

Application Number: 18/10527 Full Planning Permission

Site: SITE OF 11 LIME KILN LANE AND LAND REAR OF 201 TO 209
LONG LANE, HOLBURY, FAWLEY SO45 2HJ

Development: 7 dwellings comprised: 3 terraced houses; 4 detached houses; car
ports; parking; landscaping (Amended scheme to outline approval
15/11072 and reserved matters 17/10293)

Applicant: Elite Homes Sussex Limited

Target Date: 14/06/2018

Extension Date: 03/05/2019

RECOMMENDATION: Chief Planning Officer Grant

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

At the discretion of the Chief Planning Officer as amended plans are the subject of re-consultation and any late comments can be considered by Committee.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Pipelines
Built-up Area
Plan Area
HSE Consultation Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS5: Safe and healthy communities
CS15: Affordable housing contribution requirements from developments
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework 2019

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 **17/10293** 7 dwellings comprised: 3 terraced houses; 4 detached garages; bin store; parking; landscaping (Reserved Matters - details of appearance, landscaping, layout and scale, development granted by outline permission 15/11072) Granted: 10 January 2018
- 6.2 **17/10267** 6 detached houses; 3 terraced houses; garages; associated access; parking; bin store; demolition of existing Refused: 20 April 2017
- 6.3 **15/11072** 7 houses; access; demolition of existing (outline application with details only of access) Granted: 14 January 2016

7 PARISH / TOWN COUNCIL COMMENTS

Reconsultation on reduced scheme for 7 units

Happy to accept the decision reached by the District Council's Officers under their delegated powers.

Reconsultation on final amended plans

Views awaited

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer

Original submission for 8 dwellings

These comments are in response to the amended plans submitted under planning application 18/10527. The applicant seeks permission to erect 8 dwellings with associated access and parking.

The parking standards for the site are laid down by the New Forest District Council (NFDC) as the local parking authority, in accordance with their Supplementary Planning Document (SPD) as adopted in October 2012. These standards require a total quantum of 23.1 allocated spaces (inclusive of visitor parking).

The proposals indicate an under provision of 22 spaces. The submitted dimensions for the car ports and parallel parking spaces are in line with the standards set out in the SPD. The amended parking allocations and numbering is more suitable when compared with the standards in the SPD and match the layout of the dwelling.

No cycle storage has been indicated on the plans, however this can be secured through a suitably worded condition.

The access is deemed sufficient to accommodate the proposed level of traffic. The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a S278 Minor Works license agreement with, the Highway Authority. Full details of how to apply can be found on the County Council website.

The granting of planning permission is independent of the license application, and it is strongly recommended the applicant understands the criteria to be met in order for a license to be granted.

Sufficient provision for pedestrian access to the site has also been provided.

The submitted refuse collection point is acceptable. Similarly the tracking drawings for a refuse collection vehicle and fire tender vehicle are acceptable.

Having regards to the above, the Highway Authority would recommend:

No objection, subject to conditions:

Consultation on final amended plans awaited

9.2 NFDC Landscape and Design Team

Final amended plans

No objections to amended plans which reflect our discussions but there are some anomalies and inconsistencies which need to be corrected.

The reduction in oversupply of car parking spaces has allowed a larger garden for unit 3, and an increase in front garden areas for units 1-3.

Whilst the 7-8 metre garden lengths for units 1-3 are not considered to be sufficient the considerable depth of the adjacent garden to the south will provide a sense of openness with no increased risk of overlooking.

No objections subject to minor amendments to correct anomalies and inconsistencies with plans and planting schedule.

9.3 Natural England

No objections to this amended scheme (for seven units) which is unlikely to have significantly different impacts on the natural environment than the original proposal.

9.4 Ecologist

The additional details/confirmation are from a reputable and appropriate professional, the details are suitable to ensure biodiversity is conserved and enhanced to meet policy requirements. Subject to the delivery of the details being secured via a suitable condition (e.g. development to proceed in accordance with mitigation and enhancement measures within the report and letter unless otherwise approved in writing), no objections raised.

The revisions do not appear to conflict with the Biodiversity Mitigation and Compensation details submitted in June of this year. My previous comment would therefore remain unchanged. *(Previous comments on outline application – confirms that an appropriate reptile translocation has taken place in accordance with best practice).*

9.5 Strategic Gas Network

Standard advice offered regarding gas pipelines in the area. There are however no such pipelines within the application site boundary.

10 REPRESENTATIONS RECEIVED

10.1 Letters of objection from 13 no. local residents raising the following issues.

- Proposal fails policy CS2 test regarding design.
- Too dense a development dominating this back landscape area
- Too close to boundaries with neighbour properties
- Overlooking of existing dwellings and garden areas is unacceptable
- Inadequate access for emergency service and other service vehicles
- Inadequate parking on site will exacerbated off-site parking in the area
- Not compliant with planning or building regulations or health and safety at work
- One additional dwelling not needed given new allocations coming forward
- Alternative access should be sought as the existing is inadequate
- Constant 7 days a week working on site is unacceptable
- Wildlife barrier is not in place
- Inadequate security fencing at the site
- Impact on natural light of neighbouring properties
- Loss of views and outlooks for neighbouring properties
- Additional noise and disturbance from new housing
- Lack of green space within the site
- Development is not aesthetically pleasing

10.2 Amended Plans re-consultation 12 March 2019

Two further letters raising the following issues

- Still considers buildings too high and impinging on local residents, too close to neighbours
- Not in line with best practice as set out in government guidance regarding privacy, light, garden sizes,
- Disregard for proper health and safety on site
- Units 1-3 in particular are overbearing on nearest neighbours
- Plans lack clarity in relation to car ports and party boundaries
- One tree is planted too close to a party boundary

10.3 Amended plans re-consultation 9 April 2019

No comments received to date.

11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (7 x £1224 = £8568.00) 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 £59,777.22 (NB CIL has already been paid for the 7 units now under construction).

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 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 all the above apply. The Council and applicant have agreed various amendments to the plans to overcome issues raised with this application to the extent necessary in achieving a positive recommendation and outcome. In particular the reduction to 7 units and improvements to landscaping and site layout are welcomed.

14 ASSESSMENT

14.1 Site description, proposals and background

- 14.1.1 The application site extends to 0.36 hectares and comprises an area of land formerly occupied by a bungalow known as Devonway and its large rear garden. The application site also encompasses part of the former rear garden of 201 Long Lane, and areas of scrub and paddock to the south of residential dwellings in Lime Kiln Lane, to the west of dwellings in Long Lane and to the north of residential properties in Larch Avenue. The application site is relatively flat.
- 14.1.2 The adjacent parts of Lime Kiln Lane are mainly characterised by bungalows and chalet bungalows set within generous sized garden plots, although 1-9 Lime Kiln Lane to the north side of the site is a long 2-storey terrace. The adjacent properties in Larch Avenue to the south are predominantly 2-storey detached dwellings, but with some bungalows as well, whilst the adjacent properties in Long Lane are mainly 2-storeys high. Properties within the immediate area typically have fairly long rear gardens that give the area an attractively green and spacious character.

- 14.1.3 In January 2016, the Local Planning Authority granted outline planning permission for the residential development of this land with 7 houses. The proposal entailed demolition of the existing dwelling Devonway so as to secure an access to the land. The only matter of detail that was approved was access, all other matters of detail being reserved.
- 14.1.4 In 2017 two applications were submitted; a reserved matters application for 7 dwellings and a new full planning application for 9 dwellings. Reserved matters approval was granted for the 7 dwelling scheme but the application for 9 dwellings was refused in April 2017 because it was felt the development would have been too intensive and an unduly poor design in this green and spacious rear garden setting. It was also considered that the development related poorly to neighbouring dwellings, and there were also concerns about a lack of ecological information and lack of information to show vehicles could turn acceptably on site.
- 14.1.5 Work is now underway on the site with the 7 houses being built in accordance with the earlier permission but not the site layout it now transpires. The layout of the site showed a terrace of 3 dwellings all 2 storey and with 3 bedrooms facing the site entrance road. To the east of the terrace the approved plans show a block of 4 two storey dwellings facing each other across an informal landscaped courtyard. These units are split between 2 no. 3 bed units and 2 no. 4 bed units.
- 14.1.6 At the end of this block of units on the eastern side of the site the remaining open area was to be included as part of the gardens of the end two houses namely plots 6 and 7. At the present time the access road is constructed and the shell of all 7 units is complete with fitting out now taking place.
- 14.1.7 This application as first submitted, sought permission for one additional unit - plot 8 to be built on the eastern part of the site. This new unit would in effect close off the courtyard of four dwellings approved previously with the same two storey design as plots 6 and 7.
- 14.1.8 **Amended application**
- Following discussions with officers it was noted that units 1-3 have been built closer to the party boundary with the existing dwelling fronting onto Larch Avenue to the south. The result of these discussions has now prompted the applicant to submit a revised application with a new form and set of plans which reduces the number of units applied for to seven, and a new site layout and landscaping plan which addresses the initial error in the setting out of the site which has meant the rear wall of units 1-3 is closer to the party boundary.

14.2 Key considerations

- 14.2.1 The key considerations with this application are the principle of development; impact on character and appearance of the area including a consideration of design; impact on neighbour amenity; highway safety and parking; and matters relating to habitat mitigation and ecology. As the development is at an advanced stage and units are being offered for sale, an early resolution to assist housing delivery would be appropriate. Any comments on the final amended plans will be reported verbally.

Principle and policy considerations

- 14.2.2 The site lies within the established limits of Holbury as indicated in the Development Plan Part 2 and is within walking distance of local services.
- 14.2.3 The LPA 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.
- 14.2.4 It is clear from the planning history that the principle of 7 no. units has already been approved on this site. What is now at issue are the changes from the earlier approval. Whilst the works to construct the seven dwellings is now at an advanced stage the applicants wish to stress this was not done purposely but as a result of an initial surveying error on their part. They have however been informed in writing that any works that have taken place in advance of a planning permission is at their own risk. The retrospective nature of this proposal does not fetter the Council in deciding this application on its merits.

Character and appearance/design

- 14.2.5 Policy CS2 of the Core Strategy is the key policy consideration in this case. That policy states 'new development will be required to be well designed to respect the character, identity, and context of the area's towns, villages and countryside.....to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its settings in terms of scale ...appearance, materials and its relationship to adjoining buildings and landscape features. In addition the policy states that there should be no unacceptable visual intrusion, overlooking or shading or other adverse impact on local character or amenity (which by definition includes neighbour amenity).
- 14.2.6 The site is very much a backland site without any road frontage or appreciable impact apart from at the point of access onto Lime Kiln Lane. The key impact of this scheme will however be appreciated from within the site itself rather than in the general street scene. Whilst the site is predominantly hidden from public views it is nevertheless still appropriate to consider the quality of the design and layout and judge these against development plan policies (including any supplementary planning advice documents adopted by the Council), and government advice. The recent removal of plot 8 from the scheme has markedly improved the overall design and layout of the site and imposed less pressure to provide car parking for instance. The proposal for seven units is now much more in line with the original design concept for the site arrived at after considerable discussions with your officers.
- 14.2.7 With regard to the original plans the key issue for the Council's urban designer and landscape architect was the lack of detailing regarding the way in which the landscaping of the courtyard and overall site would work in practice.

- 14.2.8 Another issue which has arisen since it was discovered the site party boundary is nearer to the back of units 1-3 is the reduction in rear garden size for those units. Units 1-3 represent the smallest dwellings on the site with 3 bedrooms in each it should be noted.
- 14.2.9 The previous scheme showed the following separation distances compared to the current scheme (i.e. the distance from the rear wall of the unit to the party boundary to the south). The table also shows the previous extent of private garden land shown on the original reserved matters permission compared to the latest plan of the current application

Reserved Matters approval

Current application

Unit 1	9.4 metres to boundary	Unit 1	7.9m to boundary
Unit 2	9.0 metres to boundary	Unit 2	7.4 m to boundary
Unit 3	9.7 metres to boundary	Unit 3	8.0 m to boundary

Private garden sizes

Unit 1	91 sq. metres	Unit 1	78 sq. m.
Unit 2	54 sq. metres	Unit 2	44 sq. m
Unit 3	55 sq. metres	Unit 3	67 sq. m

- 14.2.10 However to compensate for the reduction in private gardens for units 1 and 2, the front garden sizes for all three units have been increased and improved from the earlier by a greater set back from the private estate road, better defensible space demarked by a low brick wall, and the removal of car parking spaces from the front garden areas which is a poor design feature. In addition it should be noted that the Council does not have any policies requiring a certain length of garden or square size of garden to be provided for x amount of internal floorspace. The size of private garden also needs to be considered in relation to the extent of privacy achievable and degree of overlooking. None of the units are overlooked by properties outside the site with only oblique 1st floor overlooking between the three units. Issues relating to overlooking distances are discussed below under neighbour amenities. Another factor relating to garden and occupancy amenity is the orientation of those gardens to the sun. In this case units 1-3 face south so these gardens will be pleasant sitting out areas albeit the garden length is less than originally approved.
- 14.2.11 Officers consider the final amended plans exhibit a sufficiently high quality design and layout in line with design led policies set out in the development plan and other documents. The latest plan reduces hard surfacing within the site with less car parking than shown on the earlier scheme. That said the overall improvement in layout and design terms does outweigh any slight shortfall on parking. Similarly the access road overall width has been maintained from the original scheme but its appearance has been considerably softened by planting both sides of the carriageway which along with the removal of a pedestrian footway has again improved and softened the appearance of the access onto Lime Kiln Lane in design terms, without compromising the ability of refuse and other large vehicles accessing and turning within the site.

Neighbour amenities

- 14.2.12 A number of objections have been received from local residents as set out above. It is however important to recognise that seven dwellings have already been approved on this site. Most of the objections were in response to the original proposal for 8 no. dwellings. The response to the amended plans reducing the number of units and improving on the layout and landscaping has elicited much less objection to those most affected by the change to units 1-3. The applicants are already in the process of constructing the first seven dwellings under the outline and reserved matters approvals. In this respect issues relating to overlooking and loss of privacy as they relate to four of the dwellings has already been taken into consideration when approval was granted.
- 14.2.13 What has changed is the relationship of units 1-3 with the party boundary of one dwelling which backs onto the site to the south. The back to back distance from the rear of units 1-3 to the rear wall of the nearest dwelling on Larch Avenue is just under 40 metres which is well in excess of the normal 21 metre rule of thumb distance between properties which is generally considered to be a reasonable distance between properties in urban areas. It is also important to note that the whole of the southern boundary of the application site is partly shielded from the dwellings on Larch Avenue by existing vegetation, and outbuildings belonging to adjoining dwellings. An assessment of this overlooking has been carried out on site by the case officer and given the above factors it is considered that whilst there is some overlooking from the rear of the new units from 1st floor windows to existing dwellings both on Larch Avenue and to the north on Lime Kiln Lane the distances are such that an objection could not be sustained. Neighbours have also raised other concerns set out above. Whilst these issues have been considered they are not of sufficient weight to warrant a refusal against a scheme that is nearly identical in house position to the earlier approval.

Highway safety and parking

- 14.2.14 Again concerns have been raised by neighbours regarding the impact of the scheme on highway safety, parking and access for emergency services. The formal response of the Highway Authority however raises no objections to the proposal subject to the imposition of two conditions. The access road is in place and in accordance with the earlier permission. The developers however intend to change the surfacing material of the access road from a hoggin finish to block pavements. This will reduce noise impact and is considered to be an acceptable change.
- 14.2.15 The latest plans show a set of rumble strips as you enter into the site and the main site courtyard. This will serve to slow down traffic and make it more of a pedestrian friendly layout. The deletion of the access segregated footway and its replacement with planting will soften and improve the appearance of the access road without compromising on pedestrian safety given the low speed of traffic using the road.
- 14.2.16 The number of parking spaces overall has reduced from the earlier reserved matters approval from 22 to 17. There is a reduction of visitor spaces from 8 to 3 leaving at least 2 spaces per dwelling. The parking spaces are arranged either as surface parking or parking within open

car ports. None of the car parking spaces are actually shown to be on plot albeit the spaces are likely to be allocated. On this basis it has been determined that the number of car parking spaces should be 19 in total. The latest scheme now shows 17 which is a slight shortfall.

- 14.2.17 Any further views of the Highway Authority to the latest plan will be reported verbally at the Committee meeting. The use of car ports rather than garages will also help to ensure that spaces are actually used for parking purposes as opposed to closed garages which tend to get used for storage. Access for emergency service and refuse vehicles has been considered by the Highway Authority and found to be acceptable. The amended plan does not change this aspect of the scheme. All dwellings will also be provided with secure sheds and cycle storage facilities.

Ecology

- 14.2.18 The Ecologist has been consulted on this application and finds the proposal acceptable subject to the implementation of an ecological biodiversity enhancement plan. This plan was submitted with the application and covers planting elements as well as the provision of bat and bird boxes on the site. This can be the subject of a condition requiring these elements to be in place prior to the last house being occupied. The proposal is considered to be in line with policy DM3 of the Core Strategy which seeks to enhance and maintain biodiversity within any development.
- 14.2.19 The other consideration relating to ecology is in respect of off-site habitat mitigation. 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.
- 14.2.20 The seven dwellings now applied for have already been the subject of an earlier permission and a S106 obligation has been entered into to pay the appropriate contribution for off-site habitat mitigation. That payment has been made under the earlier permission. There is still however a need to either enter into a new agreement with the Council to link the earlier payment with the current application so as to prevent any clawback. This can be required through a condition albeit the condition will be worded that the applicant will need to comply with the Habitat Regulations in respect of mitigating the harm to protected species and areas. In this case this would not be a pre commencement condition.

14.3 Conclusions

- 14.3.1 The site lies in a sustainable location within easy reach of a range of facilities and services such as shops and schools. Permission has already been granted for seven new dwellings on this site with construction now at an advance stage. This application repeats the earlier scheme approval in respect of house design for all units and site layout on four of the units. The movement of units 1-3 closer to the party boundary with the dwelling to the south has been carefully considered and it is concluded that for the reasons set out above there are insufficient reasons to refuse the scheme which could be sustained in the event of an appeal. Details regarding matters of access and parking are considered acceptable. There are no ecological objections. With regard to design and layout the latest proposal which has been agreed with the Council's Environmental Design Team is considered to be overall an improvement on the scheme which gained Reserved Matters approval. In relation to its local impact on neighbour amenity the issues raised have been carefully considered but none are of such weight as to warrant a refusal of planning permission.
- 14.3.2 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

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	701	80.31	620.69	620.69	£80/ sqm	£59,722.00 *
Subtotal:	£59,777.22					
Relief:	£0.00					
Total Payable:	£59,777.22 Note - CIL payment already made					

* 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:

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

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 Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of no new material objections to the submitted amended plans before 30 April 2019.
- ii) the imposition of the conditions set out below.
- iii) any additional conditions as may be necessary to refine and clarify approved details

Proposed Conditions:

1. Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended) this permission being retrospective in nature shall be deemed to have been implemented on receipt of the amended application for 7 no. dwellings and plans submitted thereto on 12 March 2019.

Reason: The permission is retrospective in nature and for the avoidance of doubt as to commencement.

2. The development permitted shall be carried out in accordance with the following approved plans:

S101	Location Plan Landscaping and site layout plan
RM004A REV J	Block plan, elevations and floor plan units 1-3
RM004B REV I	Block plan, elevations and floor plans units 4-5
RM004C REV I	Block plan, elevations and floor plans units 6-7
RM005 REV F	Car port plan and elevations
RM011A REV G	Site access for pumping appliances
RM011B REV G	Site access for large refuse vehicles

Reason: To ensure satisfactory provision of the development.

3. 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 or 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 within plots 1-3 without express planning permission first having been granted.

Reason: To ensure these particular dwellings which have restricted garden areas retain a reasonable amount of private amenity space and to ensure the layout of the units is maintained in accordance with good design principles as set out in policy CS2 of the New Forest District Council Core Strategy and the Council's SPD on housing design and layout.

4. Before the occupation of individual units 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 dwellings is in place and maintained as such thereafter.

5. Prior to occupation of individual units secure cycle storage within the shed shown for that unit shall be provided for each dwelling and shall be retained thereafter in accordance with the approved plans.

Reason: To ensure adequate provision within the site.

6. The car ports hereby approved as part of this development shall be maintained as open fronted buildings without garage doors.

Reason: To ensure that there is sufficient space maintained within the site to provide car parking for each unit.

7. The junction onto Lime Kiln Lane and access road into the site along with the internal courtyard surfacing, foul and surface water drainage arrangements, parking and general layout of the site including all means of enclosure and hard and soft landscaping shall be fully completed at the latest prior to the occupation of the last dwelling.

Reason: To ensure that the approved scheme is fully implemented in a phased basis and available for the residents of the site.

8. Prior to the occupation of each individual unit biodiversity enhancements for bats (where appropriate), and birds shall be carried out in accordance with the Hampshire Ecological Services Ltd report dated 22 June 2018, with a minimum of three bat boxes provided for the site as a whole and a minimum of 2 bird boxes provided for each dwelling. The recommendations set out in the report for all protected and other species shall be carried out in full prior to the occupation of the final dwelling on the site.

Reason: To comply with Core Strategy Policy CS3 and to enhance biodiversity and mitigation for protected and other important species.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

10. 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 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).

11. The developer shall comply with the need to mitigate the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites. Prior to occupation of any of the units hereby approved, the applicant's 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 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.

Notes for inclusion on certificate:

1. 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.

In this case all the above apply. The Council and applicant have agreed various amendments to the plans to overcome issues raised with this application to the extent necessary in achieving a positive recommendation and outcome.

2. The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken on accordance with standards laid down by, and under a license agreement with, the Highway Authority.

Full details of how to apply can be found at:

<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>

3. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

4. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
5. Wildlife and protected species are widespread in the New Forest District and the issuing of planning consent should not be taken as acceptance that they may not be present at the time of development operations. Given that disturbance or harm to wildlife can result in criminal offences being committed by those undertaking or commissioning works, due regard should be given to the law and relevant professional advice. (Whilst professional information supporting this application suggests risks to protected species

may be low, regard should be given to ecological advice and) as wildlife is mobile and may occupy sites where evidence was not previously found, the risk of presence should be appropriately addressed during works. If evidence of protected species (such as bats, nesting birds and reptiles) is encountered, works should stop immediately and Natural England, as well as an ecological consultant, contacted for advice, Works should only proceed in accordance with the advice provided.

6. In discharging condition No.11 above the Applicant is advised that appropriate mitigation is required before the development is occupied, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

In this case the applicant has already entered into an earlier S106 Agreement and it is suggested that the current application needs to be linked with that agreement by way of a fresh agreement so that the money paid can be transferred to this new permission.

7. The developer is reminded of the need for a Section 278 Highways Act Minor Works license for any new or altered access onto the public highway. Full details of how to apply can be found on the County Council web site.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
May 2019

Item No: 3a
Site of 11 Lime Kiln Lane
& R/O 201-209 Long Lane
Holbury Fawley
18/10527

Scale 1:1250

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

