

Application Number: 15/10751 Full Planning Permission

- Site:** Land adjacent to FOREST LODGE FARM, FAWLEY ROAD, HYTHE, SO45 3NJ
- Development:** Development of 45 affordable dwellings comprised: 1 three-storey block of 8 flats; 3 terrace of 4 houses; 1 terrace of 3 houses; 9 pairs of semi-detached houses; 4 detached houses; access, roadways & footpaths; parking; public open space; allotments; landscaping and associated works
- Applicant:** Burton Property Ventures Ltd
- Target Date:** 09/09/2015
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1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Head of Planning and Transportation

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM5: Contaminated Land
- HYD1: Land at Forest Lodge Farm

Saved New Forest District Local Plan First Alteration

DW - E12: Protection of landscaped features.

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend permission, but would accept a delegated decision. - Supports, but has concerns over the positioning of the public open space, which is close to a dwelling at Forest Lodge Farm; is concerned that the access road is close to the junction of Frost Lane and Fawley Road; is concerned at the lack of a footpath from the site to Frost Lane, which would need to be in place before the dwellings are occupied; is concerned that drainage on the site will need to be sufficiently robust as to remove water efficiently

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions on parking, cycle storage, and parking provision during construction, footway along Fawley Road needs to be secured within a S106 / S278 agreement.
- 9.2 Environment Agency:- No comment
- 9.3 Land Drainage:- No objection subject to conditions
- 9.4 Environmental Health (contaminated land):- No objection subject to contamination conditions
- 9.5 Hampshire County Council Archaeologist:- the site has archaeological potential and therefore advises that planning permission should be subject to archaeological conditions
- 9.6 Building Control:- consideration needs to be given to access for fire appliances, width of access road and securing adequate turning circle.
- 9.7 Hampshire County Council Education:- there are sufficient school spaces in the area

- 9.8 Waste & Recycling Manager:- properties will require rear access for refuse / recycling; accessways must be to an adoptable standard; hammerheads must allow for refuse vehicles to turn
- 9.9 Development & Acquisitions Manager:- Supports - proposal will help the Council in addressing the relatively high housing need in Hythe.
- 9.10 Hampshire County Council Minerals & Waste:- the site is adjacent to a Minerals Safeguarding Area; recommends that further exploratory work is undertaken within the site to establish viability of potential mineral resources below ground level.
- 9.11 Tree Officer:- No objection subject to tree protection conditions
- 9.12 Environmental Health (pollution):- No objection subject to condition to secure adherence to mitigation measures in Noise Impact Assessment report.
- 9.13 Environmental Design (Urban Design):- The proposal would result in a fairly neat and pleasant layout and there is a very clear sense of design to the main street hierarchy and a high quality indicative landscape strategy. Has concerns about the larger block of flats in terms of the southern elevation which would inadvertently emphasise the scale of the building.
- 9.14 Health & Safety Executive:- No objection
- 9.15 Hampshire County Council (Flood Management):- advised that initial drainage proposals raised some specific concerns that should be addressed before planning permission is granted; long-term maintenance details need to be agreed. (No response has been received following further consultation).
- 9.16 Southern Water:- there is currently inadequate capacity in the local network to provide foul sewage disposal to service the development. Additional off-site sewers or improvements to existing sewers will therefore be required; advise that habitable rooms should be more than 15 metres away from the pumping station boundary; requests condition requiring approval of foul sewerage disposal details; requests informative on water supply.
- 9.17 Environmental Design (open space):- advice given on public open space contributions that would be required.

10 REPRESENTATIONS RECEIVED

- 10.1 113 letters of objection from local residents:- loss of valued greenspace; erosion of gap between Hythe and industrial areas to south; adverse impact on trees; additional light pollution; adverse impact on ecology and biodiversity; adverse impact on protected species; scale of buildings would be excessive; density of development would be too high; development would have a cramped appearance; loss of local character; overlooking resulting in loss of neighbours' privacy; inadequate on-site parking provision to detriment of highway safety; increased traffic resulting in congestion and additional highway dangers; new access would be dangerous; poor quality living environment for new residents; development / public open space will attract antisocial behaviour; noise

pollution; additional surface water runoff resulting in increased risk of flooding; increased pressures on local infrastructure; increased litter nuisance; inappropriate development in hazard zone area; proposals could prejudice the efficient future development of adjacent land; concerns about contamination; proposals rely on planting outside the site.

- 10.2 2 letters of support from local residents:- proposal would provide much needed affordable housing.
- 10.3 1 letter from GEO Speciality Chemicals; are concerned that the proximity of the new houses would not be an impediment to their expansion plans
- 10.4 1 letter of objection from adjacent veterinary practice:- concerned that surface water runoff from the site will result in an increased flood risk on their land

11 CRIME & DISORDER IMPLICATIONS

See Assessment Report Below

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £51,840 in each of the following six years from the dwellings' completion, and as a result, a total of £311,040 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £316,800.00.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.

- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply. There were lengthy negotiations with the applicants before the application was submitted and these have continued since the application was registered. Amended plans and additional details have been submitted during the course of this application and this has enabled a positive recommendation to be made.

14 ASSESSMENT

Introduction

- 14.1 The application site, which is 1.7 hectares in area, is a parcel of farmland between Forest Lodge Farm and Fawley Road. Currently, the site is predominantly an area of rough grassland, although the land has previously been grazed. The site has a relatively long frontage with Fawley Road, the northern part of which is fairly open, and the southern part of which is marked by a line of mature trees within the site. To the north side of the site is the Seadown Veterinary Surgery and a small field, while to the site's north-east side is an area of mature broad-leaved woodland. To the east side of the site is the residential dwelling at Forest Lodge Farm and a small paddock, which are visually separated from the site by mature trees and vegetation alongside the site's eastern boundary. There are also mature trees and vegetation along the site's southern boundary, beyond which is a gravel track that serves Forest Lodge Farm and a small number of dwellings to the south. The western half of the site is either flat or gently sloping. However, there are some pronounced slopes to the eastern half of the site. A saddle of higher ground does extend across to the eastern boundary of the site, but either side of this the land drops away sharply. There is a distinct hollow / bowl in the south-eastern part of the site. The lowest point of the site on the site's eastern boundary is approximately 10 metres lower than the highest parts of the site that are located in the site's north-western corner.
- 14.2 The submitted application seeks to develop the site with 45 dwellings. These would be comprised of 4 detached dwellings, 18 semi-detached dwellings; 1 terrace of 3 dwellings, 3 terraces of 4 dwellings and a block containing 8 flats. Vehicular access to the development would be from Fawley Road. A separate new pedestrian access is also proposed. The steeply sloping south-eastern section of the site would be used to provide a new area of public open space, whilst the southern most part of the site would be laid out to provide 5 new community allotments.

Policy Considerations

- 14.3 The application site is the subject of a site specific planning policy. Local Plan Part 2 Policy HYD1 allocates the site for residential development, specifically to provide for local housing needs in accordance with Core Strategy policies CS12 and CS15. Policy HYD1 indicates that 70% of the dwellings that are provided should be for affordable housing. The policy stipulates that vehicular, pedestrian and cycle access should be from Fawley Road and that important trees and hedgerows on the boundaries of the site should be retained. The policy seeks an appropriate landscape treatment to the site's north-eastern boundary, the provision of public open space to include provision of children's play space, and the provision of suitable land for a minimum of 5 full size allotment plots. The supporting text to the policy suggests that the site will provide around 40-45 dwellings.
- 14.4 Because the site is allocated, there can be no objection to the principle of the residential development that is proposed. The number of proposed dwellings accords with policy guidance and the application provides public open space, and allotments and retains important trees on the site in line with policy requirements.

Affordable Housing considerations

- 14.5 The applicants are committed to securing at least 70% of the dwellings (32 dwellings) as affordable housing, and are agreeable to entering into a Section 106 legal agreement to secure this level of affordable housing provision. Of the 32 dwellings that would be secured as affordable housing, 18 units would be for social rented housing and 14 would be for intermediate (shared ownership) housing. The mix of affordable housing units would accord with the requirements of Core Strategy policy CS15, which seeks (on the scheme as a whole) a minimum of 40% social rented housing and 30% intermediate housing. Accordingly, subject to the completion of a Section 106 legal agreement to secure 70% of the dwellings as affordable housing, the development is one that would be consistent with Core Strategy Policies CS12 and CS15. It should be noted that the applicants have indicated that they may well develop a scheme that would be 100% affordable, and therefore potentially, the level of affordable housing being provided would exceed policy expectations.

Design considerations

- 14.6 The proposed development is considered to be of an acceptable design quality. The layout is to a large extent dictated by the site's topography and natural features. The steeply sloping land on the eastern side of the site is difficult land to develop, and there is therefore a design logic to this land being public open space. The public open space would have an acceptable degree of natural surveillance, and although the topography would naturally limit it from being used for certain activities, it would still provide an attractive amenity for occupants of the proposed development. A natural play area would be provided within the lowest part of the site and this would provide children with opportunities for play. Some of the precise design features of the public open space would need to be agreed by condition, but based on the landscape proposals that have been submitted with the application, it is considered the public open space would be a well designed space, both in terms of its visual appearance, and in terms of the way in which it would function.

- 14.7 The new houses would address the new streets in a positive manner. Most dwellings would have little in the way of front gardens, but they would have narrow, defensible landscape margins to ensure the new street is not too hard edged. A new square that would be provided would be a strong and distinctive feature that would add visual interest to the streetscene, (as well as helping to slow down traffic speeds). With appropriate hard and soft landscaping the new streets would be attractive, well designed spaces. Although the new street would be quite tightly knit in places, the dwellings would have decent sized rear gardens, where there would be good opportunities for tree planting. The rear garden areas would provide adequate private amenity spaces for the new dwellings. The layout includes a new footpath link onto Fawley Road, and it is felt the layout as a whole would be sympathetic to the needs of pedestrians.
- 14.8 Dwellings on corners would have sufficiently active frontages on their exposed side elevations to ensure that the dwellings would interact appropriately with the street, thereby helping to create a high quality public realm. The dwellings would be a mix of 2-storey and 2.5 storey dwellings. The advantage of providing some 2.5 storey dwellings is that it would help to create more variation in the roofscape of the dwellings, and thereby create a more articulated streetscape. Dormers would be in proportion to the roofs in which they would sit. It is not felt the scale of the dwellings would be excessive.
- 14.9 A significant element of the flatted building in the northern corner of the site would be 3-storeys high. This building would therefore have a greater scale and mass than the other dwellings on the development. It is felt that the provision of a single building of a greater scale in this corner of the site would not appear out of keeping, provided the building is given an adequate spatial setting and provided the mass of the building is sufficiently articulated. The Urban Design Officer has concerns about the apparent scale of the south elevation of this building, however, this is considered to be appropriate in this location. The building that is proposed would have a significant landscape setting on its northern side, with areas of parking to the west and east, so that it would not appear cramped. The mass of the building would be adequately articulated with the northern wing of the building having a subordinate 2-storey scale and form. The building would be visible from Frost Lane to the north-west of the site, but with appropriate landscaping, it is not felt that this part of the development would be too hard-edged.

Neighbour Amenity Impacts

- 14.10 A development of the size and scale proposed would inevitably have some impact on the amenities of nearby dwellings. Although the premises to the north side of the site is a Veterinary Surgery, there is also a residential building to the side of the Veterinary Surgery. The rear of the dwelling on Plot 1 would face this adjacent residential building. A small first floor window on this rear elevation would be about 23 metres away from this adjacent residential building, whilst other rear windows would be about 26 metres away. Given these distances, and given the small size of the nearest window, it is felt that the development would not cause undue harm to the privacy of this property. The veterinary surgery itself would not be as sensitive to overlooking impacts, and it is felt that the development would not materially affect the amenities of people employed here.

- 14.11 On the site's eastern side, Plot 25 would be sited about 27 metres away from the neighbouring dwelling at Forest Lodge Farm at its nearest point. This would be an acceptable degree of separation. In any event, the orientation of Plot 25 and the intervening vegetation would ensure that Forest Lodge Farm would not be unduly overlooked by any of the proposed dwellings. Forest Lodge Farm would be bounded by the proposed public open space, and inevitably use of the public open space would generate some noise and activity that would be appreciated by the occupants of Forest Lodge Farm. The tranquil environment currently enjoyed by the occupants of Forest Lodge Farm would inevitably be eroded to a degree. However, taking into account that the site is allocated for residential development, it is not felt that the noise generated by development as a whole, and use of the public open space in particular, would be materially harmful to the amenities of the occupants of Forest Lodge Farm. It should be noted that the dwelling at Forest Lodge Farm is sited below the level of the public open space, and the natural play area that is proposed. However, there is good screening along this boundary at present (much of which is in the neighbour's control). Provided this screening is reinforced to include additional planting on the application site, it is not felt that people using the public open space would overlook Forest Lodge Farm in a manner that would be detrimental to the privacy of the occupants of that property.
- 14.12 Other dwellings to the south and west would be set a generous distance away from the proposed development, and the privacy and amenities of the occupants of these properties would not therefore be materially affected by the proposed development. The new dwellings would have acceptable size rear garden areas or an acceptable size amenity area in the case of the flatted block. It is also of note that the applicants have submitted a detailed noise impact assessment. This adequately demonstrates that occupants of the new development would not be subject to adverse noise impacts. It is felt the occupants of the proposed development would enjoy satisfactory living conditions.

Boundary concerns

- 14.13 During the course of the application representations have been submitted questioning the accuracy of the site's eastern boundary with Forest Lodge Farm. The applicants have submitted land registry title plans to confirm land ownership. It is considered that Plan 14.072.010 rev C reasonably reflects these title plans. The defined application site would not extend onto land owned by Forest Lodge Farm. It is, however, recognised that the landscape strategy plan shows vegetation that is growing on adjacent land, including land at Forest Lodge Farm. However, this plan simply is designed to show the site's landscape context (quite legitimately). It does not purport to control vegetation growing outside of the application site (including an existing laurel hedge on Forest Lodge Farm's western boundary). Questions have also been raised about the thickness of the red-line plan boundary around the site. However, it is felt the red-line defines the application site adequately, and it is not felt that there is any sound reason to question the legal validity of this application.
- 14.14 It has been suggested by a third party that the proposal is contrary to policy HYD1 as the requirement of this policy to retain important trees and hedgerows around the boundaries of the site can only be achieved with the co-operation of the adjoining landowner. However, this is not

accepted because the policy requirement can only relate to the land that is allocated for development and not land immediately adjacent to it. It is also suggested that the proposal is contrary to saved Policy DW-E12 of the New Forest District Local Planning Authority Alteration, which relates to the protection of important landscape features. Again, this is not accepted. The proposal would not compromise existing landscape features. It is recognised that the Local Planning Authority cannot, as part of this application, secure the permanent retention of trees and hedges that are outside of the site. However, nor would the proposal compromise the existing eastern boundary vegetation. The applicant's landscape strategy clearly shows that additional native tree and shrub screening will be provided within the site to ensure an acceptable landscape treatment to the site's eastern boundary, the precise detail of which can reasonably be secured through a landscape condition.

- 14.15 Concerns have also been expressed about land stability and the possibility of land collapsing onto land at Forest Lodge Farm, given that property's lower level. The applicant's specialist consultant indicates that slope stability will be adequately managed during the development and advises that there are no aspects of the design that are likely to lead to short-term or long-term instability. There is no reason to doubt the applicant's consultant's assessment on this matter.

Highway Considerations

- 14.16 The application is accompanied by a Transport Assessment. This assessment concludes that the additional vehicular trips generated by the development can be accommodated within the adjacent highway network without any adverse impact upon the safety and convenience of existing users of the network. The Highway Authority accept this conclusion. The Transport Assessment also concludes that visibility splays of 2.4 metres by 120 metres can be achieved for the main vehicular access into the development. These splays would be contained fully within the existing highway envelope and would be acceptable from a highway safety perspective.
- 14.17 The current application proposes 90 on-site car parking spaces, although the net allocation for the residential development would be 84 car parking spaces, the remaining spaces being intended for the community allotments. Based on the Council's own car parking standards, the recommended level of car parking for this development would be 104 car parking spaces (assuming that the car parking spaces would all be allocated). As such, the amount of car parking would be 20 spaces less than the recommended level of provision. However, allowing for the potential for parking within the courtyard areas to be shared / communal, the Highway Authority consider that an objection based upon an under-provision of car parking would be neither appropriate or sustainable. In reaching the conclusion that the level of on-site parking is acceptable, the Highway Authority have had regard to National Planning policy which indicates that parking standards should only be imposed where there is a clear and compelling justification that such standards are necessary to manage the local road network.
- 14.18 There is currently no footway along the site's frontage with Fawley Road. To ensure that the needs of pedestrians are safeguarded, the Highway Authority require the provision of a new footway between the existing Fawley Road footway to the north of the site and the proposed new

footpath entrance onto Fawley Road. This will need to be secured through a Section 278 legal agreement with the Highway Authority, which in itself will need to be secured as part of the Section 106 legal agreement for the site.

- 14.19 The applicant's Transport Statement indicates that the site has been tested for the tracking of 11 metre refuse vehicles and confirms that refuse vehicles can access the site, turning adjacent to the allotment area and within the north-west square. The Highway Authority have not raised any objection to the layout of the new access roads, and therefore, the layout of the proposed development is considered to be acceptable in terms of highway safety issues. The applicants will obviously need to ensure that the access arrangements also satisfy Building Regulations requirements, but this is not a matter that is necessary to consider here. The Highway Authority have indicated in their response that it is unlikely that they would wish to secure the adoption of new access roads as highways maintainable at public expense. However, this is ultimately a matter for the Highway Authority. It is not necessary as part of this application to agree who will maintain the new access roads in future.

Ecological considerations

- 14.20 One of the main concerns raised by local people, is the impact of the development on the local flora and fauna, and in particular the impact on an area of adjacent woodland. The applicants have submitted an ecological assessment. Based on both this assessment and the records held by the Hampshire Biodiversity Centre, the Council's Ecologist is satisfied that the existing grassland habitats on the site, which show signs of agricultural improvement, are unlikely to compromise a habitat of principle importance (ie a national Biodiversity Action Plan priority habitat). Although the grassland still provides valuable habitat for more common species, the loss of this grassland habitat is considered acceptable subject to ecological mitigation (which could partly be provided through the landscape scheme for the site).
- 14.21 The adjacent woodland at Kitcher's Copse is not currently recognised as ancient woodland in Natural England's Ancient Woodland Inventory. Although this copse has a longstanding wooded history, the number of plants within the copse that are associated with ancient woodland is low, possibly indicating the copse has been cleared or grazed at some point, before reverting to woodland. Nonetheless, the woodland is an important nature conservation asset in the local context, and therefore impact on this woodland is an important consideration. As a precautionary measure, the Council's Ecologist has considered the standing advice of Natural England and the Forestry Commission as though Kitcher's Copse was identified in the Ancient Woodland Inventory. Even applying this precautionary approach the Council's Ecologist is satisfied that impacts on the adjacent woodland are not likely to be significant, and as such, the development is not contrary to standing advice. Importantly, there would be no direct loss of the woodland habitat, and drainage, lighting, and landscape maintenance details could all be controlled by condition to satisfactorily minimise any indirect impacts on this adjacent woodland habitat. As such, it is not felt the proposal would harm the ecological interest of this adjacent ancient woodland.

- 14.22 Based on the applicant's survey work, the Council's Ecologist considers that there is no evidence that the area is of particular importance for local bat populations or other protected species. With respect to protected species, the Council's Ecologist is satisfied that impacts can be adequately mitigated by condition. Therefore, the overall impact of this development on ecology and biodiversity is considered to be acceptable.

Arboricultural considerations

- 14.23 A small number of trees in the southern part of the site are proposed to be removed, but these are of low quality. The loss of a small number of trees of limited amenity value could be mitigated by a comprehensive landscaping scheme. The more significant trees on the site would be retained. The Tree Officer is satisfied that there is adequate separation distance between the proposed buildings and retained trees. Accordingly, from an arboricultural perspective, the proposed development is considered to have an acceptable impact, subject to conditions to ensure construction of the development takes place in an appropriate manner.

Hazard Zone issues

- 14.24 The south-eastern section of the site is within the Fawley Major Hazard (outer) Consultation Zone. The Health and Safety Executive have not objected to this application and therefore, the proposed development would be consistent with Core Strategy Policy CS5.
- 14.25 The nearby company GEO Speciality chemicals has expressed concern that residential development should not prejudice their future plans to expand their premises, which are about half a mile away from the site. GEO Speciality chemicals already benefit from an unimplemented planning permission which would not be prejudiced by this application. Any alternative expansion plans would need to be considered at the time they were submitted. Any future plans this company may have would not be a justification to withhold granting permission for a development that is consistent with policy.

Drainage Considerations

- 14.26 Another concern that has been raised is the impact of surface water runoff on adjacent properties. Because of the site's sloping topography, the development could potentially increase surface water runoff, if an adequate drainage system is not in place. There were concerns with the initial drainage proposals, particularly because the position of a proposed swale could have adversely affected the downhill property at Forest Lodge Farm. The adjacent Veterinary surgery have also made detailed representations due to concerns that their land could be subject to increased surface water runoff and flooding. In the light of these concerns, the applicants have amended their drainage strategy, which has involved changing the position of the swale to the northern corner of the site. The Council's drainage team are satisfied that if the development is built in accordance with the amended details, it would have an acceptable drainage system that would not result in adjacent properties being at increased risk of flooding.

- 14.27 Government policy now requires developments of 10 dwellings or more to ensure that sustainable drainage systems (SUDS) for the management of run-off are put in place, unless demonstrated to be inappropriate. The applicant's drainage proposals include an appropriate SUDS drainage scheme that would ensure that during times when the design storm rates are exceeded, any surface water runoff will be contained within the site.

Minerals considerations

- 14.28 Hampshire County Council, who are the minerals and waste authority advise that the application site is close to an allocated minerals and waste site at Forest Lodge Home Farm. The allocated minerals site is situated about 200 metres to the south-east, although there are safeguarded areas (where viable minerals are likely to be found) that extend much closer to the site. However, the site itself is not a safeguarded area. The proposed development should be sufficiently far away from the allocated minerals site for there to be no undue conflict between the proposed uses. The County Council have suggested that there may also be viable mineral deposits on the application site and have recommended that further exploratory work be undertaken on the site to establish the presence of mineral resources. However, as the site is outside the defined safeguarding area, there is no policy requirement for any mineral deposits on the site to be investigated. To require the applicant to carry out an investigation of mineral deposits on the site could cause significant delay to the implementation of the development and is not felt to be a reasonable or necessary requirement of granting planning permission.

Habitat Mitigation Contributions

- 14.29 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. Therefore, in the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, if mitigation is to be by means of financial contributions, then a contribution of £166,350 would be sought, part of which could potentially be met through CIL payments.

Other considerations

- 14.30 Concerns have been raised about potential contamination on the site. There is apparently a buried pony on part of the site, and concerns have been expressed that the applicants have not submitted an adequate contamination assessment. However, the applicants have submitted a desk study report, and although there are evidently some fairly limited contamination issues that will need to be addressed, it is not considered necessary for the applicant to submit additional details on contamination at this stage. It is felt contamination issues can reasonably be dealt with through planning conditions recommended by the Environmental Health

Officer, and with such conditions it is felt that the proposal would be consistent with Local Plan Policy DM5.

- 14.31 A concern has been raised that planning permission should not be granted without the developer first demonstrating that their proposals will not prejudice the possible future residential development of land at Forest Lodge Farm. This point is not accepted as the adjacent land is in the countryside and is not allocated for development.
- 14.32 The public open space that is being provided would need to be secured within a Section 106 legal agreement. There would additionally be a need to secure a maintenance contribution of £32,550 towards the future upkeep of this area. The Section 106 legal agreement would additionally need to ensure that the proposed 5 allotments are provided to an adequate standard and thereafter retained as allotments.

Conclusions

- 14.33 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would be well designed and deliver a significant number of much needed affordable dwellings on an allocated site. The development would be contextually appropriate and would be sympathetic to the character and appearance of the area. The development could be provided without detriment to the amenities of nearby dwellings, and without adversely affecting highway safety. The proposal could moreover be provided without harming ecological interests or important trees. The development would have acceptable drainage arrangements. Subject to conditions and subject to a Section 106 legal agreement to secure the appropriate provision of affordable housing, public open space, allotments and footway improvements, the development is one that would have an acceptable impact, and accordingly the application is recommended for permission.
- 14.34 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	32	32	0
Financial Contribution			

Public Open Space			
On site provision by area	0.25	0.3	+0.05
Financial Contribution			

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	3960		3960	£316,800.00

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

i) the completion, by 30th November 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure appropriate provision towards affordable housing, public open space and allotments and to secure footpath improvements along Fawley Road

ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th November 2015, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 14.072.020 rev B, 14.072.021 rev B, 14.072.022 rev A, 14.072.023 rev A, 14.072.024 rev B, 14.072.040 rev A, 14.072.041 rev A, 14.072.042 rev A, 14.072.043 rev A, 14.072.044 rev A, 14.072.045 rev A, 14.072.046 rev A, 14.072.047 rev A, 14.072.010 rev C, 14.072.030 rev B, Existing Site Survey, 515-103 rev B, 14.072.025 rev C, 515-0102 rev B, BPV-sk1 rev G, 14389-BT2.

Reason: To ensure satisfactory provision of the development.

3. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological assessment and mitigation of impact in accordance with a written scheme investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Following completion of archaeological fieldwork, a report will be produced and submitted to the Local Planning Authority, in accordance with the approved programme, detailing, where appropriate, a post-excavation assessment and analysis.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 5 to 7 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 8 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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).

9. Prior to the commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees, in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 14389-AIA-PB and Plan Ref: 14389-BT2 dated 20/05/15 (or as modified by condition 10), shall be implemented, and at least 3 working days notice shall be given to the Local Planning Authority that the approved tree protection measures have been installed before any other works are carried out.

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

10. Before the commencement of development, an updated arboricultural report, detailing how the carparks to units 31 and 32 are to be installed shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

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

11. The development hereby permitted shall not be occupied until the spaces shown on the approved site plan for the parking and garaging of motor vehicles have been provided. The spaces shown on the approved site plan for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

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

Reason To ensure adequate cycle parking provision within the site, in accordance with Policies CS1, CS2, and CS24 of the Core Strategy for New Forest District outside of the National Park.

13. The approved areas for the turning of vehicles on site shall be provided before the commencement of development, and these areas shall be subsequently kept available for their intended purposes at all times.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

14. No development shall start on site until plans and particulars showing details of the provision for the turning, loading, unloading and the parking of vehicles during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter throughout the construction of the development.

Reason: In the interests of highway safety, and to comply with Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

15. Before the commencement of development, full details of the external lighting that is to be provided in association with the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details, and no external lighting shall be installed thereafter, outside of the residential curtilages of the approved dwellings, unless details have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard ecological interests in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.

16. Before the commencement of development, a detailed ecological mitigation and biodiversity compensation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include compensation measures for the loss of existing grassland habitats,

details of how landscaped areas are to be managed to benefit wildlife, and details of roosting and nesting features and refuges for protected species that will be incorporated into the development. Development shall thereafter be implemented fully in accordance with the approved details.

Reason: To safeguard ecological interests in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan Part 2: Sites and Development Management.

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

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

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

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

19. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site and other means of enclosure;
- (e) the precise design of the pump house enclosure;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

21. The surface water drainage layout shall be built fully in accordance with Drainage Strategy Drawing BPV-sk1 rev G, the Andrew Malcolm Associates Ltd Micro Drainage Calculations dated 28/08/15, and porous paving detail BPV-sk2. Development shall additionally be carried out in accordance with Geo-Environmental's letter of 10th September 2015.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

22. Before development commences details of the means of the future maintenance of the approved surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The drainage arrangements shall thereafter be maintained in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

23. Before development commences, details of the means of disposal of foul drainage / sewerage disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the foul drainage / sewerage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

24. 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.

25. The development hereby approved shall be built in accordance with the mitigation proposed in the Noise Impact Assessment document report: AS8203.15.05.05.NIA1 dated 5 May 2015. The sound insulation measures shall thereafter be retained and maintained in accordance with the approved scheme of sound attenuation.

Reason: To ensure that occupants of the proposed development are not adversely affected by noise in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
3. The proposed development would fail to secure an appropriate area of allotments for future public use, contrary to Policy HYD1 of the New Forest District Local Plan: Sites and Development Management.

4. The proposed development would fail to secure footway improvements to Fawley Road, and therefore the proposed development would not be a sufficiently safe or accessible development for pedestrians, contrary to Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, there were lengthy negotiations with the applicants before the application was submitted and these have continued since the application was registered. Amended plans and additional details have been submitted during the course of this application and this has enabled a positive recommendation to be made.

2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk.
3. In discharging condition No. 24 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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**Planning Development
Control Committee
November 2015**

Item No: 3a

Adj Forest Lodge Farm
Fawley Road
Hythe
15/10751
SU4406

Scale 1:1250

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

