Rev C), before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting to include size, species, form, location and planting/protection method in accordance with BS8545: 2014;
- (c) areas for hard surfacing and the materials to be used;
- (d) full details of childrens play area design and equipment
- (e) full details of all boundary treatment and other means of enclosure;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).



7. Before development commences the trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Assessment and Method Statement (16187-AA3-AS), Tree Protection Plan (16187-BT3) and in accordance with the recommendations as set out in BS5837:2012 "Trees in Relation to Construction Recommendations". The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development. Protective fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
  - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
  - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

9. Before development commences, a drainage strategy detailing the means of disposal of foul and surface water from the site and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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

10. Before development commences details of the means of the future maintenance of the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning 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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

11. No works shall commence on site until full details of biodiversity mitigation, compensation and enhancement for the site have been submitted to and been approved in writing by the Local Planning Authority.

Reason: To ensure the impact of the development on biodiversity interests is mitigated and enhanced in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM2 of the Local Plan Part 2 and National Planning Policy Framework paragraph 118.

12. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development.

13. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site.

14. 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 numbers 15 to 18 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 18 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

17. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

18. 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 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, 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 17.

**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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**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 NMT1, CS15 and CS25 of the Core Strategy.
2. The proposed development would fail to provide on-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 NMT1, CS7 and CS25 of the Core Strategy.
3. The proposed development would fail to secure the required cycle way improvement in order to mitigate the impact of the development on the local highway network, as the additional travel needs of occupiers of the development would not be satisfactorily and sustainably accommodated, consequently 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 NMT1, CS24 and CS25 of the Core Strategy.

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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, following engagement in the pre-application process and receipt of amended plans to address minor issues in relation to the setting of the adjoining listed building and the treatment of boundaries within the site, the proposal was considered to be acceptable.

2. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to our pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation.

3. In respect of condition no. 11 the Council's Ecologist advises that whilst the current proposals for enhancement in the ecology report are noted and generally supported, there would be benefit in undertaking professional investigation to see if the site was suitable for supporting swifts and whether it could make a contribution to the current Hampshire Swifts initiative in addition to some of the other species mentioned. Also whilst no reptiles were found during surveys, the site is gradually becoming more suitable for reptile activity following heavy grazing in previous years, the mitigation details should therefore have regard to this possibility.
4. The County Drainage Authority advise that the mechanism for securing long-term maintenance will need to be considered and agreed between the applicant and the Local Planning Authority. This may involve discussions with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies.

5. The County Highway Authority advise that having due regard to the horizontal alignment of the proposed estate roads indicated on the submitted site plan, the highway authority would consider entering into an agreement under the provisions of Section 38 of the Highways Act 1980 to secure their adoption as highway maintainable at public expense.

Paragraph 3.7 of the TA indicates that the cycle route will have a width of 2.0 metres. The Highway Authority would wish to see the width of the cycleway increased to 2.5 metres. Provision of this facility, including its alignment, will require that the applicant enter into an agreement under the provisions of Section 278 of the highways Act 1980 with the highway authority. These works should be subject to a stage 1 safety audit to identify the scope of works required.

6. Southern Water advise that if necessary, the developer must advise them of the measures which will be undertaken to divert the public sewers, prior to commencement of works, under an application under Section 186 of the Water industry Act.

The developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

With regard to condition no. 10 in relation to SUDS it is advised that drainage details should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme;
- Specify a timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the development, to include arrangements for adoption by any public authority and any other arrangements to secure the operation of the scheme throughout its lifetime.

The developer should contact Southern Water on Tel: 03303030119 for further guidance on these matters.

7. In discharging condition no. 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found her:

<http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

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**Planning Development  
Control Committee**  
**January 2017**

**Item No: 3i**  
Land south of  
Gore Road  
New Milton  
16/10994  
SZ2394

Scale 1:1250  
N.B. If printing this plan from  
the internet, it will not be to  
scale.



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