

Application Number: 16/10725 Full Planning Permission

Site: FORMER NURSERY SITE, HORDLE LANE, HORDLE SO41 0HT

Development: Development of 17 dwellings comprised: 7 pairs of semi-detached houses; 2 semi-detached dormer bungalows and a detached house; parking; allotments; landscaping; access
(AMENDED PLANS & DESCRIPTION)

Applicant: The Hyde Group

Target Date: 16/09/2016

Extension Date: 30/12/2016

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to parish council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Allocated Housing Site (HOR2)
Built-up Area
Tree Preservation Order (NFDC/TPO 0032/14)
Setting of Listed Building (All Saints Church opposite)
Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality
Policy CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
Policy CS6: Flood risk
Policy CS7: Open spaces, sport and recreation
Policy CS10: The spatial strategy
Policy CS13: Housing types, sizes and tenure
Policy CS15 - Affordable housing contribution requirements from developments
Policy CS24 - Transport considerations
Policy CS25 - Developer Contributions

Local Plan Part 2 (Sites and Development Management DPD) 2014

Policy NPPF1 - Presumption in favour of sustainable development
Policy DM3 - Mitigation of impacts on European nature conservation sites
Policy HOR2: Land at Hordle Lane Nursery

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design

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 - Hordle Village Design Statement
Housing Design, Density and Character SPG (NFDC 2006)
Parking standards SPD (NFDC 2012)
SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

No relevant history, although the applicant engaged with the Council's pre-application procedure in respect of development of this site, which concluded that the principle of residential development was acceptable, but suggested the layouts provided at that time were slightly overdeveloped.

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council recommend refusal for the following reasons:

1. The design of the houses is not acceptable and does not fit with the Hordle Parish Council Village Design Statement, specifically Policies GBE04, GBE7 and GBE08. The plans are also at variance with HARAHS own design guidance on the character impacts of development.
2. Overdevelopment and overcrowding of the site contrary to Policy CS2. Plots 1-2 specifically will cause visual intrusion, overlooking and shading to the immediate neighbour (Denton). The allocation is to provide 15 new dwellings not the 17 now proposed.
3. Various statements included within the Transport Plan are disputed and it fails to properly consider other developments in the locality and swept path analyses. The Council is concerned that the development will ultimately lead to a loss of highway safety.
4. There has been no discussion and/or agreement with The Parish Council about the management of the allotments or maintenance of the green spaces.
5. This application should be considered as part of the holistic plan for Hordle as this site (and others in the near vicinity) form part of the NFDC Local Plan Review which proposes redesignation of the green belt. Also if the affordable housing is built first the people living there could be surrounded by a building site for some time to come.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - no objections, but give informatives.
- 9.2 Hampshire County Council (Drainage) - Given that this application is classed as a major application being more than 10 dwellings, we require the information as listed on our website, to be provided in the form of a flood risk assessment and / or drainage strategy. Until this is provided, we are unable to comment on this application.
- 9.3 Southern Water - Recommend that the Environment Agency are consulted as use of a private wastewater treatment works is proposed, although advise that it may be possible to connect to a nearby public sewer. It is noted that the application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation SUDS are not adoptable by sewerage undertakers, so their long term maintenance must be ensured. A condition is therefore requested to require full details of foul and surface water to be submitted for approval. Informatives are also given.
- 9.4 Environment Agency - comments will be reported
- 9.5 Scottish and Southern Electric - An existing overhead low voltage electricity line crosses the entrance to the proposed site and there is also an existing underground cable that crosses the proposed road that used to supply electricity to the old Nursery. The applicant should be made aware of this apparatus. Plans of the position of the line and apparatus are available from our mapping services department mapping.services@sse.com. If the overhead line and underground cable were required to be diverted, then SSE would expect the developer to pay for all costs incurred.
- 9.6 Hampshire County Council Highway Engineer - Following previous concerns expressed in respect of insufficient provision for pedestrians within the highway, the applicant has provided a revised site layout plan ref 14.165.101 rev H dated 30/09/16 which indicates a footway link within the southern frontage of the site. This footway together with the one to the north would provide a pedestrian link clear of the carriageway in Hordle Lane between the school and church and the highway in Hordle Lane to the south of the junction with Vicarage Lane and overcomes the Highway Authority's previous concerns. This footway should be included as part of any subsequent S38 adoption agreement with the Highway Authority. The section of footway within the highway at the junction with the carriageway in Hordle Lane would be required to be delivered via a S278 legal agreement and would be subject to a design check and safety audit to ensure that the proposals would provide a safe access back onto the carriageway in Hordle Lane to the south. No objection subject to highway construction, parking, bin store and turning conditions:
- 9.7 Ecologist - Holding objection - whilst there is no in-principle objection at this stage, there could be opportunities to provide compensation within the red and blue line areas, the ecological information supplied to date highlights the need for further survey and impact assessment to inform design and rule out impacts on protected species. The applicant's ecological consultants are undertaking this work, and should be able to report further soon, currently there is insufficient information to demonstrate accordance with CS3 and DM2.

- 9.8 Tree Officer - Tree Preservation Order No. 32/14 protects six trees on this site, which along with other trees, shrubs and hedging to the front south east boundary provide a significant amenity value and are an important feature to the street scene. This entire boundary should be retained and protected during the construction process. Details of this should be submitted in an Arboricultural Method Statement which should also include details on levels, cross section of the proposed access and the footpath. Removal of Beech T31 and Poplar T24 is acceptable, which would be necessary regardless of the proposed development. There should not be any conflict with the retained trees and the proposed dwellings, with sufficient clearance of the RPA and crown spread to avoid potential damage and any future shading or overbearing issues. There is scope for replacement tree planting along with a suitable landscape scheme. It is recommended that details of the access and footpath along with a Method Statement are submitted before a decision is made.
- 9.9 Environmental Design Team (Open Space) - The level of on-site Informal POS required is 0.0814 ha. There is also a requirement for on-site designed play space provision in accordance with Policy CS7 and HOR2. This can comprise of some equipment and natural play features integrated into the overall design of the POS of which details will be required for approval. The on-site POS and play would be expected to be transferred to either NFDC or Hordle Parish Council (HPC) with details set out in a Section 106 Agreement. Maintenance contributions for the above two elements would be: POS Maintenance = £4557.56 and Play Space maintenance = £11,116. There will also be Formal POS, Habitat mitigation and monitoring costs as required by the relevant Policies and CIL. A drainage strategy plan has now been received which shows substantial drainage structures and Inspection chambers all sited within the POS area. This is not acceptable and these structures, and their inspection covers should be sited within the shared driveway/access road areas. The sewer run that's proposed to run north to south through the POS area should also be re sited to run beneath the pathway. This apparatus needs to be sited outside the grass POS areas as it restricts any future planting and equipment proposals for the area as well as giving long term maintenance implications for the POS land. Full details of the POS areas and natural play features are still required for approval. With regard to the new path running along the eastern edge of the site to give pedestrians a route along Hordle Lane, it needs to be made clear exactly what the extent of the POS land is along this edge and the actual areas to be transferred.

10 REPRESENTATIONS RECEIVED

- 10.1 Twenty representations have been received to the proposed development, objecting on the following grounds:
- Detriment to highway safety
 - The submitted Transport Statement is flawed
 - It will exacerbate parking problems in the locality
 - Fails to respect local distinctiveness
 - Overdevelopment of site
 - Overdevelopment of village, which will be exacerbated by proposals for future expansion within the Local Plan Review
 - The proposal is premature, bearing in mind forthcoming Local Plan Review proposals for additional housing in Hordle

- The site should be used for allotments or a park
- Ecological interests have not been fully addressed
- Detriment to protected trees
- Surface water drainage from site needs to be addressed
- The status of affordable housing is queried
- Local service infrastructure is inadequate

10.2 One representation has been received in support of the proposal on the basis that affordable housing is needed in the locality.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive (net increase in dwelling £19,584 in each of the following six years from the dwellings' completion), and as a result, a total of £117,504 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 £123,182.42. It should be acknowledged that development undertaken by Registered Providers to provide housing may be exempted from their CIL liability, which should be applied for at the appropriate time following the grant of planning permission. 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, following engagement in the pre-application process and receipt of amended plans to address issues in relation to the siting and appearance of dwellings within the proposal site, drainage proposals for the site and provision of a footpath link along the south east boundary of the site, the proposal was considered to be acceptable.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 This is the site of the former Hordle Nurseries on the periphery of the built-up area, adjoining green belt and open fields to the south west. The site is within the setting of the Parish Church of All Saints, which is a Grade II Listed Building. The site is allocated under Policy HOR2 of the Local Plan Part 2 for residential development to provide for local housing needs. The policy requires 70% of dwellings to be affordable as well as the provision of 10 full size allotment plots and provision of public open space within the development.

14.1.2 The application is made by Hyde Housing, a registered social housing provider. The proposal is for 17 affordable dwellings, together with associated estate road and off-street parking, open space and allotments. The proposal provides for a mix of social rented and shared ownership dwellings in the ratio of 60:40. The dwellings are a mix of 1, 2 and 3 bed units, finished in brick, slate tile with head and cill detailing, chimneys and canopies to reflect the local vernacular. The dwellings would be arranged around a central core of open space and visitor parking, with allotments behind plots nos. 10-17 to the south west.

14.2 Principle of Development

14.2.1 The site is allocated in the adopted Local Plan: Sites and Development Management (Part 2) DPD under Policy HOR2. As an allocated housing site, a presumption in favour of residential development exists here. The site is allocated for up to around 15 dwellings, although it is now proposed to provide 17 units.

14.2.2 Comments have been received criticising the planning process as this application for 17 homes is being considered in isolation, rather than holistically in conjunction with the Local Plan Review (LPR) (2016-2036) which proposes redesignation of the green belt. It is acknowledged that sites in the vicinity to the north west and south east of Hordle Lane are being considered as potential strategic housing locations for up to 180 dwellings under the LPR. The sites identified by the LPR are 'potential' sites and can only be afforded limited weight at this stage, as they are not certain to come forward. They will be considered on their own merits under the LPR and under any subsequent planning applications. The application site is an allocated site under Policy HOR2 of the current Local Plan Part 2, which was adopted in April 2014. In light of this the Planning Authority must consider the current submission on its own merits.

- 14.2.3 While beyond the boundary of the allocated site and within green belt, the position of allotments is considered to be logical, as HOR2 allows for provision of allotments on land adjacent to the site. Furthermore, Paragraph 89 of the NPPF relates to the types of development that may be appropriate within green belt, which includes facilities for outdoor recreation. The allotments would not significantly impact upon amenity or the openness of the green belt, by virtue of their undeveloped form. The benefits of the proposed allotments outweigh the very limited harm to the green belt.
- 14.2.4 The principle of housing development and allotments on the application site is considered to be acceptable subject to other material planning considerations, as outlined below.

14.3 Character and Appearance

- 14.3.1 Policies CS2 and CS3 of the Core Strategy and the Hordle Village Design Statement, seek to ensure that new development is well designed to respect the character, identity and context of the area's towns and countryside and heritage assets.
- 14.3.2 The site adjoins a linear bungalow development to the north east, the Listed Parish Church to the east and more modern two storey residential developments to the south east, across Hordle Lane. The site is separated from Hordle Lane by mature trees and hedgerows, which the applicant has taken care to retain within the scheme. The Tree Officer raises no objections to the proposal, but requires clarification of potential tree impacts, which the applicant has been requested to provide. This bank of trees, together with proposed landscaping measures, including an area of public open space to the centre of the scheme, limits the degree to which the development will be visible upon approach along Hordle Lane. That said, the design and materials of the dwellings are of a good standard incorporating the use of red brick, grey tiles, artificial stone window heads and cills, chimneys and vertically arranged windows, to reflect the character and appearance of the more traditional and predominant dwelling type found in Hordle. The Hordle Village Design Statement identifies traditional cottages (1890 to 1920) of red brick and slate/tiled roofs to be the most predominant dwelling type found in the village and it is this type of dwelling the proposal seeks to reflect. Policy GBE02 of the Design Statement states that 'the design of all development should respect the inherent character of the locality with the careful selection of materials appropriately matched to the vernacular'.
- 14.3.3 Concerns are raised by the Parish Council that the proposal constitutes overdevelopment and overcrowding of the site, where the allocation is to provide 15 new dwellings not the 17 now proposed. Indeed, concerns were initially raised by the Urban Design Team over the impact of certain elements of the proposal on the character of the area, revolving around the domination of the open space by car parking, orientation of dwellings to the open space and each other, the massing of plots 1 and 2 and the appearance of the originally proposed flatted development and maisonette on plots 8 and 9. The revised plans showing dormer bungalows on plots 1 and 2, which continue the linear row of bungalows along Hordle Lane; the provision of semi-detached dwellings on plots 8-9, re-orientation of the layouts and the drawing back of parking, away from the open space. These overcome the original concerns raised by the Urban Design Team. Officers consider the amended layout showing 17 dwellings can be accommodated on this site.

14.3.4 The Parish Council are also concerned that the design of the houses is unacceptable and contrary to the Hordle Village Design Statement. Officers consider the proposal has struck the right balance between providing much needed affordable housing, within a scheme that preserves the character of the area. In terms of the Hordle Village Design Statement the proposal has been amended to be more sympathetic to the bungalows to the north east in accordance with Policy GBE04. The design, materials and appearance of the dwellings are such that they would not appear dissimilar to housing for private sale in accordance with Policy GBE07. It is considered that the amended plans incorporate sufficient individuality of design (5 house types), arranged around an attractive area of open space and retained trees on the frontage, such that the development will contribute to the appearance of the village in accordance with Policy GBE08.

14.3.5 The amended form of development is acceptable in terms of its character impacts and impact on the setting of nearby heritage assets, in accordance with Policies CS2 and CS3 of the Core Strategy, DM1 of the Local Plan Part 2 and the Hordle Village Design Statement, subject to a condition to ensure the materials used in the development are of acceptable quality.

14.4 Provision of Open Space and allotments

14.4.1 The site plan shows an adequate level of public open space (POS) and 10 no. allotments, which complies with adopted Local Plan (Policies CS7 and Policy HOR2). This would be on the proviso that the area would be appropriately laid out and serviced by the developer to make them an intrinsic part of the development, to make it acceptable for use by future occupiers.

14.4.2 The Open Space Team are concerned with the drainage strategy plan received which shows substantial drainage structures, inspection chambers and drainage runs within the POS area. This apparatus needs to be sited outside the grassed POS areas as it restricts any future planting and equipment proposals for the area as well as giving long term maintenance implications for the POS land. The applicant has been requested to submit amended plans to address this matter. Full details of the POS areas and natural play features are still required for approval, which may be ensured by landscaping condition.

14.4.3 Delivery of the open space and allotments along with commuted sums for POS maintenance of £4557.56 and play space maintenance of £11,116, would be secured through completion of a legal agreement. The Council is currently in discussions with the parish council regarding the future management of the allotments and maintenance of the green space.

14.5 Impacts upon adjoining amenity

14.5.1 Policy CS2 and Policy GBE04 of the Village Design Statement require the Planning Authority to consider the impact of development proposals upon adjoining amenity and upon the amenity of future occupiers of the new units. The proposal site adjoins the residential curtilage of a single dwelling (Denton) to the north east, with which Plots 1-7 share a common boundary.

14.5.2 Concerns are raised that Plots 1-2 will cause visual intrusion, overlooking and shading to the immediate neighbour (Denton) to the north east. The closest new dwellings (Plots 1 and 2) are 12.5m away from the boundary with Denton and 17m away from its side elevation. Two non-bathroom dormer windows would face Denton at a distance of 18.5m. Denton does not have any primary windows facing Plots 1 and 2, only obscure glazed secondary windows, so it is concluded that no direct loss of privacy will result in respect of Plot 1 and 2. Plots 3 to 7 are further away from Denton and would be offered no direct views into its curtilage due to the presence of outbuildings and a high conifer hedge, which prevent intervisibility. The reduction in height of Plots 1 and 2, through incorporation of dormer bungalows and degree of separation dictate that no overbearing impact or loss of light would result to Denton.

14.5.3 It is concluded that an acceptable form of development can be achieved without impacting significantly on the amenity of existing residents, in terms of loss of privacy, light or overbearing impact. However, it would be prudent to ensure the boundary with Denton is bolstered by heavy landscaping to limit intervisibility, which can be ensured by a landscaping condition.

14.6 Affordable Housing and Habitat Mitigation Measures

14.6.1 The application is made by The Hyde Housing Group, a registered provider of social housing. The scheme proposes 17 new dwellings, including 9 dwellings for the provision of social rented housing and 8 shared equity homes. This equates to 100% of total unit numbers and therefore fully complies with Policy CS15(b) and Policy HOR2, which seek a minimum of 70% affordable housing. The type and number of affordable dwellings will be ensured by a Section 106 agreement to ensure their delivery.

14.6.2 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.

14.7 Highway Impacts

14.7.1 Concern is raised by the Parish Council and local residents over statements included within the submitted Transport Plan. Consequently the County Highway Authority was specifically requested to comment on concerns raised with regard to the highway impacts of the development. The Highway Authority responded directly to the Parish Council in a letter, the main points of which are summarised in sections 14.7.2 to 14.7.5 below.

14.7.2 It is the Highway Authority's established view that the roads surrounding the site are suitable for cycling and any objection based on the lack of accessibility by cycle would be not appropriate in this instance and would be unlikely to be sustained at appeal.

- 14.7.3 The site has been allocated for residential development and the wider issues of sustainable transport provision would have been considered both by NFDC and the County Council when it was being assessed for inclusion in the adopted plan as site HOR2 for residential development.
- 14.7.4 The Highway Authority requested that further information be provided in respect of parked vehicles in the vicinity of the proposed new access and how any parked cars would affect the turning movements for larger vehicles using the site. Of particular concern was the widespread parking of cars associated with the drop off and pick up of children using the nearby school in Hordle Lane. The applicant has provided details of a parking survey detailing the location and number of parked vehicles taken throughout a school day at the end of the last summer term. This information is superimposed on the swept path analysis for larger vehicles using the proposed new access. Based on the information provided the Highway Authority is satisfied that access to the site for larger vehicles will not be compromised by the presence of parked vehicles and therefore will not result in an increased danger or inconvenience to users of the highway.
- 14.7.5 The applicant has provided details of a footway to be provided within the site which would link the existing footway to the north to the proposed development, this link is considered acceptable to the Highway Authority. The Highway Authority stated that it would also wish to see this footway extended within the site to the south of the access. In light of this the applicant provided a revised site layout plan ref 14.165.101 rev H, which indicates a footway link within the southern frontage of the site. This footway together with the one to the north would provide a pedestrian link clear of the carriageway in Hordle Lane between the school and church and the highway in Hordle Lane to the south of the junction with Vicarage Lane and overcomes the Highway Authority's previous concerns.
- 14.7.6 With regard to comments that the submitted Transport Plan does not take any other developments into account, such as the permission for industrial units on the Old Coal Yard site or potential strategic housing sites, the application must be considered on its own merits and on the basis of its own supporting information. There is no certainty that the other developments referred to will come forward and if they did, they would need to undergo their own scrutiny process. No objections are raised by the Highway Authority subject to highway construction, parking, bin store and turning conditions, consequently a reason for refusal on highway grounds cannot be substantiated.

14.8 Flood Risk and Site Drainage

- 14.8.1 Given that this application is classed as a major application being more than 10 dwellings, the County Drainage Authority require the relevant drainage information to be provided in the form of a flood risk assessment or drainage strategy. The applicant has submitted a drainage strategy, although it has failed to satisfy the Drainage Authority. The applicant has been requested to provide the requisite drainage information, although until this is provided, the Drainage Authority are unable to comment on this application. Members will be updated on the proposed drainage arrangements prior to the meeting.

14.8.2 The applicant has also been requested to clarify the proposed arrangements for foul sewerage, in light of Southern Water's comments, where the preferred option would be to public sewer, rather than package treatment plant.

14.9 Ecological Interests

14.9.1 The Ecologist has no in-principle objection at this stage, but there could be opportunities to provide compensation within the red and blue line areas, the ecological information supplied to date highlights the need for further survey and impact assessment to inform design and rule out impacts on protected species. The applicant's ecological consultants are undertaking this work, and have been requested to report on the full ecological implications of the development prior to committee.

14.10 Conclusion

14.10.1 In conclusion it is considered that the amended form of development would be appropriate to the character and appearance of the area with no adverse implications on highway safety for neighbours. Affordable housing, habitat mitigation and open space can be provided under the terms of a legal agreement. Subject to receipt of acceptable additional plans and information to address the concerns over surface water drainage, ecology and tree impacts identified above, the application may be recommended for approval.

14.10.2 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	12	17	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£57,050	£57,050	0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	1477.28		1477.28	1477.28	£80/sqm	£123,182.42 *

Subtotal:	£123,182.42
Relief:	£0.00
Total Payable:	£123,182.42

* 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 30th 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 affordable housing, public open space maintenance contributions and allotments
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th December 2016, the Service Manager Planning and Building Control 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: (insert plan numbers).

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 building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Details of the width, alignment, gradient and type of construction proposed for the adoptable carriageways and footways shall be submitted to and approved in writing by the Local planning Authority before commencement of development. The development shall not be occupied until they have been constructed and made available to the public.

Reason: To ensure the carriageways and footways are constructed to a standard which would enable them to be taken over as highway maintainable at the public expense, in accordance with Policy CS2 of the Core Strategy

5. 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 on-site car parking provision for the approved development, in accordance with Policy CS2 of the Core Strategy.

6. No development shall start on site until plans and particulars showing details of the provisions of bin/cycle storage within the site have been submitted and approved in writing by the 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.

Reason: To ensure adequate provision within the site, in accordance with Policy CS2 of the 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: In the interests of highway safety, in accordance with Policy CS2 of the Core Strategy.

8. 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 to include size, species, form, location and planting/protection method in accordance with BS8545: 2014;
- (c) areas for hard surfacing and the materials to be used;
- (d) full details of childrens play area design and equipment
- (e) full details of all boundary treatment and other means of 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 to comply with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the Hordle Village Design Statement

9. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the Hordle Village Design Statement.

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

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

11. Before development commences details of the means of disposal of foul and 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 CS6 of the Core Strategy 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.

12. Before development commences details of the means of the future maintenance of the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements 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 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.

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 and Policy HOR2 of the Local Plan Part 2 (Sites and Development Management DPD) 2014.
2. The proposed development would fail to make any contribution to ensure on-site provision and management of public open space and allotments to meet the needs of the occupants of the development and the local community. 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 CS25 of the Core Strategy and Policy HOR2 of the Local Plan Part 2 (Sites and Development Management DPD) 2014.

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, following engagement in the pre-application process and receipt of amended plans to address issues in relation to the siting and appearance of dwellings within the proposal site, drainage proposals for the site and provision of a footpath link along the south east boundary of the site, the proposal was considered to be acceptable.

2. In discharging condition no. 10 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/>

3. The County Highway Authority advise that the footway to the south of the site should be included as part of any subsequent S38 adoption agreement with the Highway Authority. The section of footway within the highway at the junction with the carriageway in Hordle Lane would be required to be delivered via a S278 legal agreement and would be subject to a design check and safety audit to ensure that the proposals would provide a safe access back onto the carriageway in Hordle Lane to the south.
4. Scottish and Southern Electric advise that an existing overhead low voltage electricity line crosses the entrance to the proposed site and there is also an existing underground cable that crosses the proposed road that used to supply electricity to the old Nursery. The applicant is made aware of this apparatus. Plans of the position of the line and apparatus are available from their mapping services department mapping.services@sse.com. If the overhead line and underground cable were required to be diverted, then SSE would expect the developer to pay for all costs incurred.
5. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

6. With regard to condition nos. 11 and 12, Southern Water advise that good management of SUDS schemes will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Where a SIDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should specify the

responsibilities of each party for the implementation of the SUDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development. This should include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Should any sewer be found during the course of construction, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works. The applicant is advised to discuss any such matter with Southern Water on 0330 3030119.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
November 2016**

Item No: 3d
Former Nursery Site
Hordle Lane
Hordle
16/10725
SZ2795

Scale 1:1250

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

