

Application Number: 16/11130 Outline Planning Permission

Site: SITE OF STOCKLANDS, CALMORE DRIVE, CALMORE,
TOTTEN SO40 2ZY

Development: Development of 20 dwellings; access; parking; landscaping and
open space (Outline Application with details only of access)

Applicant: New Forest District Council

Target Date: 09/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Council's own application

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

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- TOT7: Stocklands, Calmore Drive
- DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

Demolition of residential care home (16/10690) - details not required to be approved 14/6/16

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council:- Recommend permission but would accept a delegated decision - careful consideration must be given to design and density and how the development sits within its surroundings; trees are largely unaffected and residential properties should not be significantly impacted upon; the provision of open space and a focal play space is important; would like to see a significant number of dwellings allocated as affordable homes.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection
- 9.2 Hampshire County Council (surface water drainage): no objection subject to condition
- 9.3 Southern Water: no objection subject to condition
- 9.4 Ecologist: no objection subject to condition
- 9.5 Tree Officer: objects due to insufficient tree information; however, has advised (verbally) that additional information should address concerns
- 9.6 Environmental Health (contaminated land): no objection subject to conditions
- 9.7 Southern Gas: advise of site's proximity to gas main
- 9.8 Urban Design Officer: no objection - the applicant has demonstrated through the design and access statement, how twenty dwellings can be reasonably accommodated with a well designed layout that responds well to local content.
- 9.9 Public Open Space Co-ordinator: The type and location of informal public open space and play space set out in the design and access statement is appropriate; full details of the public open space, play space and maintenance of these areas needs to be agreed.
- 9.10 Housing Development Manager: supports - the proposal meets policy requirements; notes that it is the intention that all dwellings be for the provision of affordable housing

10 REPRESENTATIONS RECEIVED

- 10.1 3 letters of support or neutral but with the following concerns:- concerns about additional traffic and levels of on-site parking; concerns about boundary treatments; properties should be reserved for local people.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £23,040 in each of the following six years from the dwellings' completion, and as a result, a total of £138,240 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 £72,628.00.

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

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, the application proposals have been the result of negotiation over a period of time and this has resulted in the submission of proposals that are of an acceptable quality.

14 ASSESSMENT

- 14.1 The application site, which fronts onto Calmore Drive, was previously occupied by a 2-storey care home that was situated within a largely open plan setting with many mature trees. The care home has been demolished over the past summer, leaving an empty site, but still retaining the many trees. The site extends to 0.6 hectares and is very gently sloping, the areas at the back of the site being a little higher than areas adjacent to Calmore Drive. The site is surrounded by residential development at Snellgrove Close to the west and north, Cooks Lane to the north, and Buckland Gardens to the east. These surrounding residential streets are characterised by fairly high density 2-storey housing dating from the 1970s, including a high proportion of terraced housing. These adjacent residential areas typically have open plan settings. Immediately to the south-east side of the application site, and sharing the same access as the application site, is a building known as the Clifford Centre, which is a Pupil Referral Unit.
- 14.2 The submitted application is an outline planning application that seeks to develop the site with 20 dwellings. The only matter of detail to be considered at this stage is the access to the site. The application has been submitted by New Forest District Council, who are looking to purchase the site from Hampshire County Council who are the current site landowners.
- 14.3 The application site is the subject of a site specific policy in the Local Plan Part 2: Sites and Development Management. Policy TOT7 of the Local Plan indicates that the site could be developed for residential development including affordable homes in accordance with Policy CS15(d). The policy indicates that any development should seek to retain existing trees and hedgerows on the site where possible, as well as provide additional landscaping to enhance the frontage with Calmore Drive. The policy also indicates that public open space should be provided on the site to include natural play space for young children. Given this policy context, the principle of redeveloping this site for residential purposes is clearly acceptable.
- 14.4 The application is accompanied by an illustrative layout plan that shows how the site could be developed so as to provide the 20 dwellings applied for. This layout plan shows a two-storey apartment block containing 10 one-bedroom flats within the front part of the site, and a row of 10 two-storey dwellings at the back of the site that would front onto a large parking area. The plans also show areas of public open space. The illustrative layout plan would enable most of the existing trees on the site to be retained, although some individual trees would need to be removed to enable the development to proceed.

- 14.5 Both the applicant's illustrative plan and the submitted Design and Access Statement are important in demonstrating whether 20 dwellings can be provided on this site in a satisfactory manner. It is felt that what is suggested would be sympathetic to the site's particular context. The suggested 2-storey flatted block towards the front of the site would have an acceptable spatial setting, being set back in an appropriate manner from Calmore Road, and with generous areas of greenery around the building. The row of 10 dwellings at the back of the site would be contextually appropriate given the many terraces in the local area, and noting that the width and depth of these plots would be similar to other nearby dwellings. Although these dwellings are not shown as having significant front gardens, they are shown as having small areas of green personalised space to their fronts, which is considered important. The plans also show that there is adequate scope to break up the large car parking area with planting and greenery so as to soften its appearance. As a whole, the illustrative layout would have appropriate regard to the site's significant green edge to Calmore Drive and the mature trees and greenery around the edges of the site. The few trees that would be lost are mainly poorer quality declining trees. One better quality Robinia tree in the middle of the site would be lost, but this loss would be justified with appropriate new tree planting. Overall, it is felt the illustrative layout would provide the basis for a well designed and contextually appropriate development that would respond positively to local distinctiveness.
- 14.6 The Tree Officer has expressed a concern that more information needs to be submitted to show that the car park will not cause a conflict with the retained trees, having regard to the level changes across the site. Additional information has therefore been sought. With such information, it should be reasonably possible to demonstrate that the proposed development can be provided without compromising important retained trees.
- 14.7 The illustrative layout plan shows reasonable separation distances between the proposed dwellings and adjacent buildings, thereby demonstrating that a development of 20 dwellings could be provided on this site in a reasonable manner without detriment to the privacy and amenities of neighbouring dwellings. Obviously more detailed impacts on neighbouring dwellings (including details of boundaries) would need to be considered at reserved matters stage.
- 14.8 The application proposes that the development be served by the existing vehicular access onto Calmore Road, but with some improvement to the associated pedestrian access into the site. The Highway Authority advise that the width and alignment of the existing access could satisfactorily accommodate the additional vehicle movements that might be generated by the proposed development without adversely affecting the safety and convenience of users of the adjacent highway.
- 14.9 The submitted illustrative layout shows areas of public open space within the development including an area that could provide a focus for natural play space. The design of these areas of open space will need to be given further consideration at reserved matters stage, but for now, it is felt that the application details show that an acceptable quantum and design of public open space, that meets policy requirements, can be achieved.

- 14.10 To ensure that policy requirements in respect of public open space are met, it will be necessary to secure the provision of public open space within a Section 106 legal agreement or by other legal means if the Council's status as applicant poses a difficulty in drawing up a Section 106 legal agreement. It is understood that as New Forest District Council are not the current owner of the site, it should be possible for a Section 106 legal agreement to be drawn up with Hampshire County Council as landowner. Planning permission should not be granted until this matter is adequately resolved.
- 14.11 In line with Core Strategy Policy CS15, the proposed development is one where 40% of the units should be for affordable housing, which means that at least 8 dwellings should be affordable. It is the applicant's intention to meet this affordable housing requirement. However, as with public open space, this matter needs to be tied up within a (Section 106) legal agreement. Until this matter has been legally resolved, planning permission should not be granted for the proposed development.
- 14.12 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. 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. As the application is outline, the full mitigation contribution cannot be accurately determined at this stage.
- 14.13 Overall, it is considered that the proposed development would be consistent with policy. It is felt that the plans and details supporting this application adequately demonstrate that 20 dwellings can be provided on this site in a well designed and safe manner, without adversely affecting the character and appearance of the area or the amenities of adjacent properties. As such, the application is recommended for permission subject to conditions and subject to the satisfactory resolution of those matters that need to be tied up within a legal agreement to ensure compliance with policy.
- 14.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	8	8	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution			

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	2802		2802	2802	£80/sqm	£233,643.69*
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Subtotal:	£233,643.69
Relief:	£0.00
Total Payable:	£233,643.69

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

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

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st December 2016, 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 its future maintenance, unless these provisions are otherwise secured by other appropriate legal means.
- ii) the imposition of the conditions set out below, with additional conditions if necessary to address any concerns arising from the submission of additional arboricultural information.

Proposed Conditions:

1. Approval of the details of the layout, scale, appearance, and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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. No development shall take place until a full, site specific Flood Risk Assessment and surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall contain the following elements:

- Evidence showing sufficient understanding of the sensitivity of discharge points;
- Evidence of sufficient attenuation on site for a 1 in 100 year plus climate change event, which needs to be in accordance with the new climate change standards;
- Sufficient information on the number of steps in the SuDS management train;
- Evidence that exceedance flows and runoff in excess of design criteria have been considered;
- Information on maintenance regimes and adoption of SuDS features.

Development shall only proceed in accordance with the approved details.

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.

10. Prior to the commencement of development (including clearance of vegetation) details of biodiversity mitigation, compensation and enhancement measures that are to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority. These shall include measures for providing habitat opportunities for roosting bats, nesting birds, reptiles and invertebrates, as well as ensuring wildlife movement is not fragmented. Development shall proceed and be maintained in accordance with the details unless otherwise agreed.

Reason: To safeguard biodiversity and 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.

11. Before development commences, details of the means of disposal of foul and surface water 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 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.

12. 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.

13. The development permitted shall be carried out in accordance with the following approved plans: A/7/1014/J, E03032 DM01C - Illustrative overview, E03032 DM01C - indicative landscape, E03032 DM01C - tree impacts, E03032 DM01C - illustrative design, W123 rev A.

Reason: To ensure satisfactory provision of the development.

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, the application proposals have been the result of negotiation over a period of time and this has resulted in the submission of proposals that are of an acceptable quality.

2. In discharging condition No. 12 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)



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

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

**Planning Development
Control Committee
October 2016**

Item No: 3bb

Site of Stocklands
Calmore Drive
Calmore Totton
16/11130
SU3414

Scale 1:1250

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

