

Application Number: 19/11083 Full Planning Permission

Site: PHASE 2 LAND ADJACENT SANDLE LODGE, MAIN ROAD, SANDLEHEATH, SP6 1PF

Development: Erection of 5 detached new homes within the curtilage of the existing Sandle Lodge; associated access; parking; etc (Duplicate application to 19/11000)

Applicant: Healthy Developments Ltd

Target Date: 16/10/2019

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

This application is located outside the settlement boundary of Sandleheath as shown in the Local Plan Part 2. The site comprises a green field parcel of land in the ownership of Sandle Lodge together with a separate parcel of agricultural land to the north which is the subject of a separate application by the same applicants (19/10994 and 19/11080). Sandle Lodge is an imposing Georgian dwelling which has a number of outbuildings and a large area of garden and other amenity land.

The site comprises an area of land of some 0.49 hectares (1.2 acres) which is currently used for grazing purposes. The land is accessed from the gated access to Sandle Lodge. The land has a significant slope from north to south (4 metres). The site is bounded to the north by the adjoining application site (19/11080 - see previous report) facing the B3078 Station Road; to the east by open land to the south of the scout centre headquarters and its car park; to the west by the gardens and ancillary land of Sandle Lodge; and to the south by a hedgerow and further agricultural land. The site is bordered by a number of trees which are now formally protected by a further Tree Preservation Order as they have significant amenity value as part of the landscape.

3 THE PROPOSED DEVELOPMENT

This application is located outside the settlement boundary of Sandleheath as shown in the Local Plan part 2. The site comprises a green field parcel of land in the ownership of Sandle Lodge together with a separate parcel of agricultural land to the north which is the subject of a separate application by the same applicants under the Council's reference number 19/11080. Sandle Lodge is an imposing Georgian dwelling which has a number of outbuildings and a large area of garden and other amenity land.

The site comprises an area of land of some 0.49 hectares (1.2 acres) which is currently used for grazing purposes. The land is accessed from the gated access to Sandle Lodge. The land has a significant slope from north to south (4 metres). The site is bounded to the north by the adjoining application site facing the B3078 Station Road; to the east by open land to the south of the scout centre headquarters and its car park; to the west by the gardens and ancillary land of Sandle Lodge; and to the south by a hedgerow and further agricultural land. The site contains a number of trees which are now formally protected by a Tree Preservation Order but which still have significant amenity value as part of the landscape.

The proposal has been the subject of further discussions with officers and has now been amended in terms of the general site layout and access road, whilst not amending the details of the dwellings or their actual footprints from those 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 other application on the adjoining site.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status | Appeal Description |
|--|---------------|----------------------|------------------------|--------------------|
| 19/11080 3 detached dwellings; 6 semi-detached dwellings; access; parking; bin and cycle store; associated landscaping (Duplicate application to 19/10994) | | | Application registered | |
| 19/11000 | | | Application | |

| | | | | | |
|---|------------|--------------|----------------|------------------------|--|
| 5 detached dwellings; associated access; parking | | | | registered | |
| Non determination appeal lodged; | | | | | |
| 19/10994 | | | | Application registered | |
| 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 inf.

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, Ibsley, 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 – Aff. 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

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
- 18 Residential accommodation for older people

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 7 Ensuring the vitality of town centres
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council

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.

The application is outside the settlement of the Sandleheath building line and we do not support development in this area. It is effectively pushing out into a rural area which is not appropriate for a development of this nature.

This second site to applications 19/10994 and 19/11080 will create more traffic flow where local parking is an issue. This development site would be better suited to provide parking for the Public Open Space.

The trees within this site are substantial and should be maintained in their present condition and not cut or removed.

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 - request has been made to bring the 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. Any comments received on the linked application 19/11000 are also included here for completeness.

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 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 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. The attenuation basin may impact on the open space provision, an indication of the likely permanent water level would be useful to assess that impact.

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 Open Spaces

See comments on allied application 19/11080. Further details regarding attenuation bunds and future management and maintenance required.

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

This will be a private road, if any issue/complaints of damage to the road caused by refuse & recycling vehicles, the residents will have to take waste & recycling to the main road on collection days.

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.

Hampshire County Council Highways

The highway authority made comments to the previous application (18/11608) 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 of February 2019 would therefore remain unchanged.

Recommend approval subject to conditions

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

The following is a summary of the representations received.

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 (see previous report) 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 Members are referred to the allied report on the application to the north of this site (19/11080 see previous report).
- 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 even though the site was outside the settlement boundary. The Inspector noted the adjoining allocation and considered there was no good reason in terms of sustainability why this adjoining site should be considered unacceptable. Whilst he noted the site was outside the settlement boundary he raised no particular objections to the development.
- 11.6 The Inspector pointed out the Council had no 5 year land supply and there was no environmental harm in his view to this adjoining site coming forward. 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.
- 11.7 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.

- 11.8 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.
- 11.9 The principle of development is therefore considered to be acceptable in light of this appeal decision.

Landscape impact, design and site layout

- 11.10 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. The issue of POS does not arise on this site.
- 11.11 There is however a requirement for an off site contribution toward recreation provision. The contribution is as below:
- Phase 2: 5x4 bed = $5 \times 3.5 = 18$ (rounded up). $18/1000 \times 2.2\text{ha}$ (informal and play) = 0.0396 or 400m² = **£13,218.48**
- 11.12 This recommendation will now be based on a financial contribution being made to the District Council for the sum 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.
- 11.13 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 reflect sufficiently reflect local character and were of sufficient quality.

- 11.14 The layout remains as per the drawings considered by the Inspector except for the removal of the gated entrance and revisions to the access road. The revisions to the access road, (creating instead a narrower private drive with passing places) leading to the southern site has markedly improved the appearance of the development whilst maintaining the original road alignment.
- 11.15 As per the site to the north bin and bicycle stores are provided for each new dwelling.

Highway matters

- 11.16 The Parish Council have raised issues regarding how the POS would work in practice and state a preference for this proposed development site to be used for parking instead of housing. That however is not a consideration bearing in mind the points made about the principle and development being acceptable above.
- 11.17 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 tanker service vehicle and a turning area capable of accommodating other large service vehicles.
- 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 15 on site spaces and the latest plan does show 20 spaces in total split between open car ports and surface parking. 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 current application (Phase 2) 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.
- 11.20 It is important from a phasing point of view that this development if permitted does not commence until such time as the new access serving the phase 1 site together with the necessary visibility splays and turning areas are in place. A condition will be imposed to require this along with a necessary construction management plan to ensure there is adequate space on site to cater for all construction vehicles.

Surface water and drainage

- 11.21 Foul drainage will be gravity fed from the phase 1 site 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 Council flood risk team are satisfied with the proposals now put forward.

Ecological impact

a) Habitat Mitigation - recreational impact

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 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

11.23 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.

11.24 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

11.25 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. Similarly the site for 5 dwellings lies adjacent to the settlement boundary formed by the SAND1 allocation. In the absence of any overriding environmental harm the balance for this proposal must also be one of approval. The opportunity has been taken to further improve the site layout however and officers consider the development now to be acceptable.

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 5 x £1224) 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 £86,740.62

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 | 886.5 | | 886.5 | 886.5 | £80/sqm | £86,740.62* |

| | |
|----------------|------------|
| Subtotal: | £86,740.62 |
| Relief: | £0.00 |
| Total Payable: | £86,740.62 |

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

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2019 this value is 1.22

14. 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:

| | | |
|-------------------------|----------|-----|
| Location Plan | AL(0)106 | P1 |
| Existing Site Plan | AL(0)108 | P1 |
| Side garden site layout | AL(0)120 | P13 |
| Side garden site | AL(0)121 | P6 |
| Roof Plans | AL(0)126 | P4 |
| Utilities Routes | AL(0)143 | P2 |
| Street Elevations | AL(0)151 | P6 |
| Unit 1 plans | AL(0)181 | P5 |
| Unit 1 elevations | AL(0)182 | P5 |
| Unit 2 plans | AL(0)185 | P5 |
| Unit 2 elevations | AL(0)186 | P5 |
| Unit 3 plans | AL(0)187 | P4 |
| Unit 3 elevations | AL(0)188 | P6 |
| Unit 4 plans | AL(0)189 | P4 |
| Unit 4 elevations | AL(0)190 | P4 |
| Unit 5 plans | AL(0)191 | P4 |
| Unit 5 elevations | AL(0)192 | P5 |

| | | |
|-----------------------------------|--------------|----|
| Cross section plans | 02968L-SK008 | C |
| Outbuildings plans and elevations | AL(0)196 | P1 |
| Drainage strategy | 02968L-501 | A |
| Vehicle swept path plans | 02968L-540 | B |

Reason: To ensure satisfactory provision of the development.

- The development hereby permitted shall not commence until such time as the new access road and visibility splays together with the turning areas as shown on the allied planning application for phase 1 (19/11080) has been completed to at least basecourse level.

Reason: This permission is phase 2 of a larger development and it is considered necessary to ensure the access road and turning area has been completed to a reasonable standard to avoid any harmful impact to highway safety.

- 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.

- 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

- 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.

7. 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).

8. 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.

9. Before any foul drainage pipe work is installed, the details of that system

(including the pumping house) and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accordance with the agreed details and maintained as such thereafter.

Reason: To ensure no groundwater enters the foul water drainage system.

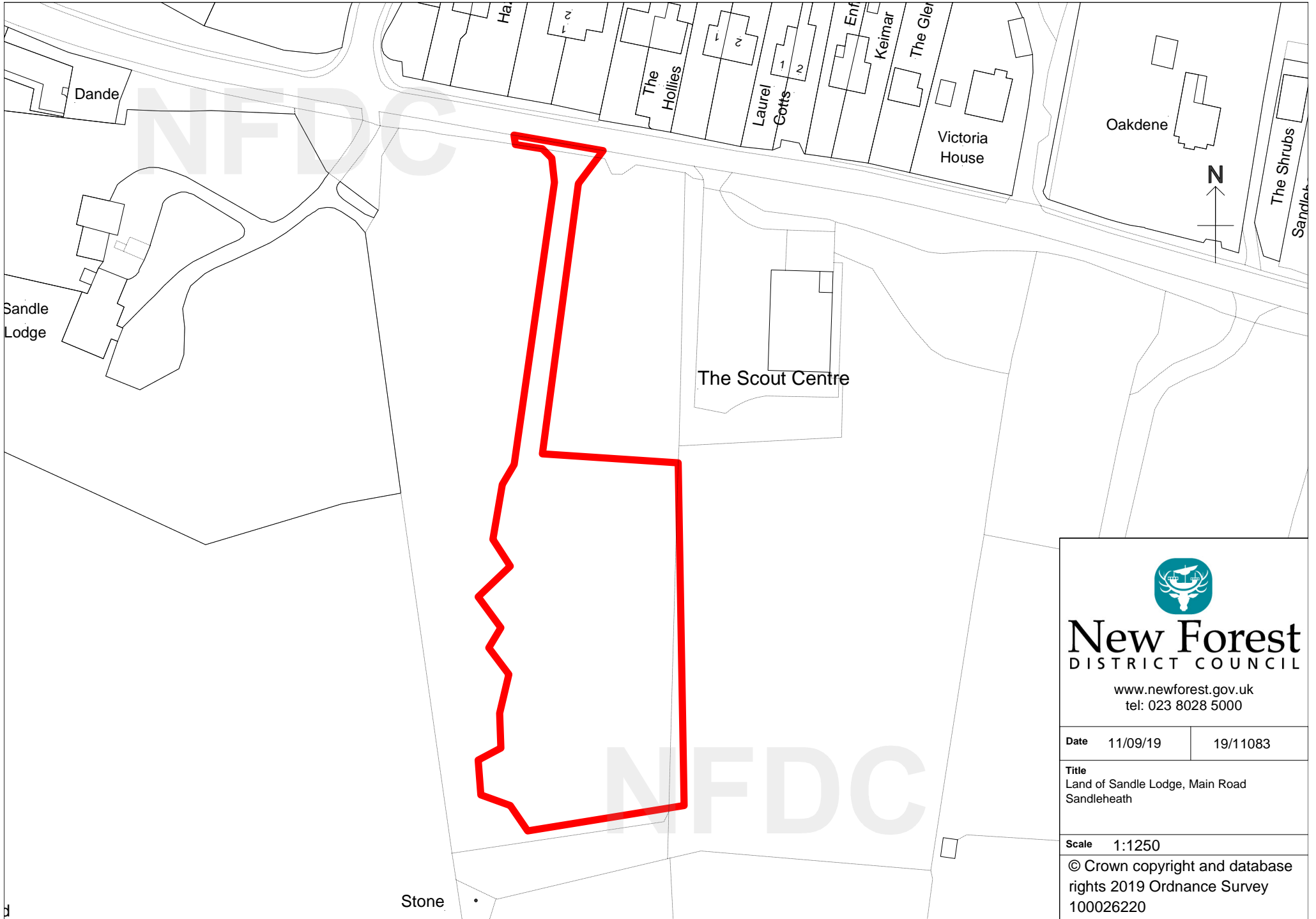
10. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed 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.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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| Date | 11/09/19 | 19/11083 |
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Title
Land of Sandle Lodge, Main Road
Sandleheath

Scale 1:1250

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