

Application Number: 18/10838 Outline Planning Permission

Site: Land off MOUNTFIELD, HYTHE SO45 5AQ

Development: 4 detached chalet bungalows; garages and parking; associated access (Outline application with details only of access & layout)

Applicant: The Turnbull Group

Target Date: 16/08/2018

RECOMMENDATION: Service Man Planning Grant

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
7. The countryside

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 4 - Decision-making

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

Section 197 Trees

Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 13/11623 - development of 11 dwellings comprised 4 detached 2-storey dwellings, 1 terrace of 3 houses, 1 block of 4 flats, parking, access road, bridge. Refused 11.4.14, appeal dismissed.

6.2 13/10200 - 6 2-storey dwellings, 3 detached garages, cycle and bin stores, access, parking, landscaping. Refused 2.8.13

7 PARISH / TOWN COUNCIL COMMENTS

Hythe Parish Council - recommend permission but would accept a delegated decision. Subject to the houses being no larger in footprint, height and size than the ones shown for indicative purposes in the proposal. The Committee would also like absolute protection for the trees and open spaces with an absolute condition against further houses within the site if tree loss forms opportunistic space. The design and specification of the road should be sufficient to allow safe turning space for local authority, fire and heavy goods vehicles.

Further comments were made as following re-consultation:

Hythe Parish Council - PAR 4: Recommend REFUSAL. The layout has now significantly changed. The development is contrary to the emerging New Forest Local Plan and is out of keeping with Hythe and Dibden's Neighbourhood Plan which is about to go to referendum and which demonstrates a local need for 2-3 bedroom starter homes. The current layout plans show garden fences crossing the woodland which previous applications have considered as important open space.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Waste Management (NFDC): comment only that confirmation is required that the refuse vehicles used will be able to gain access beneath the tree canopy at the entrance to the development and that these trees will be maintained to permit continued access.
- 9.2 Southern Gas Networks: offer advice
- 9.3 Environmental Health (Contamination): request informative due to close proximity of a previous gravel pit and its associated infilling of unknown materials.
- 9.4 Tree Officer: no objection subject to conditions. Further to Members' request for a more comprehensive TPO on the site, it is not considered that a 'blanket' TPO is necessary.
- 9.5 Natural England: no objection.
- 9.6 Hampshire County Council Highway Engineer: no objection (no conditions)
- 9.7 Ecologist: comments awaited on amended plans
- 9.9 Landscape Officer - reconsulted on amended plans, comments awaited

10 REPRESENTATIONS RECEIVED

Objections have been received from 15 local residents raising the following concerns:

- the site is not an allocation site
- the land gets very boggy in winter
- noise and disturbance from vehicles close to boundary
- proposed public open space wouldn't be used by anyone
- inadequate drainage details
- inadequate access
- protected trees will be removed
- junction of Mountfield with Southampton Road will be more congested
- previous reasons for refusal still apply
- bats and badgers (and other wildlife) frequent the site
- there are alternatives to realise the value of the land
- potential harm from street lighting
- development would put pressure on adjoining woodland/countryside
- parking provision should be greater
- pressure to remove additional trees
- inadequate turning for refuse/emergency service vehicles
- car headlights shining through windows of properties
- some positive elements have been removed from the scheme
- no management details regarding the open space
- could open the flood gates for more housing
- parking in Mountfield is already difficult
- public transport is limited in the area
- the proposal would still harm the character and appearance of the area
- adverse impact on wildlife

A further response since the application was readvertised raises concerns over Members' resolution to grant permission and suggests advice is sought from PINS.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus £4,896 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £72,423.38.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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.

A pre-application enquiry was submitted for this site several months ago although the scheme at that time was for 9 dwellings. Since that time, additional details have been provided in respect of the ecology of the area and the scheme reduced in order to enable the retention of and less pressure on the trees within

and adjoining the site. Further plans to slightly amend the layout and to indicate the provision of informal and play public open space have also been provided together with a reduced red site area following Members' initial consideration of the proposal in January 2019.

14 ASSESSMENT

Members will recall this application was considered at the January Committee when it was resolved to grant planning permission subject to the consideration of the following:

- further Tree Preservation Orders within the site
- the submission of an amended plan - suggested by Officers at the Committee meeting - to reduce the site area in order to confine the area of the site over which the principle of development was established and
- the application being advertised as a departure from the development plan in view of it being contrary to policy.

Further to this, the appropriate re-advertisements have been carried out and have now expired.

The Tree Officer was requested to reconsider the site for further Tree Preservation Orders and as stated above, does not consider that there is a need for further TPOs as the important trees are already statutorily protected. This includes 8 individual TPOs, three group TPOs (two containing 7 trees and the third containing 12 trees) and two woodland TPOs within the site and area edged blue. This is a total of 34 trees plus two woodlands. Of the 6 trees to be removed in order to facilitate the development, three are suffering from decay, a further tree is leaning and one is suppressed by a larger protected tree.

The red site area has been amended to be more tightly drawn around the proposed dwellings, public open space and access/parking areas. It specifically now excludes the tree protection area to the south west corner of the site. There are no changes to the number or siting of the proposed dwellings. The reduction in the size of the site brings the area under the threshold required for the provision of public open space (albeit by 0.005ha). However, although this means that there is no formal requirement for the public open space, the applicant has confirmed they will provide this element of the scheme and the necessary S.106 to secure the adoption and maintenance of this area is progressing.

The reduction in the size of the site also reduces the amenity areas for plots 3 and 4. However, it is not considered that this would restrict the amenity provided for these properties which would still retain a substantial garden area.

The Parish have now recommended refusal following re-consultation on the revised plans. In light of this Parish comment, it is stressed that the layout of the houses has not changed, simply the red line around them. The emerging New Forest Local Plan has little weight at the present time pending the examinations which commence in June 2019. Paragraph 14.4.1 below outlines the reason for going against current policy. With regard to the local need for 2-3 bedroom houses, it is noted that the parish council has recently completed a public consultation exercise on a Draft Neighbourhood Plan (Regulation 15 consultation). It is due to submit the finalised Neighbourhood Plan to New Forest District Council and the National Park Authority imminently – as the draft Neighbourhood Plan covers both plan areas. It will require further consultation by both those authorities (Regulation 16 consultation) before it undergoes an

independent examination and, once it is found sound, a public referendum. As the Neighbourhood Plan has not been subject to examination or a referendum less weight should be attributed to it at this time.

In addition to this, the current application is in outline form only and whilst floor plans have been provided to indicate what could be achieved on this site (three first floor bedrooms and bedroom 4/study at ground floor), the matters for consideration in this application are the siting of and means of access to the proposed dwellings. The reserved matters application together with appropriately worded conditions will be able to control boundary fences and the management of areas outside of the red line (but within the blue line) in order to maintain the wooded areas and a landscaping scheme which will provide both visual and ecological mitigation. The reduced red line application site area specifically excludes areas which are shown to be within tree protection areas.

It is considered that the proposals as shown with the conditions identified in this report reflect the desires of the Parish Council following the initial consultation where tree protection, a limit to the number of dwellings and ensuring the dwellings proposed were no larger than indicated were the main concerns in their recommendation for permission. The S.106 Agreement will include details of the public open space and children's play area which is hoped to be a very low key element within the site, not requiring any specific surfacing or fencing around the area and containing a limited number of natural play equipment features.

Other matters to consider have not changed and remain as set out below in the previous report from the January 2019 Planning Committee agenda.

- 14.1 The site lies outside of but adjoining the built up area of Hythe to the west of Lower Mullins Lane and accessed off Mountfield between two bungalows. To the south of the site is a large area of public open space which extends north to Southampton Road and south to the local junior school. There is an area of proposed public open space to the west of the site beyond the wooded land edged blue. The site itself contains several protected trees and levels are higher in the middle and west of the site than the south eastern corner and at the access point from Mountfield. Boundaries to existing residential properties are generally mature hedgerows interspersed with trees although there are some dwellings which can be seen clearly from the site. At present the field is empty.
- 14.2 The proposal is for the provision of 4 detached dwellings, each with a detached double garage; the application is in outline with means of access and layout to be considered.
- 14.3 Planning History
 - 14.3.1 The most relevant planning history in this case is that referred to in paragraph 6.1 above. The appeal in relation to a proposal to develop this site for 11 dwellings was dismissed in April 2014 on the grounds of "the harm that the proposal would cause to the character and appearance of the area and the development's potential to cause harm to protected species".
 - 14.3.2 In dismissing the appeal the Inspector did not take issue with the principle of residential development on the site. The proposal met the exception set out in Policy DM20 in relation to residential development in the countryside.

- 14.3.3 The Inspector considered that the development of the site with 11 dwellings "would result in a significant urbanising effect that would unacceptably harm the semi-wooded character and appearance of the appeal site and the important contribution the site makes to the wider area".
- 14.3.4 In addition, the Inspector raised concerns that the proposals would lead to future pressure to fell protected trees, which would be hard to resist given the number and proximity of trees to the proposed dwellings
- 14.3.5 However, the Inspector raised no concerns in respect of highway issues and living conditions of neighbours and concluded that the proposal would provide benefits in the form of new housing of which a significant proportion would have been affordable units. The appeal proposal was that 7 of the 11 dwellings (64%) would be affordable, with a pro rata contribution to ensure that the scheme would have delivered 70% affordable housing on the site.
- 14.4 Principle
- 14.4.1 In principle, new residential development in this location is contrary to policy (DM20) unless it can be demonstrated that there is a need for forestry or agricultural workers or it provides affordable housing to meet a local need. Neither of these alternatives has been put forward as arguments in the current case as the proposal is for open market housing. In determining the appeal, the Inspector concluded that the previous proposal would meet one of the exceptions to allow development in the countryside as an appropriate level of affordable housing was included in that scheme.
- 14.4.2 While no affordable housing is proposed with this current scheme, being a scheme of fewer than 10 dwellings. The National Planning Policy Framework (NPPF) indicates that in rural areas "policies may set out a lower threshold of 5 units or fewer". A lower threshold has not been set in this district and as a result it would be unreasonable to require an affordable housing contribution.
- 14.4.3 The NPPF (paragraph 11) advises that sustainable development should be approved where it accords with an up to date development plan. In respect of housing policies, this authority's development plan is out of date and policies which protect assets of particular importance (e.g. habitat sites) come into play. Natural England has advised that subject to an appropriately worded condition, the proposal would not harm habitats sites. The site is not sited within or close to any other designations which may impact upon this element of the decision making. Consideration also has to be given to whether or not the benefits of the proposal would significantly and demonstrably outweigh any dis-benefits having regard to the NPPF.
- 14.4.4 In accordance with Paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits.

14.5 Residential amenity

14.5.1 The proposed siting of the dwellings would not result in any significant loss of residential amenity for the adjoining occupiers given the distances involved and the orientation of the dwellings. Similarly, with the minimum distance between existing and proposed dwellings being 20m, there would be no significant loss of light to existing occupiers. The Appeal Inspector found no harm in terms of residential amenity when determining the previous appeal for 11 dwellings and this scheme has been appropriately designed to minimise any impact subject to conditions and any reserved matters application.

14.5.2 Concerns have been raised by local residents with regard to noise and disturbance and the loss of amenity through car headlights shining through windows. The noise and disturbance relates to increased vehicular activity close to garden boundaries. In this respect, the northern most section of the access is in a similar position to that previously proposed and the remainder is 50m from Lower Mullins Lane properties. The previous scheme for 11 dwellings would have generated much more traffic than the current proposal and this was not a reason for refusal at that time. While increased noise and disturbance could be considered as a negative impact, these impacts are not considered to be harmful and have to be considered with all other material planning matters.

14.5.3 With regard to car headlights, it is noted that the access road would be at a slightly higher level than adjoining properties and that the bungalow adjacent to the western side of the access has a relatively open aspect across the site, with substantial glazing to part of the rear elevation. The access road is not proposed in a location which would allow direct light from cars into the rear of this property but it is accepted that there would be some light visible on occasion, particularly during the winter months. However, while this is acknowledged, given that only 4 dwellings are now proposed and the potential for planting to mitigate against this, there would be limited harmful impact.

14.6 Visual amenity

14.6.1 Mountfield, through which the site would be accessed, is an estate of bungalows although other dwellings adjacent to it are more varied and include two storey houses as well as chalet style properties. The indicative elevations for the proposed dwellings would not appear out of context given this variety although their final appearance would be a matter for the reserved matters.

14.6.2 The site is relatively well enclosed and there would be limited views into it from surrounding properties. While the existing landscaping to the southern boundary would not preclude all views into the site from the existing footpath and adjoining public open space, the visual impact of the proposal would be limited from the south and the overall impact would be acceptable.

14.6.3 In dismissing the previous appeal the Inspector recognised that the site's semi-wooded character provided an important transition between the built development and countryside to the south and west. Your officers are of the view that the current proposal for a much reduced

number of dwellings, which enables most important trees to be retained, with appropriate new planting, would ensure that the important landscaped character would be protected. The resultant development, being that of a spacious development within a woodland setting, provides an appropriate transition from the countryside edge.

14.7 Trees

14.7.1 The previous scheme was considered to result in too much overshadowing to gardens due to the tree canopies resulting in a reason for refusal on the grounds that the proposal would compromise the long term future of the trees. This was supported by the Inspector. The proposal now includes only 4 dwellings and this enables generous garden areas, large parts of which would have full sun throughout the day. As such, the local planning authority would be able to robustly defend future applications for felling or other tree works.

14.7.2 It is noted that 6 trees are proposed to be removed from the site and while concern is raised locally, it is considered that this element of the proposal would have a minimal impact on the amenity of the site given the number of trees to be retained and space available within the site to plant replacements which, over time, would provide a greater contribution to the amenity of the area, and ensure a wooded character is retained.

14.7.3 There is a protected tree adjacent to the access point into the site. As part of the access provisions, a root bridge is proposed in order to achieve access into the site without harming the tree roots. The Tree Officer has concluded that, if installed correctly, this should allow access without significant harm to the tree. Crown lifting this tree to 5m above ground level in combination with this would not adversely affect the tree and subject to appropriate conditions, the Tree Officer does not raise any objections to the proposal. In addition, the Appeal Inspector concluded that these access arrangements were acceptable.

14.8 Ecology

14.8.1 Previously, the application was refused and subsequent appeal dismissed on the grounds of a lack of ecological survey work. Since that time, additional work has been undertaken and a revised report submitted to support the proposal. The proposal has also been revised to enable development to take place in less sensitive parts of the site. Indeed, the dense woodland to the west has been omitted from the site area.

14.8.2 With the significant reduction in built form, at a lower density, particularly in comparison to the previous scheme, the proposal has less of an impact on the ecology of the area. Although the development has sought to avoid direct impacts on sensitive areas, there are indirect impacts as a result of introducing domestic uses to the area (e.g. lighting and other forms of disturbance); this is also recognised locally. However, given the outline nature of the application, with the proportion of hard surface and developed land considered acceptable, sufficient details have been provided such that a suitable reserved matters application could include details, and conditions imposed on this application could any harmful impacts to an acceptable degree.

14.8.3 With regard to the management of the area, the site has been used most recently for grazing horses, although the field is presently vacant. A different management system is likely to have resulted in the land being more suitable for invertebrates and reptiles, although this is unlikely to be realised in the future. Therefore the proposals for securing some form of mitigation and compensation need to be weighed with this in mind and, in reaching an ecological recommendation; they should be viewed as representing positive benefits.

14.8.4 The level of provision for wildlife is still modest given the resultant impacts and while the provision of the land edged blue as a mitigation area and the current condition helps to balance this, it is considered that further compensation through the use of suitably worded conditions is appropriate in this instance. This would cover issues such as bat/bird boxes and landscape management.

14.9 Highways

14.9.1 The Highway Authority has considered the proposal and is satisfied that the local highway network can accommodate the additional traffic from four new houses. The layout of the site indicates that adequate turning can be provided for both cars and larger emergency/service vehicles although it is accepted that this could require regular maintenance of the statutorily protected tree adjacent to the access into the site.

14.9.2 As stated above, the Tree Officer is satisfied that the access into the site can be provided without adversely affecting the protected tree and as it is proposed to be a shared surface, it complies with the requirements of the Highway Authority in respect of pedestrian access.

14.9.3 Locally, concern has been raised in respect of a lack of parking provision. The indicative plans submitted show the dwellings would be 4 bedrooomed properties which would generate a recommended parking provision of 3 spaces each. With a double garage plus two further spaces each, it is considered that this is an acceptable level of provision.

14.10 Open Space provision

14.10.1 Proposals for residential development on sites of 0.5ha or more generate a requirement for on-site public open space to be provided. Although this particular proposal is for just four units, it is considered appropriate to provide such a facility which could serve a wider area than just the site.

14.10.2 The site layout indicates an appropriate level of informal public open space and children's play area provision and still allows for the retention of an area for the maintenance and enhancement of the area for wildlife purposes as indicated on the layout plan.

14.10.3 The appeal scheme made reference to a footpath link to the south of the site, however, this was not pursued by the appeal Inspector who considered that as this falls outside of the site boundary, and so its reinstatement as part of the proposed development cannot be relied on as a benefit of the proposals. The proposed link was to an historic overgrown path which is to be reinstated as part of the Council's

Mitigation Strategy for European Sites although is outside of the application site. Given the Inspector's comment in this respect and the desire to improve biodiversity across the site, the applicant has decided not to pursue this footpath link. It is hoped to maintain much of the site outside the residential curtilages as a wild meadow and this are or would extend from the informal public open space to the garden of plot 4. This would enable the provision of log piles and hibernacula to assist with the promotion of biodiversity. This can be covered by condition.

14.10.4 A Landscape Assessment has been submitted that sets out the context and provides details of the visual impacts of the proposed development. This assessment identifies some opportunities for mitigation which need to take into account of the existing character of the sites features and levels. The proposals need to maintain or enhance local distinctiveness and respect the semi-wooded character providing an important transition between the built development and countryside to the south and west. These details can be handled as part of the reserved matters application.

14.11 Other material considerations

14.11.1 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

14.11.2 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.12 Conclusion

14.12.1 Since the previous refusal and dismissed appeal, much work has been done in order to address the overall impact of the proposal on the character of the area and the protected trees. The reduction in the number of proposed units is a significant change in the scale of the development and clearly has benefits through larger garden spaces, benefiting the overall scale and character of the development, less overshadowing of trees and more space for ecological mitigation.

- 14.12.2 While the lack of any affordable housing provision is regrettable, this is not considered to be sufficient justification for refusal of this application having regard to benefits set out above and the overriding need to provide new housing, as set out in the NPPF
- 14.12.3 Having regard to the proposed layout and means of access, the proposal would have a limited impact on the residential amenity in terms of noise and disturbance, light pollution and potential overlooking. The traffic generation for 4 houses would be negligible across Mountfield as a whole and the impact of this additional traffic on the immediate neighbours insufficient to warrant refusal. This scheme, together with any subsequent reserved matters application, would also allow the important landscape character of the site to be maintained for the future given the relatively modest level of development proposed. The application is therefore recommended for approval.
- 14.12.4 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

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£23,672		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	752	0	752	752	£80/sqm	£72,423.38 *

Subtotal:	£72,423.38
Relief:	£0.00
Total Payable:	£72,423.38

** 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) x CIL Rate (R) x Inflation Index (I)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

15. RECOMMENDATION

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

- i) the completion of a suitably worded S.106 Agreement to secure the provision and maintenance of public open space and
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. Approval of the details of the scale, appearance and landscaping of the site ("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. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

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

4. The development permitted shall be carried out in accordance with the following approved plans: location plan 2561 PL01 B (two versions), Tree Survey Report (including tree protection plan) Rev A dated June 2018, Ecological Appraisal dated June 2018, Planning Statement, Design and Access Statement, PL08, PL09, PL04, PL05, PL06, PL10, PL03C, PL02, PL07.

Reason: To ensure satisfactory provision of the development.

5. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement, (Canopy Consultancy Tree Survey Report Reision A, June 2018).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.

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

- a) Service routes, including the position of soakaways;
- b) Location of site compound and mixing areas; and
- c) Location of parking for contractors/builders

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

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to comply with policy CS2 of the New Forest District Council Core Strategy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B, C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the character and constraints of the site and potential impact on the ecology of the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect this, in accordance with Policy CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved by the Local Planning Authority in writing.

Reason: To protect the amenities of the area in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

9. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

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.

10. Prior to the commencement of development, a full landscaping scheme for the land edged blue shall be submitted to, for approval in writing by, the local planning authority:

- a) full details of the proposed management of the 'dark corridor' and open spaces not included within residential curtilages,
- b) provision of habitat enhancements to include, but not limited to, bats, house sparrows and reptiles.

The development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings and thereafter retained.

Reason: In the interests of the ecology of the area and to comply with policy CS3 of the New Forest District Council Core Strategy.

11. 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.

12. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

13. The development hereby permitted shall not be occupied until the spaces shown on plan 2561-PL-03C for the parking and garaging of motor vehicles and cycles have been provided. The spaces shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

Notes for inclusion on certificate:

1. In discharging condition No.11 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 here <http://www.newforest.gov.uk/article/16478/>

2. There are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
3. You are advised that the details required in respect of the landscaping of the site shall include:
 - (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure; and
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

You are advised that close boarded fencing is unlikely to be acceptable.

4. In accordance with paragraph 38 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.

A pre-application enquiry was submitted for this site several months ago although the scheme at that time was for 9 dwellings. Since that time, additional details have been provided in respect of the ecology of the area and the scheme reduced in order to enable the retention of and less pressure on the trees within and adjoining the site. Further plans to slightly amend the layout and to indicate the provision of informal and play public open space have also been provided together with a reduced red site area following Members' initial consideration of the proposal in January 2019.

5. This decision relates to amended plans and documents received on 4 December 2018 and 28 January 2019.

Further Information:

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DISTRICT COUNCIL

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**Planning Development
Control Committee**
March 2019

Item No: 3b
Land off
Mountfield
Hythe
18/10838

Scale 1:1250

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

