

Application Number: 19/11080 Full Planning Permission

Site: LAND ADJACENT SANDLE LODGE, MAIN ROAD,
SANDLEHEATH, SP6 1PF

Development: 3 detached dwellings; 6 semi-detached dwellings; access;
parking; bin and cycle store; associated landscaping (Duplicate
application to 19/10994)

Applicant: Target Healthy Developments Ltd

Date: Extension 15/10/2019

Date: 29/11/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- Principle of development including policy relating to affordable housing
- Landscape and visual impact including impact on landscape character
- Design and layout of new dwellings
- Highway matters
- Surface water and drainage
- Ecological impact both on-site and off-site including Habitat Regulations

These considerations will include reference to the recent appeal decision. Members are referred to the planning Inspector's decision on the earlier applications 18/11607 and 18/11608 which can be found online.

Two allied applications 19/10994 and 19/11000 were submitted following the appeal decision and these two applications are now the subject of non-determination appeals which will likely be held in abeyance pending the outcome of the two applications now before Members.

This application is before Committee at the request of the local Member and as a Departure from the Development Plan.

2 THE SITE

The application site is located on the eastern edge of the village and is partially located within the settlement boundary as shown in the Core Strategy Policies Map 14. The Local Plan Part 2 policy SAND1 shows part of the appeal site

coloured brown.

The site comprises a greenfield parcel of land in the ownership of Sandle Lodge together with a separate parcel of land to the south which is the subject of a separate application by the same applicants under the Council's reference number 19/11083 (see following report on this agenda). Sandle Lodge is an imposing non-listed Georgian style dwelling which has a number of outbuildings and a large area of garden and other amenity land. The application site lies to the east of the formal gardens of Sandle Lodge and is clearly agricultural grazing land.

The site comprises an area of land of some 0.78 hectares in total (1.9 acres) which is currently used for grazing purposes. The site includes the Local Plan allocation and an extension to that area to provide longer gardens for some of the proposed dwellings and a surface water attenuation drainage system running towards the southern boundary of the land holding. The housing part of the site is less than 0.5 ha in area.

The land is currently accessed from the gated access to Sandle Lodge from the Class C Station Road which forms the main road into the village connecting Ashford and Fordingbridge to the east. The land has a gentle slope away from the road with then a more pronounced fall to the south. The site is bounded to the north by Station Road; to the east by the car park and building used as a scout centre headquarters; to the west by the gardens and ancillary land of Sandle Lodge; and to the south by the remaining agricultural land belonging to Sandle Lodge, the subject of the related application.

The site and adjoining land contains a number of trees which are formally protected by a tree preservation order. In particular there is a group of trees in the north-eastern corner (2 Oaks and 1 Beech) along with two individual trees on the eastern boundary (1 Ash and 1 Oak) and one single tree (Oak) near the access to Sandle Lodge.

During the consideration of the application the Council has served a new Tree preservation Order (TPO0013/19 which covers two Ash trees on the eastern boundary with the scout centre, a group of 3 Oak trees in the south-western corner of the applicant's land holding, and a group of varied species trees on the western boundary between the site and Sandle Lodge itself. The applicants are aware of this new TPO as are the Parish Council.

3 THE PROPOSED DEVELOPMENT

The proposal is for full planning permission for the development of the site for 9 no. dwellings. The proposed development would be served by a new access road from Station Road to serve 3 pairs of semi-detached houses arranged to face, but well set back, from Station Road on the western part of the site, with a further 3 detached dwellings between these dwellings and the boundary with the Scout centre. These dwellings are arranged in a tandem formation with one facing the main road and two dwellings located to the south (rear). The new access road is located to the east of the current access and is shown to be a fully adoptable road with visibility splays along the highway frontage and a turning facility capable of accommodating a refuse vehicle and other larger service vehicles. This roadway is extended outside the red line site onwards to serve the adjoining land to the south. This part of the roadway is shown to be a private drive with a narrower road width but still with a turning area at the southern end for larger vehicles.

The dwellings are all two storey in height faced in brick and a lime based render, with timber windows and doors all under a natural slate or plain clay tiles. The application includes a viability statement and the applicant confirms that all the dwellings will be open market with no affordable housing.

The 3 bed semi detached units will be provided with a total of 12 surface parking spaces located between the front elevation of the units and the roadside boundary. This part of the site includes a new planting scheme to replace some of the conifer trees lost from the site boundary to provide adequate visibility splays. This part of the site also contains a bin collection area. Separate bin and bike store buildings will be located within the garden area of these units.

The three detached 4 bed units will be provided with their own dedicated double car ports with bin and bike storage. Each unit will have in effect four surfaced parking spaces. The plans indicate a private drive entrance to the three detached units. Again a landscaped area is shown between the front house facing the road and the road itself. The TPO trees in the corner of this part of the site are to be protected during the course of the works along with two individual TPO trees on the eastern boundary of this part of the site and a TPO tree in the north-western corner. A large Ash tree to the rear of units 4-8 within plot 6 is shown to be removed but it is the intention to replace this with other trees and landscaping features. The tree is not suitable for a further TPO and is too close to the dwelling being constructed.

The red line boundary of the site also includes a long linear area extending to the south of the semi-detached units. This area will be used for surface water attenuation including engineering works to create a bunded area to contain any overflowing surface water. Surface water will then be drained into the existing drainage ditch at greenfield run off rate. The surface water drainage system will need to be managed by a private management company to be set up by the developer.

Foul sewage will be dealt with via a connection with the existing foul sewer in Station Road. This will feed into the adopted drainage system with a separate system for highway drainage.

This linear surface water attenuation area originally included an area of public open space (POS) which is intended to fulfil the requirements set out in the Local Plan but a revised site layout plan now shows this as being deleted (see below).

The proposal has been the subject of further discussions with officers and has now been amended in terms of the general site layout, whilst not amending the details of the dwellings or their actual footprints from that considered by the Planning Inspector. The amended plans have been the subject of a re-consultation exercise with all consultees and interested parties. Amendments have also been submitted to the allied application adjoining the site.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/11000			Appeal lodged	
5 detached				

dwellings;
associated
access; parking;

**Non
Determination
appeal lodged**

19/10994

Appeal
lodged

3 detached & 6
semi-detached
dwellings;
associated
access; parking;
public open
space; drainage
facilities

**Non
determination
appeal lodged**

18/11608

11/03/2019

Undetermined

Appeal
Decided

Appeal
Dismissed

5 detached
houses; covered
parking; bin &
cycle store;
access;
landscaping;
public open
space and
drainage
facilities

18/11607

11/03/2019

Undetermined

Appeal
Decided

Appeal
Dismissed

3 detached
houses; 3 pairs
semi-detached
houses; bin &
cycle store;
associated
access, covered
parking, public
open space and
drainage
facilities

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1 – Sustainable development principle

CS2 – Design quality

CS3 – Protecting and enhancing heritage and nature conservation

CS7 – Open space standards, sport & recreation inc preservation of green spaces

CS8 – Community services & infrastructure inc retention of existing community infrastructure.

CS9 – Settlement hierarchy

- Level 1 – Larger towns and service centres – Totton & Eling, Hythe and Dibden,
- Lymington and Pennington, New Milton and Barton on sea, and Ringwood
- Level 2 - Small towns and employment centres – Fordingbridge, Marchwood
- Level 3 – Defined villages – Ashford, Blackfield & Langley, Bransgore, Everton,
- Fawley, Hardley & Holbury, Hordle, Milford, & Sandleheath
- Level 4 – rural villages (countryside) – Breamore, Damerham, Elingham, Harbridge, Ibsely, Martin, Rockbourne, Sopley, & Whitsbury

CS10 – Spatial strategy in affordable housing, settlement hierarchy, employment, accessibility, green belt

CS12 – Local needs housing

CS13 – Housing types, sizes and tenure

CS14 – Affordable housing provision – overall target and rural exception sites

CS15 – Affordable housing contributions required % rates on sites

CS25 – Developer contributions (see later CIL and govt. advice on tariffs)

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 NPPF - presumption in favour of sustainable development

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

DM3 Mitigation of impacts on European Sites

DM20 Residential development in the countryside

SAND1 Land west of Scout Centre, south of Station Road

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in autumn 2019.

It is therefore a material consideration which can be given weight in decision-making. However, the weight to be given to it will need to reflect unresolved objections to the policies. A policy or proposal subject to objections to be considered at the Local Plan Examination can be given less weight than a policy/proposal not subject to objections.

The following policies can be considered to be of relevance

- 1 Achieving sustainable development
- 2 Protection of the countryside

- 3 Strategy for locating new development
- 4 Settlement hierarchy
- 5 Meeting our housing need
- 9 Nature conservation, biodiversity and geodiversity
- 10 Mitigating the impact of development on International Nature Conservation sites
- 11 Heritage and conservation
- 13 Design quality and local distinctiveness
- 16 Housing type, size and choice
- 17 Affordable housing

Supplementary Planning Guidance And Documents

SPD Mitigation Strategy for European Sites
 SPD Parking standards
 SPD Housing design, density and character

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Habitat Regulations 2017

S63 – assessment of implications for European sites etc.
 S64 – considerations of overriding public interest

Relevant Advice

National Planning Policy Framework 2019

Section 2 Achieving sustainable development and the tests and presumption in favour - Including tilted balance
 Section 5 Delivering a sufficient supply of homes
 Section 6 Building a strong, competitive economy
 Section 11 Making effective use of land including appropriate densities
 Section 12 Achieving well designed places
 Section 15 Conserving and enhancing the natural environment

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council

Typically, developments of this type do not cater for visitor parking and with potentially larger numbers of visitors than normal, due to desire to utilise the Public Open Space, it is felt that serious safety problems are highly likely as visitors then park outside on Main Road itself and also at the junction of Old Brickyard Road. This, will be a huge safety issue and provides an extra unnecessary hazard at an already busy junction of the entrance and exit to the

Sandleheath Industrial Estate. Especially, as current irresponsible parking along both sides of Old Brickyard Car parking and traffic management within the development is inadequate for modern cars and service vehicles

The proposed Play Park detail was not available at our meeting and the design and security caused concern. We would want to see a thorough Risk Assessment and also safety measures in place for the planned surface water drainage system. We do not want any risk of open water near the Public Open Space play park where young children will be playing.

The fir trees that are planned to be removed from the front of the development must be replaced with substantial trees to shield the development.

Par 2: We recommend REFUSAL, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers

Amended Plans Comments

The revised plans associated with these applications were discussed at a special meeting of Sandleheath Parish Council on 31st October 2019 and the members RESOLVED the following recommendation.

Par 3: We recommend APPROVAL, for the reasons listed below:

Description: Erection of 3 detached dwelling; 6 semi-detached dwellings; access; bin and cycle store; associated landscaping (Revised Plans).

Description: Erection of 5 detached new homes within the curtilage of the existing Sandle Lodge; associated access; parking; etc (Revised Plans).

- Modification of the site entrance with clearer visibility splays and removal from the plans of the Public Open Space has mitigated many of our previous concerns about safety and the lack of parking on site which could have resulted in overspill parking on Main Road and Old Brickyard Road.
- Concerns about access and maintenance of the Public Open Space have now been removed.
- Introduction by NFDC of a TPO to protect specific trees on site and the applicants revised landscaping plan have gone a long way to convince us that the rural feel of the site will be better maintained.
- With regards to the applicant's proposal to pay a total of £31,577.48 toward recreation/community facilities for the benefit and enjoyment of the local community we fully support this as a sensible alternative to the provision of public open space.

NFDC's Planning Committee should be aware that we have public open space in the form of Sandleheath Common, but desperately need an indoor community space to host Sandleheath Community Association events, Mums and Toddlers groups, play dates and other community lead activities.

In consequence to encourage local social interaction and create a facility for village activities the idea of taking over the redundant St Aldhelm's church and converting into a multi-purpose village hall has been developed.

With the support of the whole community a committee was formed who

have now become the trustees of the registered charity (Sandleheath Village Hall Charitable Incorporated Organisation). In November 2018 the charity was able to take a 25-year lease on St Aldhelm's. A programme is now underway to transform the building into a modern facility for the use by the community. Grounds needed to be cleared, new kitchen and toilets to be installed and significant work was needed to the fabric of the building/roof. With local fund raising well underway and the support of NFDC, the Parish Council and grants from other organisations the project is about halfway to raising the £150k needed to carry out the essential modernisation work.

The Parish Council respectfully proposes to NFDC that allocation of the £31K payment proposed by the applicant in lieu of the provision of onsite Public Open Space should be made to the Sandleheath Village Hall project.

We have asked Sandleheath Village Hall CIO Trustees to provide further information on the project together with a copy of their Constitution to NFDC's Senior Planning Officer prior to the Planning Committee meeting scheduled for 13 November 2019.

- Notwithstanding our recommendation above the Parish Council would like to make NFDC's Planning Committee aware of our extreme disappointment that the Planning Inspectors' decision has denied us of the opportunity to provide some Affordable Housing in the village and has pushed housing development beyond the building line into a rural area. This site was identified as a potential site for mixed development a long time ago and there are clearly some wider policy issues here that need to be addressed.

8 COUNCILLOR COMMENTS

Cllr Sevier - The applicant has asked me to bring this application to Committee

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report. As the application was submitted as a duplicate of 19/10994 any comments received on that application will be reported on this application as well.

New Forest Ecologist

The application is supported by an updated ecological survey report which presents the results of preliminary survey work and where necessary, more in-depth phase 2 survey. The report proposes a future 'Landscaping and Wildlife Plan' including measures and future management prescriptions. It would be necessary to secure and agree the details of this prior to works proceeding beyond slab level in order to ensure accordance with policy. It would also be necessary to either condition lighting to be in accordance with the details of the ecology report, or to require further details of lighting scheme to demonstrate accordance with its specification.

Recommends approval subject to appropriate conditions.

NFDC Building Control

Minor comments made suggesting amendments to one of the units regarding need for a level access to front door.

NFDC Environmental Design

Initial comments on first submission - Detailed comments made in relation to this application and the adjoining site application. Some concerns over location of main POS area to the south of the housing site. Provides details of level of any off-site contribution in lieu of POS on site. Notes Inspector's decision which prevents any POS on the allocated site as intended.

Other comments made in relation to the surface water attenuation bund areas and how this might appear. Would recommend this impact be further assessed. However, would support this natural basin acting as a surface water attenuation feature. Need also to consider impact on trees from both this and any on site POS. Further details and cross sections required of attenuation bund area.

Amended plan comments – agrees that an off-site informal contribution was preferable to POS on site. Revised landscaping and access details now acceptable. Drainage proposals impact now acceptable.

Recommends approval subject to standard and landscape condition.

NFDC Tree Team

A Tree Preservation Order (TPO/0031/14) protects trees that are situated towards the northern and eastern boundaries of the site and also protects 1 Oak tree that is positioned close to the main entrance into Sandle Lodge. In response to this planning application a further Tree Preservation Order has been made and served (TPO/0013/19) protecting other trees on the boundaries of the site. The above-mentioned trees are marked to be retained as part of the development.

The proposed works are considered to be substantial and given the relatively close proximity of this work to the protected trees, specific detail should be provided within an Arboricultural Method Statement and Tree Protection Plan as to how this work will be undertaken without having a detrimental impact on trees health, (agreement has now been reached that these details can be dealt with via a planning condition).

NFDC Open Space

Detailed comments made regarding the position of the POS in relation to Phase one of this development scheme. POS should be better overlooked. Concerned about use of timber for play equipment and how this works within an area close to surface water attenuation. Comments on how access would be created to POS for maintenance vehicles which would have to cross a watercourse. POS should be fenced or bounded off from other land. Would like to see further detail before accepting POS being maintained by the Council.

Understands no POS on site so no comments on amended plans.

NFDC Housing Manager

The appeal has discredited the Council's policy position despite the historic allocation of part of the site as a "CS12 15b" site that should provide a high proportion of affordable housing, plus low cost market housing. In my mind the case for affordable housing is further justified in this instance, given that the extended area of the land forms part of open countryside. Such development is usually associated only with affordable housing exception site policy.

Whilst there is still a need for affordable housing in the area this is now a matter for further consideration by the planning team in light of the appeal decision.

NFDC Waste Management

No issues now bin collection point has been moved.

Hampshire County Council Highways

The highway authority made comments to the previous application (18/11607) on 14th February 2019 and did not raise highway objection to it.

Having reviewed the information submitted in support of the current application, we noted that in respect of highway related matters, the proposals at the site are the same as those contained within the original application.

The Highway Authority's comments ref 023510 dated 14th Feb 2019 would therefore remain unchanged.

Recommended approval subject to conditions

Hampshire County Council Surface Water Team

For this scale of application we are not required to comment at this time. However, please direct the applicant to our website for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work.

No further comments to make on amended plans.

Wessex Water Authority

Surface water drainage needs to be separated from foul drainage to avoid any flooding issues. Recommends a condition be applied to any grant of planning

permission.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

One letter received raising the following points

- Concerned about loss of trees on road frontage and would want to see these replaced.
- Concerned regarding speed of traffic approaching the access and need to ensure adequate sight lines – traffic is doing more than the required 30mph.

One general letter from Hampshire Swifts asking that swift boxes be provided on the site.

11 OFFICER COMMENTS

Introduction

- 11.1 Both this application and the allied application next on this agenda have been prompted by the recent appeal decision which dismissed the appeals on both applications on narrow grounds relating only to off site habitat mitigation against recreational impact. The Inspector was however minded to approve both applications as submitted subject to this matter being resolved.
- 11.2 The current applications have been amended since submission and these amendments have been the subject of a re-consultation exercise. Any late comments will be reported to Committee.
- 11.3 The principal issues are as follows
- Principle of development including policy relating to affordable housing
 - Landscape impact, design and layout of new dwellings
 - Highway matters
 - Surface water and drainage
 - Ecological impact both on-site and off-site including Habitat Regulations

Relevant Considerations

Principle of development including the provision of affordable housing

- 11.4 The background to this proposal is the original allocation of the site in the Local Plan Part 2 for 8-10 new dwellings including a 70% element of affordable housing, landscaping and public open space (policy SAND1).
- 11.5 The appeal decision dated 31 July 2019 is a material consideration which carries significant weight and must be taken into account in determining this application. The appeal decision makes it clear that the principle of the

development together with the general design of the units and site layout were considered to be acceptable. The reason the appeal was dismissed related solely to habitat mitigation relating to additional recreational pressure on protected areas and the lack of a suitable mechanism to offset the harm caused.

- 11.6 In addition a partial award of costs was made against the Council in respect to the linkage the Council made of the two applications triggering an affordable housing requirement, and an inadequate reason for refusal put forward on ecological grounds. The Inspector considered that this amounted to unreasonable behaviour resulting in additional expenditure being incurred by the appellant.
- 11.7 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.
- 11.8 The Inspector considered the Local Plan policy SAND1 is now out of date and is superseded by the advice contained in the NPPF both in terms of the policy itself and the new guidance that affordable housing should not be sought on developments of less than 10 units. Given in his view the lack of environmental harm the Inspector was minded to allow the appeal had it not been for the issue relating to habitat mitigation. To that end the current proposal for 9 open market dwellings must be considered to be acceptable.

Landscape impact, design and site layout

- 11.9 The Inspector's decision makes it clear that the design of the new dwellings and the site layout was acceptable in visual and environmental terms and that no demonstrable harm would be created should permission be granted in terms of the local or wider landscape. The Inspector identifies the site as being well contained and framed by mature trees. Those important trees that surround the site have now been protected by virtue of the new TPO. On that basis the current application is a repeat of the application put before the Inspector. The opportunity has been taken to discuss some minor improvements to the site layout with the applicant who has agreed to incorporate these changes whilst maintaining the general design and site layout agreed by the Planning Inspector.
- 11.10 The Local Plan allocation stated that provision should be made for *public open space in accordance with Core Strategy Policy CS7, to include natural play space for younger children located within the residential development*. Policy CS7 is based on a formula approach dependent on the size of the site and projected number of new dwellings.
- 11.11 With regards to the informal open space and children play contribution, the policy applies this to all residential development, and on-site provision is triggered for sites over 0.5ha. The current site is below that size. In such cases the policy allows for a financial contribution being made off site. The

SAND1 policy however required provision to be made on site. However the Inspector ruled that out as he agreed the site layout which did not include any POS within the allocated site, considering that the POS could be accommodated outside the allocation area to the south of the dwellings. In doing so the Inspector did not consider the practicalities of future management and maintenance and the potential adverse impact on what are now protected trees. The POS located to the south of the allocated site is poorly located and will create long term management and access issues and following discussions with officers has now been deleted from the scheme in favour of an off-site contribution which is allowed for under Core Strategy Policy CS7. In addition Policy CS8 and CS25 support developer contributions where they are linked to the development and will enhance other community based facilities.

11.12 Therefore the contributions are calculated as follows:

Phase 1: 3x4 bed + 6x3 beds, using standard occupancy rates of 3.5 and 2.4 respectively results in a new population of 25 (rounded up). $25/1000 \times 2.2\text{ha}$ (informal and play) = $0.055\text{ha} \times \text{£}333,800 = \text{£}18,359$. ($\text{£}333,800/\text{ha}$, in accordance with Developers Contributions SPD)

Phase 2: 5x4 bed = $5 \times 3.5 = 18$ (rounded up). $18/1000 \times 2.2\text{ha}$ (informal and play) = 0.0396 or $400\text{m}^2 = \text{£}13,218.48$

11.13 This recommendation will now be based on a financial contribution being made to the District Council for the sums above for the purposes of improved recreational or other community facilities within the parish area. The District Council will hold the money and discuss potential schemes or other community-based enhancements with the Parish Council. The money will be ringfenced for that purpose but must be spent within a reasonable period (in this case 10 years) or paid back plus any interest accrued. This will be collected via a S106 agreement. Given the Inspector's decision and the practical difficulties of siting any POS at the rear of the allocated housing site within a wooded and potentially wet area with difficult access, it is considered that an off site contribution to recreation/community benefit is a reasonable solution. The views of the Parish Council regarding the amended proposals will be reported to the Committee.

11.14 The design of the buildings was considered by the Inspector along with the site layout. The Inspector had no issue with the chosen design and site layout and considered the new dwellings would sufficiently reflect local character and quality. Whilst your officers would have preferred more cottage style buildings the dwellings do exhibit a quality of architecture and materials for example using timber windows and doors rather than the usual uPVC. The layout remains as per the drawings considered by the Inspector except for the removal of the POS and gated entrances which were also an issue. The revisions to the access road, to create a narrower private drive with passing places, leading to the southern site have also markedly improved the appearance of the development whilst maintaining the original road alignment. The northern allocated site will have a fully adoptable highway and turning area. Bin and bicycle stores are provided for each new dwelling. The increase in the size of the gardens for the semi detached units 4-9 has markedly improved the amenity for those residents.

Highway matters

- 11.15 Some concern has been expressed regarding the speed of traffic into the site and the need to ensure adequate visibility splays across the frontage. The anecdotal speed of traffic is said to be higher than the required 30mph. In addition the Parish Council have raised issues regarding how the POS would work in practice.
- 11.16 With regard to access and visibility the new proposed access will provide adequate sight lines in both directions. The road here is quite straight and the presence of a highway verge coupled with the removal of some roadside conifers will combine to satisfy the Highway Authority that a safe access can be achieved. A narrower access road to the phase 2 site to the south is also now shown but again this will contain a layby for the foul drainage pumping station and a turning area capable of accommodating other large service vehicles.
- 11.17 The issue relating to the POS and access/parking has been resolved by deleting the POS from the scheme. The access road into the site will be constructed to full adoptable standards. This will allow all larger service vehicles to access the site and be able to turn within the site.
- 11.18 Added to this the development also needs to ensure sufficient car parking for both phases. The Council's SPD on parking standards requires 24 on site spaces and the latest plan does show that number of spaces. The provision of car ports rather than garages will ensure that sufficient on plot parking is provided for the detached 4 bed units.
- 11.19 The proposal as now submitted does satisfy the requirements of the Highway Authority and a safe access and adequate car parking can be provided. The final point to note is that a pedestrian pavement will be provided into the site and a tactile crossing point will also be included and dealt with by separate agreement with the Highway Authority. The Phase 2 part of the site will have a shared surface rather than a full width highway with pavements either side so as to reduce its harmful visual impact and improve its design. This roadway will be privately maintained by the 5 dwellings it serves.

Surface water and drainage

- 11.20 One of the issues not properly considered as part of the allocation of SAND1 was how surface water would be dealt with. In this case the applicants have decided to use the natural fall of the ground to the south and an existing watercourse. The plans indicate a linear surface water attenuation feature which will channel all surface water into the existing site depression and then through a hydrobrake system to regulate off site flows such that they do not exceed greenfield run off rates. This is a preferred solution to multiple soakaways to serve the 14 dwellings (including phase 2) which might have an adverse impact on tree root systems. The attenuation scheme will be privately maintained by a residents group of all 14 units. Foul drainage will be gravity fed from phase 1 into the existing Station Road system with phase 2 waste being pumped up from the southern end of the site. Details of drainage systems

and the foul pumping station can be required and dealt with via a planning condition. The water authority and the County flood risk team are satisfied with the proposals now put forward.

Ecological impact

a) Habitat Mitigation - recreational impact

11.21 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 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. An informative would be applied to any consent to this effect.

b) Habitat Mitigation - phosphorous and River Avon

11.22 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 having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon.

11.23 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

c) On site ecological impact

11.24 The views of the Council's ecological consultee are set out above and in more detail on line. Core Strategy Policy CS3 requires biodiversity conservation and enhancement. The application is supported by an updated ecological survey and where necessary a more in-depth phase 2

survey. The report concludes that with appropriate avoidance, mitigation and compensation any harm or risk to wildlife can be mitigated. The suggested wildlife plan and future on site management can be achieved by condition as can restrictions on lighting particularly with regard to phase 2. The content of wildlife advisory leaflets to homeowners can also be secured by condition as can the suggested swift boxes being installed on the new dwellings.

12 CONCLUSION ON THE PLANNING BALANCE

The appeal decisions on this and the adjoining application site are a weighty consideration in the determination of this application. The Inspector's decision makes it clear that had it not been for the issue relating to habitat mitigation the appeals would have been allowed. The Inspector in particular considered that the site layout and design of the units on this and the adjoining site were acceptable. Against that background and the up to date government advice set out in the NPPF relating to housing need, the outdated Local Plan policy SAND1 falls away, and the principle is acceptable for open market units. The opportunity has been taken to further improve the site layout however and officers consider the development now to be acceptable. The loss of on site POS has been dealt with in line with policy with an off-site financial contribution. The balance therefore is now one of approval subject to a S106 to secure the necessary financial contribution and appropriate conditions as set out below.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings $9 \times £1224 = £11016$) 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 .£105,967.38

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	1083		1083	1083	£80/sqm	£105,967.38 *

Subtotal:	£105,967.38
Relief:	£0.00
Total Payable:	£105,967.38

* 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:

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

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 2019 this value is 1.22

10. RECOMMENDATION

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

(i) the applicant first entering into an agreement under s106 of the Town and Country Planning Act (as amended) to secure the off-site financial contribution in relation to public open space/recreation/community benefit within the Parish of Sandleheath for the following amounts

Phase 1 £18,359. (application 19/11080)

Phase 2 £13,218.48 (application 19/11083)

and that such sum be lodged with the District Council on the commencement of development for each phase. If the monies are not spent within a period of 10 years from payment to the District Council the money shall be refunded to the applicant with any interest accrued.

(ii) the following conditions

Proposed Conditions:

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:

Phase 1

Location Plan	AL(0)105	P1
Existing Site Plan	AL(0)107	P1
Side garden site layout	AL(0)119	P22
Side garden site	AL(0)122	P9
Roof Plans	AL(0)125	P5
Utilities Routes	AL(0)142	P2
Street Elevations	AL(0)150	P7
Unit 1 - (4 Bed) plans	AL(0)171	P6
Unit 1 - (4 Bed) elevations	AL(0)172	P6
Unit 2 - (4 Bed) plans	AL(0)175	P6
Unit 2 - (4 Bed) elevations	AL(0)176	P4
Unit 3 - (4 Bed) plans	AL(0)177	P5
Unit 3 - (4 Bed) elevations	AL(0)178	P5
Units 4-5 plans	AL(0)159	P5
Units 4-5 Elevations	AL(0)160	P6
Units 6-7 Plans	AL(0)161	P4

Units 6-7 elevations	AL(0)162	P3
Units 8-9 plans	AL(0)163	P3
Units 8-9 elevations	AL(0)164	P3
Cross section plans	02968L-SK008	C
Outbuildings plans and elevations	AL(0)195	P1
Drainage strategy	02968L-50	F
Vehicle swept path plans	02968L-540	B

Reason: To ensure satisfactory provision of the development.

3. Prior to any development above slab level of the dwellings hereby permitted, samples or exact details and intended colour of the facing, roofing materials and finish, together with the materials, finished colour, means of opening, depth of reveals and cill details for all windows and doors 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. The dwellings hereby permitted shall not be occupied until the new vehicular access and attendant visibility splays, footways and crossing point have been provided to at least base course level and the spaces shown on the approved site layout plan for the parking and garaging of motor vehicles, have been provided for the dwelling concerned. The spaces shown on the approved plans shall be retained and kept available for their intended purpose for the dwellings hereby approved at all times. All bin and cycle storage facilities shall be in place prior to occupation of the dwelling to which they relate.

Reason: To ensure adequate access, visibility and 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).

5. Before the occupation of any part of the development hereby approved, detail design for a pedestrian tactile crossing on Station Road shall be submitted to and approved in writing by the Local Planning Authority and completed in consultation with the Highway Authority.

Reason: In the interests of highway safety

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

Reason: In the interest of Highway Safety

7. Prior to the commencement of any part of the development including site clearance works the following details shall be submitted to and agreed in writing with the Local Planning Authority
- Arboricultural Method Statement in accordance with BS5837: 2012
 - Tree Protection Plan in accordance with BS5837: 2012
 - A plan showing the exact routes of all services to include soakaways and specific detail surrounding the drainage and attenuation works in relation to the root protection areas of trees to be retained.

Reason: To ensure adequate protection during the course of the works is afforded to all protected trees on the site.

8. Prior to any works taking place above slab level of any of the dwellings hereby permitted a scheme of hard and soft 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 (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) all boundary walls, fencing and other means of enclosure;
 - (e) a method and programme for the implementation of all shrub and tree planting and the means to provide for its future maintenance.

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

The scheme and details as may be agreed shall be fully implemented in accordance with those details. All shrubs and trees planted shall be maintained for a minimum period of 5 years after planting. Should any shrubs or trees die, become damaged or diseased within that period they shall be replaced with the same species unless otherwise agreed in writing with the Local Planning Authority.

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

9. Prior to any works taking place above slab level on any of the dwellings hereby permitted measures for the conservation and enhancement of biodiversity through a landscaping and wildlife plan (to include future management) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include the following details

- Enhancement proposals including bird and bat boxes (to include at least 6 swift boxes)
- Wildlife enhancement through species planting including land outside the curtilage of any dwelling particularly within and around the attenuation feature and watercourse
- Lighting proposals including street lighting and any other lighting throughout the site
- The details of wildlife advice leaflets to new homeowners

Reason: To ensure compliance with Core Strategy policy CS3 which requires protection and enhancement measures for development proposals.

10. 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.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the best practice, and where remediation is necessary a remediation scheme must be prepared and submitted for approval in writing by 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 prior to occupation of any dwelling affected by the contaminated land.

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).

12. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system separate from any surface water, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accordance with the agreed details prior to first occupation of any of the dwellings hereby permitted and maintained as such thereafter.

Reason: To ensure no groundwater enters the foul water drainage system within the site to avoid future flooding and overloading of the foul system.

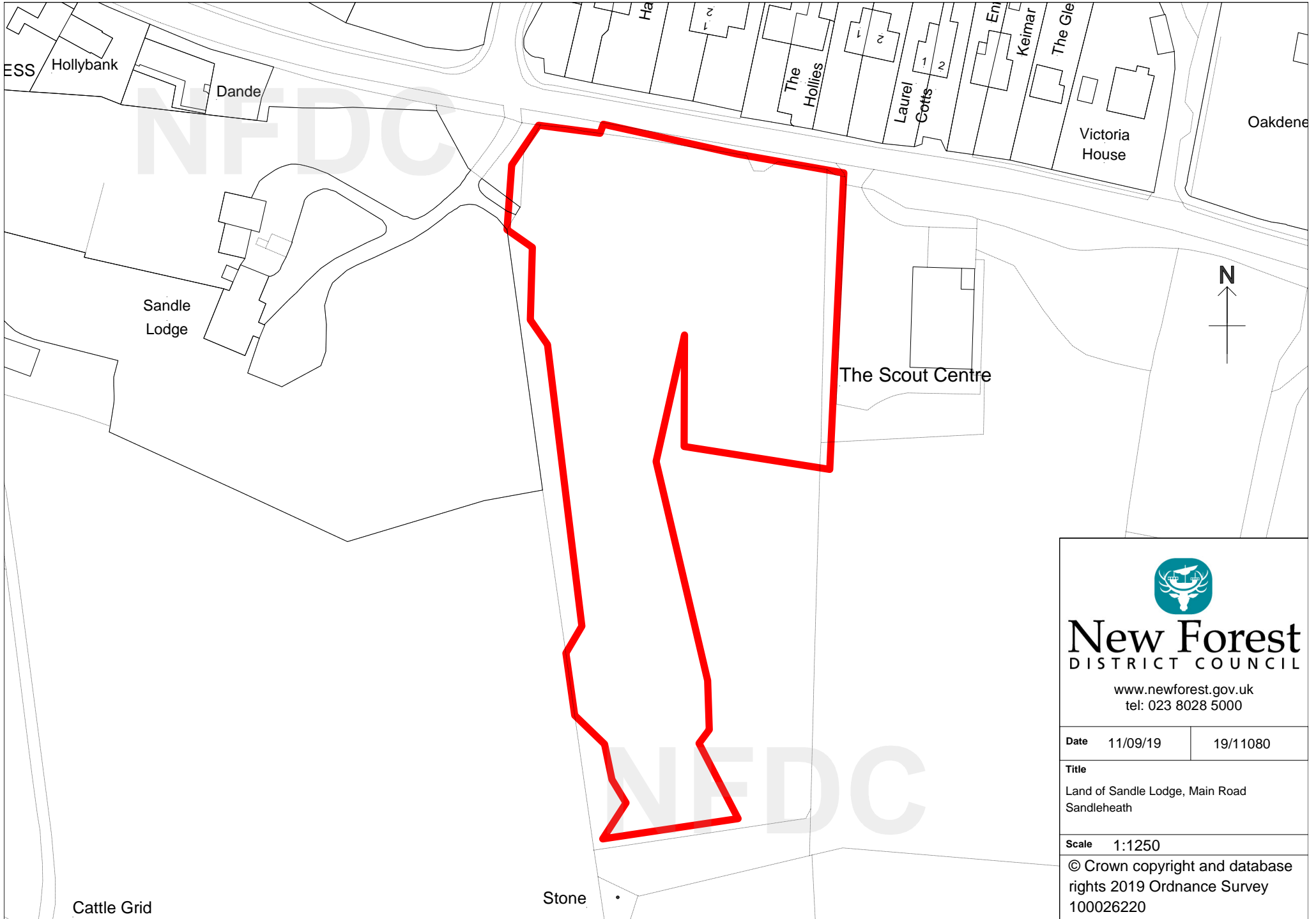
13. Prior to any development above slab level for any of the dwellings hereby permitted final details of the surface water attenuation system including all bund profiles, drainage inlet and outlet and bridge details and intended landscaping works shall be submitted to and agreed in writing with the Local Planning Authority. The details as may be agreed shall be fully completed and implemented prior to the occupation of any of the dwellings hereby permitted and maintained as such thereafter.

Reason: To ensure that the surface water system is adequate to service the site, is appropriate in visual terms, and is in place prior to first occupation.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Date	11/09/19	19/11080
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Title	Land of Sandle Lodge, Main Road Sandleheath
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Scale	1:1250
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Cattle Grid

Stone •