

**Application Number:** 15/10784 Full Planning Permission

**Site:** LAND ADJACENT 4, BROCKHILLS LANE, ASHLEY,  
NEW MILTON

**Development:** 7 detached houses; parking; landscaping; access from Brockhills  
Lane and Cullwood Lane

**Applicant:** Solent Projects Ltd

**Target Date:** 03/08/2015

---

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council and Councillors views.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area  
SINC

**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
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- NMT14: Transport schemes

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch. 6 - Delivering a wide choice of high quality homes  
NPPF Ch. 7 - Requiring good design  
NPPF Ch. 11 - Conserving and enhancing the natural environment  
Section 197 Trees  
Town and Country Planning Act 1990

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - New Milton Local Distinctiveness  
SPD - Parking Standards

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 10/96346 - 8 detached houses, associated parking. Refused 16.12.11, appeal dismissed.
- 6.2 10/95626 - 8 houses, 4 garages, parking, open space. Refused 17.8.10
- 6.3 07/89756 - 23 dwellings (11 houses, 12 flats), garages, cycle store, access. Refused 22.6.07
- 6.4 03/78539 - (O/L) 6 houses and garages. Refused.
- 6.5 98/64985 - 7 dwellings and new access. Refused 8.3.99, appeal dismissed.

#### **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council - recommend refusal and would not accept a delegated approval. Contrary to policy, impact on SINC, amenity of trees are threatened, access would be dangerous, stepped turning circle is impractical, drainage issues not addressed.

#### **8 COUNCILLOR COMMENTS**

- 8.1 Councillors John Ward and Mrs Cleary - object to the proposal which is not thought through - inappropriate location due to designation as an SSSI. An application was turned down two years ago for these reasons.
- 8.2 Councillor Rice (HCC) - strongly objects

#### **9 CONSULTEE COMMENTS**

- 9.1 Drainage Engineer - request conditions and informatives
- 9.2 Tree Officer - no objection subject to conditions.
- 9.3 Environment Agency - no objection in principle, request informative

- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.5 Ecologist - no objection subject to appropriate mitigation
- 9.6 Environmental Design (Open Space) - on site public open space will be required, footpath to highway should be reinstated

## 10 REPRESENTATIONS RECEIVED

Following the initial notification process, objections were received from 34 local residents concerned with the following:

- the land floods regularly
- the lane isn't suitable for heavy vehicles/increased traffic
- the applicant has no right of way
- residents in Cullwood Lane haven't been notified
- Brockhills Lane should be the sole access point
- Cullwood Lane is maintained by residents
- the red line doesn't relate to land ownership
- proposal conflicts with 1977 Area TPO and trees within this were unlawfully removed in 1986
- Brockhills Lane is dangerous near the site
- the meadow is home to much wildlife
- Cull Lane would become dangerous with construction traffic
- turning into Cullwood Lane is dangerous
- location of bin collection point is a health hazard
- developer has not made provision for the public right of way
- impact of the proposal on financial loss to other properties should be considered
- can't understand why proposal has been 'resurrected' given previous refusals
- many local residents are pensioners and access for emergency service vehicles could be compromised
- a previous Inspector said there should be no access from Cullwood Lane
- there would be a ramp at the end of Cullwood Lane
- impact on character of Cullwood Lane
- there are stag beetles on site
- large oak tree would require severe pruning and could sustain damage to its roots
- there will be a significant increase in traffic on Brockhills Lane as they are building at the pub too
- wildlife is only around the edge as they cut the grass
- loss of landscape amenity and damage to a SINC
- the proposal doesn't comply with affordable housing requirements
- there are inaccuracies in the application documentation
- wider consultation with residents is required
- tree survey is not complete
- foul sewer provision could harm off site trees
- inadequate thought given to turning circle
- Cullwood Lane is too narrow
- 1999 decision should still stand
- wrong location for play area; concerns regarding access over private land, future maintenance and whether there are sufficient children locally to justify its provision; associated noise and antisocial behaviour.

The subsequent notification advising of the addition of public open space within the site resulted in the following additional comments from 19 local residents:

- Many elderly people live nearby and play area would result in additional traffic and noise generation
- Play areas will have health and safety issues
- Rowdy teenagers/ASB would be attracted to the area
- Play area not required for locals who are elderly, appears to be for statistics purposes
- Pedestrian bridge access to Brockhills Lane would become slippery
- Addition of play area to proposal is ridiculous
- Potential overlooking from play area
- Play trail would be at odds with policy DM2/protecting the SINC
- Parking problems could arise
- Proposed path through the site encroaches upon migration paths of various species
- There is no public right of way along Cullwood Lane
- Concern it is possible to override residents' rights along Cullwood Lane
- Play area would result in children walking along Cullwood Lane which is already dangerous
- Concern that NFDC has misused its authority to push the application through
- Proposal is for a greenfield site and brownfield sites should be utilised first
- Risk of fire will be increased

Following the deferral of the application from the October Committee, a further notification process has been undertaken advising of the provision of the continuation of the footpath from outside no.4 Brockhills Lane to the proposed vehicular access. Local residents have until the end of the day on which the application is to be considered to comment. A verbal update will be given at Committee.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £8,064 in each of the following six years from the dwellings' completion, and as a result, a total of £48,384 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 £65,520.00.

## **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 pro active 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.

The agent was aware of concerns raised during the consultation process and additional information has been provided in order to address these issues relating primarily to bats and tree protection. Further details were subsequently requested in respect of the provision of on-site public open space and access, together with details of a pedestrian access from Brockhills Lane. The application was subject to re-consultation on the 22nd September and 21st October 2015 following receipt of amended plans.

## **14 ASSESSMENT**

### **14.1 Introduction**

This application was deferred by this committee at it's last meeting in October. The reason was in order to allow re-consultation of the application following the addition of a length of footpath to the scheme as a result of a late highway objection being received. Members did not debate the application and this report has been augmented to incorporate references to the changes made and further comments that have been received. A verbal update will be made at the meeting if any additional comments are received.

### **14.2 Site and proposal**

**14.2.1** The site lies within but on the edge of the built up area of New Milton. There are residential properties to the north and south although those

to the north are separated by a band of woodland. The area of land between Otters Walk and The Fallows to the north and west of the site is designated as public open space and together with the site forms a Site of Importance for Nature Conservation (SINC). There is open countryside to the east of the site which is bound by Brockhills Lane with Cullwood Lane to the south western corner of the site. The lane turns into an informal footpath which runs along the west-north boundary of the site. The site contains protected trees, most significantly along the road boundary and also a large oak close to Cullwood Lane. The land slopes up from Brockhills Lane and there is a water course running through the northern part of the site which is culverted under the road. There are no buildings on site at present following the demolition of a bungalow approximately 30 years ago.

- 14.2.2 The proposal entails the provision of 7 detached dwellings, four accessed from Brockhills Lane and three from Cullwood Lane. All units would comprise a hall, WC, kitchen and lounge/dining room at ground floor level with four bedrooms (one ensuite) and a family bathroom at first floor level. They would each have an integral single garage and space for a car to park on the drive. Plots 2 and 3 are proposed to be affordable in accordance with policy CS15.

### 14.3 **Background**

- 14.3.1 The application follows a scheme for 8 dwellings and which was refused in 2010 by Members for the following specific reasons:

1. the positioning of plot 1 and its impact on the residential amenities of 14 Cullwood Lane and
2. the loss of the SINC.

In determining the subsequent appeal, the Inspector concluded 'that there would be no unacceptable harm to the living conditions of the adjoining neighbours'.

In dismissing the appeal, the Inspector was concerned that the ecological enhancements had been designed to fit in with the site layout rather than leading the design of the scheme.

- 14.3.2 Since the appeal decision, the applicant has worked with their ecologist and the Council's Ecologist in order to address this issue and the result is a scheme where the SINC and its associated flora and fauna has taken a priority in the layout of the development. The sole reason the appeal was turned down has therefore been addressed.

### 14.4 **History**

- 14.4.1 Comments have been received in response to the current application that reference to a further proposal in 1999 has not been made or seen as publicly available. Following an administrative correction in terms of information viewable on the Council's website application 98/64985 is now available. This application went to appeal where the main considerations related to whether the site could accommodate 7 dwellings due to the TPOs and whether the use of Cullwood Lane for access to all the dwellings would prejudice the safety and convenience of all road users. The Inspector concluded that there was insufficient information to demonstrate that the dwellings could be satisfactorily

accommodated within the site without adversely impacting on the protected trees and that Cullwood Lane was 'inadequate to serve an additional seven dwellings and garages'.

- 14.4.2 There are several differences between the 1999 scheme and the current one which suggest that it does not carry weight as a material consideration given that the proposal was in outline form and limited information as to the siting of the 7 dwellings was submitted; there was no arboricultural report and the proposal was indicated as having all 7 dwellings accessed off Cullwood Lane. In addition Policies and Highways documents and standards were different. The current scheme proposes just three additional dwellings off Cullwood Lane and, in addition to being a full planning application, has been supported with a full arboricultural report.
- 14.4.3 A further proposal in 2003 proposed just 6 dwellings, all to be accessed off Brockhills Lane. This scheme was refused for reasons including inadequate information relating to trees, inadequate visibility splays and that the proposed density (14 dwellings per hectare (dph)) fell far short of the required 30dph.
- 14.4.4 Local residents are also concerned with land ownership issues with regard to Cullwood Lane (which is maintained by residents), rights of access along Cullwood Lane and the access from Cullwood Lane along the footpath. However, ownership is not a planning matter and the application has served the appropriate notices in respect of land outside the applicants ownership but within the red line. There are no works proposed to Cullwood Lane that do not form part of the site area. Residents are also concerned about protected trees that were removed from the site in 1986 and this is dealt with in more detail at paragraph 14.6.

#### 14.5 **Residential and visual amenity**

- 14.5.1 The dwellings have been designed with just one ensuite first floor window in the north elevations and no windows in the southern elevation of any dwelling resulting in no overlooking towards Brockhills Lane or Cullwood Lane dwellings. The front elevation of plots 1-3 are over 30m from the boundary with Cullwood Cottage and the proposal is not considered to give rise to overlooking. Similarly, as the dwellings are at least 16m from any residential boundary, there would not be any overbearing impact or loss of light as a result of the development. With regard to noise and disturbance, the provision of three additional dwellings to Cullwood Lane is unlikely to cause adverse impacts on nearby residents who presently may be affected by vehicles turning outside their properties due to the lack of a proper turning head. This issue would be resolved by the proposal which would incorporate a turning head. The only residential amenity issue previously of concern has been addressed and in any case, had been dismissed by the Inspector as having no unacceptable impact.
- 14.5.2 Visually, the design of the dwellings reflects the brick and render detailing of others in the area and although Cullwood Lane has more of a variety of dwelling types, they are considered appropriate in this location having regard to the simple roof forms of adjoining housing as noted in the New Milton Local Distinctiveness SPD.

## 14.6 Highways

- 14.6.1 It is accepted that many local residents are concerned with the principle of using both proposed access points for reasons including the narrow nature of the road, bends and speed of traffic. However, the Highway Authority did not object to 8 dwellings, nor has it objected to the current scheme for 7. Further, in dismissing the appeal, following a thorough inspection of the site and surroundings, the Inspector did consider the impact of 4 additional dwellings on Cullwood Lane concluding that 'the level of traffic involved with an additional four houses would not be significant and, as a result I do not consider that the proposal would lead to any concerns in respect of highway and pedestrian safety'. Given the reduction in the dwellings proposed to use this access point, it would not be possible to sustain an objection on this ground.
- 14.6.2 The proposed visibility splays to Brockhills Lane include a 'y' distance of 37m. The submitted speed survey, utilising the formula in Manual for Streets, has resulted in a safe stopping distance of 35.8m. Given the proposal has a longer 'y' distance than figures suggest is necessary, the Highway Authority has no objection to this part of the proposal. This was the case for the previous proposal where no objections were raised by the Highway Authority and this was accepted by the Inspector.
- 14.6.3 The proposed turning head would enable all vehicles, including service and emergency vehicles to gain access to/egress from Cullwood Lane in a forward gear. This offers an improvement on the current situation and is acceptable to the Highway Engineer. Concerns have been expressed locally with regard to the construction of the turning head including steps. It is accepted that the finished levels are a little different to existing ground levels in places - a requirement in order to prevent damage to protected tree roots - although they are not adversely different to the extent that the resultant gradients would be difficult to enable proper access to either existing or proposed properties. The edges of the access would be graded down to existing levels where appropriate and this detail is shown on the submitted plans.
- 14.6.4 The Council's Parking Standards SPD recommends 2.5 parking spaces per dwelling. The proposal offers 2 spaces per dwelling, a shortfall of 3.5 spaces. Whilst the SPD only recommends an average provision, the Highway Authority consider it would be inappropriate and unsustainable to object to the lack of parking. A condition to retain the proposed parking is requested in order to ensure there is no unmet demand for parking on Brockhills Lane where it could cause safety concerns.
- 14.6.5 The Highway Authority has always been keen to have the inclusion of a pedestrian access from Brockhills Lane into the site. The initial submission included a footpath link through the boundary hedge close to no.4 although this was not considered acceptable in tree terms given the roots within the raised bank at this point. As an alternative, a footpath is proposed continuing the existing pavement along Brockhills Lane from no.4 up to the proposed vehicular access. The Highway Authority is satisfied that this can be achieved to an adoptable



standard and will provide the necessary link. The Highway Authority would require a S.278 Agreement to be completed between the developer and Hampshire County Council in this respect.

#### 14.7 **Trees**

- 14.7.1 The site contains several statutorily protected trees under TPO 68/01. Earlier Tree Preservation Orders within the site were reviewed in accordance with government guidance prior to the current one being designated. Comments received with reference to unlawful tree removal in the mid-1980's have been noted although it is unclear how it was resolved. However, as 68/01 is the only TPO covering the site at present, it is under this order that the application has to be considered.
- 14.7.2 The main areas of concern with regard to this application relates to the large oak close to the Cullwood Lane entrance and the row of trees along the Brockhills Lane frontage. The arboricultural report specifies the use of special measures in relation to surfacing where turning heads and driveways are proposed within the root protection area (rpa) of protected oak trees that form the woodland edge. The special measures entail the use of a cellular confinement system (CCS). This form of construction within the rpa of retained trees is generally acceptable and together with the additional clarification stated in the consultant's letter of August 13th 2015, the Arboriculturist is satisfied that the CCS can be installed without compromising nearby trees, namely the large oak to the west of the site and those either side of the access off Brockhills Lane.
- 14.7.3 The positioning of plots 1-3 is similar to the previously proposed plots 2-4 when no arboricultural objections were raised. However, plots 1 and 2 are angled slightly differently or set back from the position of plots 2 and 3 of the previous scheme whilst plot 3 is approximately 0.5m further forwards than plot 4. These slight differences in positioning should not give rise to significant concerns with regard to the long term retention of the large oak tree.
- 14.7.4 In respect of the proposed footpath along Brockhills Lane the Tree Officer is satisfied that this can be implemented without compromising the on-site oak trees subject to conditions.

#### 14.8 **Ecology**

- 14.8.1 The sole reason that the last appeal was dismissed was on ecology grounds. The site's designation as a Site of Importance for Nature Conservation (SINC) (not an SSSI as suggested by the Ward Members) was only established during the course of the last application and as a result, the Inspector concluded that the previous scheme had not properly considered the SINC in its layout. While mitigation measures were proposed, they were added onto the scheme rather than considering the necessary mitigation necessary before determining the proposed layout. Policy DM2 of the Local Plan Part 2 states that development that results in damage to or loss of a SINC will not be permitted unless the benefits of the development outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity. The Ecologist has advised that the development does not lead to destruction of a SINC. Previous evidence (e.g. Hampshire County

Council Ecologist, evidence before previous Appeal) has established that the area concerned is not of sufficient interest in its own right to justify SINC designation and it is the connectivity function that confers some level of importance, the development has sought to address this by providing compensation. The Ecologist's view is that the proposal is in accordance with policy.

- 14.8.2 Having regard to this designation in terms of wildlife and the appeal Inspector's comments, the applicant has now demonstrated that ecological input was used to aid the design and layout of the current proposal. It is therefore considered that the local wildlife value of the site has been adequately considered and conditions are recommended to ensure the appropriate management of ecological features. The Ecologist is satisfied with the proposals following detailed negotiation.
- 14.8.3 With regard to protected species, the current proposal will not adversely affect the population status of bat species and it is maintained that the current application is legally compliant. Appropriate levels of survey for bats have been undertaken given the level of evidence of likely presence on the site and the impacts of the development. Importantly, the most up to date activity surveys for bats have shown the roost, which was previously thought to be of low conservation importance (i.e. it was used by very low numbers of a more common species and was not thought to be a maternity roost), is in any event not active.
- 14.8.4 Having regard to concerns raised in respect of the presence of bats in trees unlawfully felled, previous management activities on the site have been undertaken by third parties and not by the Council. There is no appropriate professional evidence to establish that bats were present in the trees lost, although the possible presence is not ruled out. As the Wildlife & Countryside Act 1981 was in force which gave protection to bat roosts, it is expected that the police and Nature Conservancy Council would have taken matters further if there was credible evidence that bat roosts were lost. It is not considered that the Council has committed any offences in relation to wildlife legislation in this respect (or any other relating to the site).
- 14.8.5 The suggested mitigation and compensation measures appear suitable and would ensure that the proposal is not detrimental to the maintenance of the species. Conditions will be required to secure the mitigation measures along with the translocation of reptiles found within the site, the provision of further roosting opportunities and biodiversity enhancements.

#### 14.9 **Contributions**

- 14.9.1 The proposal generates a requirement for contributions to be made towards the provision of on site public open space, affordable housing and habitats mitigation. It is also CIL liable. As stated above, the proposal includes two on site affordable houses with a further financial contribution secured through the S.106 Agreement which is presently being drafted. The submitted plans also indicate an area of public open space which includes children's play equipment and which would be accessible from both Brockhills Lane and Cullwood Lane. The lack of play equipment within the previous submission was raised as a concern and a full financial contribution sought as an alternative. The

public open space provision would also be secured through the S.106 Agreement along with details of its maintenance provisions.

14.9.2 The requirement for habitats mitigation is detailed below. Much of the contribution (for its provision) is collected through the CIL payment although the management and monitoring parts of the contribution require a S.106 Agreement as these elements cannot be collected through CIL. In view of the possibility of a CIL exemption form being submitted (following a favourable determination of a proposal) reducing the payment to below the necessary level of habitat mitigation, a further S.106 Agreement would be sought by condition for *all* aspects of habitat mitigation following an approval.

#### 14.10 **Conclusion**

14.10.1 Whilst several objections have been raised to various elements of the proposal, particularly in respect of the trees and access provisions, it should be noted that the last application did not raise any formal objections from consultees in respect of either the impact of the scheme on the trees or the access provisions within and to the site. Members did not refuse the previous scheme for either reason, highlighting residential amenity and loss of the SINC as the concerns. At appeal, only the SINC issue was upheld and the current scheme is now considered to have addressed this issue without causing demonstrable harm to any other aspect of consideration. Many issues raised by the public are not planning issues and there is only one issue to resolve following the previous appeal decision, in relation to ecological matters which have now been resolved.

14.10.2 In addition to addressing the reason for refusal, the proposal would provide two affordable units of accommodation and an area of public open space with play facilities. The proposal is therefore considered to comply with policy and approval is recommended.

14.10.3 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**

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	2	2	0
Financial Contribution	£77,880	£77,880	0

<b>Public Open Space</b>			
On site provision by area	0.0538 ha	0.25 ha	0.1962 ha
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution	£37,450	£37,450	0

### CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses (Affordable)	234	0	234	£18,720.00
Dwelling houses	585	0	585	£46,800.00

## 15. RECOMMENDATION

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

- i) the completion, by December 31st 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 the provision of two on site affordable dwellings, an affordable housing contribution, on site public open space with associated play equipment and maintenance contribution
- ii) no further substantive representations being received by 31st December 2015
- iii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by December 31st 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: Dusk and Dawn Echolocation Study Report, Ecology Mitigation, Enhancement and Management Plan, Planning and Design Statement, Arboricultural Impact Assessment, sewer record, 2009-35-30A, 2009-35-34E, 2009-35-32A, 2009-35-31, 2009-35-33, 2009-35-36C, 2009-35-38A.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details 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 buildings prior to their construction in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Before development commences a scheme of landscaping of the site, incorporating biodiversity mitigation and enhancements identified in the Ecology Mitigation, Enhancement and Management Plan (dated May 2015) shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

- a) the existing trees, shrubs and habitat features which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing (including safety surfacing (or alternative) and the materials to be used;
- d) full (scaled) details of all play equipment and signage
- e) other means of enclosure;
- f) a method and programme for its implementation and the means to provide for its future maintenance, including the required play equipment maintenance and measures to manage the delivery of continued biodiversity enhancement as outlined in the Ecology Mitigation, Enhancement and Management Plan (dated May 2015).

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 full account of the intrinsic habitat quality of the site place prior to any potential disturbance, to ensure an appropriate landscaping scheme and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The development shall be implemented in accordance with the slab levels shown on drawing 2009-35-34B unless alternative levels have been previously 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).

6. Visibility splays of 2.4 metres by 37 metres shall be provided at the junction of the proposed private shared vehicular access with Brockhills Lane before development commences and this visibility splay shall thereafter be kept free of any obstacles over 600mm in height at all times.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

7. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate provision for turning 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).

8. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate 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).

9. Prior to the occupation of the development hereby permitted, plans and particulars showing details of the provisions of cycle storage within the site shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before occupation of the first dwelling and shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.

10. Before development commences, details of the means of disposal of surface water 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 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.

11. Before development commences details of the means of the future maintenance of the drainage system approved under condition 11 above shall be submitted to the Local Planning Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy 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.

12. Before development commences details of the future maintenance of the watercourse within the site shall be submitted to the Local Planning Authority. The maintenance arrangement and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

13. 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.

14. Prior to the commencement of development, an updated Arboricultural Method Statement and Tree Protection Plan detailing the specific pruning works for T632 and cellular confinement system for the footpath along Brockhills Lane shall be submitted to, for approval in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the dwellings.

Reason: To ensure the appropriate retention of protected trees 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).

15. Prior to commencement of works (including site clearance and any other preparatory works) a scheme for the protection of trees in accordance with BS5837:2012 'Trees in relation to design, demolition and construction: Recommendations' shall be submitted to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and at least 3 working day's notice shall be given to the Local Planning Authority that it has been installed. Prior to the commencement of works (including site clearance and demolition) a pre-commencement site meeting shall be held.

Information is required on the:

- Location of site compound and mixing areas,
- Tree work specification,
- Routes of underground services, including soakaways,
- Position of tree protective fencing/ground protection.

Note: The protective fencing shall be as specified in Chapter 6 and detailed in figures 2 or 3 of BS5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with policy CS2 of the Core Strategy for the New Forest outside 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 on-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.



## 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.

The agent was aware of concerns raised during the consultation process and additional information has been provided in order to address these issues relating primarily to bats and tree protection. Further details were subsequently requested in respect of the provision of on-site public open space and access.

2. Under the terms of Section 109 of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the 'Danes Stream', which is designated a main river.

Please be aware that the Environment Agency has up to two months to determine applications for consent made under Section 109 of the Water Resources Act 1991 and you are therefore advised to contact the local Environment Agency office as soon as possible to discuss making an application. Consent will only be issued if the works do not pose a flood risk to people and property, and do not conflict with the Environment Agency's other duties.

3. This Householder application may require Flood Defence Consent. Under the terms of Section 109 of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 20 metres of the top of the bank of a main river or any proposed works or structures within 15 metres of a sea defence. This permission is separate from planning permission and cannot be considered retrospectively.

4. The Developer must contact Hampshire County Council if he intends to pipe, culvert or alter any part of a ditch or watercourse. Generally the presumption is against piping of watercourses except in locations where there is no alternative such as access crossings.

5. In discharging condition No.14 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)

