

Application Number: 13/11276 Outline Planning Permission

Site: Land south of, LYMINGTON ROAD, NEW MILTON BH25 6PR

Development: 4 houses; site of alternative natural green space; access
(Outline Application with details only of access)

Applicant: Mr Chappell

Target Date: 06/12/2013

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration, contrary to consultee comment and contrary to policy and to allow additional considerations that have come about following the initial resolution to be taken on board.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Landscape Feature
Protected trees

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles
CS2: Design quality
CS4: Energy and resource use
CS7: Open spaces, sport and recreation
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS24: Transport considerations
CS25: Developers contributions

Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
NMT12: New public open space south of Lymington Road, north of Chestnut Avenue

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 - New Milton Local Distinctiveness
SPD - Design of Waste Management Facilities in New Development
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites
SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

- 6.1 Erection of 6 houses and construct new access (54869) Refused on the 1st September 1994
- 6.2 Erection of 5 houses and construct new access (55862) Refused on the 6th Feb 1995. Appeal dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

Comments not changed since original submission

New Milton Town Council: recommend refusal - While the principle of enabling development on the open space and Site of Alternative Natural Green Space is accepted

- 1. The policy objective of providing at least 0.3 hectares of accessible public open space and SANGS is not met; the extension of the road and turning head into the western half of the site urbanises around two thirds of the site such that the area available for delivering open space and natural green space is too small. Further delivery of a pedestrian through route for access is uncertain because the indicative footpaths terminate in private land at the site boundary.
- 2. Unsafe access onto the A337: there is a lack of confidence in the recorded wet weather speeds used to determine the appropriate easterly visibility splay and uncertainty in delivering a suitable visibility splay due to a lack of control over the necessary land.
- 3. Protected trees will not be adequately protected; given the absence of an arboricultural method statement there is a lack of confidence that the numerous protected trees on the site will be adequately protected; it is noted that the indicative layout (which could become subject to condition to implement) sites a garage underneath a protected tree making that tree vulnerable to future applications for management to safeguard the building only.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: Raised objections
- 9.2 Tree Officer: no objection subject to condition
- 9.3 Environmental Design (Urban Design): no objection
- 9.4 Policy: no objection
- 9.5 Ecologist: comments in main body of report and offer positives and negatives amount the proposals
- 9.6 Land Drainage: no objection subject to condition
- 9.7 Southern Water Authority. Plan showing position of foul sewer crossing the site. The exact position of the foul sewers must be determined on site by the applicant before the layout is finalised.

10 REPRESENTATIONS RECEIVED

- 10.1 3 letters of objection in relation to the amended plans based on amended plans which state that the proposed development is too close to neighbouring properties and there are concerns with overlooking. Concerns with the impact on trees. The entrance and exit road to this development would be extremely dangerous to pedestrian users of the footpath and to vehicles using the Lymington Road where visibility is poor in both directions being located in the "hollow" of a bend in the road and surrounded by well developed trees and bushes
- 10.2 10 letters of objection received in respect of original submission concerned that the application only covers half the site and it should be detailed as to what is happening on the other half of the land. There should be restrictions on the land for future plans. There are restrictive covenants on the land. There should be no vehicular access to this site through our private road. The road is too narrow. There is no need for two pathways to be marked onto the plan leading to the existing right of way. Concerns have been expressed about boundary ownership. Concerns over impact on residential amenity including noise and disturbance and overlooking There is a pipeline running through the site.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the dwellings are completed and the overall number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District, the Council will, in general terms, receive New Homes Bonus (£4496) in each of the following four years.

Based on the information provided at the time of this report this development has a CIL liability but the amount will be determined at the reserved matters stage.

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 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 concerns previously raised have been addressed.

14 ASSESSMENT

14.1 Introduction

14.1.1 Members may recall considering this outline application (with details only of access) for the erection of four dwellings and two garages together with the provision of an informal area of open space in the form of a Site of Alternative Natural Green Space (SANGS) on 8 October 2014. The Committee's decision was that the Head of Planning and Transportation be authorised to grant planning consent subject to the completion of a Section 106 Agreement by 30 March 2015 to secure a financial contribution for off-site affordable housing, transportation contributions and a minimum of 0.3 hectares of land to be used as SANGS/ Open space. The Section 106 Agreement would have required all of the SANGS/ Open space to be transferred to New Forest District Council.

14.1.2 The Section 106 Agreement was not completed within time and the Committee's resolution expired. Since the previous committee consideration, amendments have been made to the proposed layout of

the site. While the same number of dwellings are proposed (four detached dwellings) the actual area of open space has increased in size and the level of developable area for housing has been reduced. The area of open space has increased from 0.3 hectares to 0.4 hectares and the long access road which previously a through the central part of the open space has been considerably reduced in size. This has resulted in an improved layout with a larger and more useable area of open space/ SANGS.

14.2 Site description

14.2.1 The application site is a rectangular shaped open piece of grassland within the built up area of New Milton to the south of Lymington Road. There are no buildings on the land and currently the site is not used for any purposes and has the appearance of a paddock. There is a single access into the site from Lymington Road provided by a metal gate. The site lies to the north of the rear gardens to properties in Chestnut Avenue, which consist of substantial detached dwellings in generous plots. Smaller terraced and semi detached properties in Oxey Close abut parts of the northern site boundary. On the western boundary of the site are detached properties in Farm Lane North with a public footpath running parallel to part of the site.

14.2.2 The proposed layout of the site shows an internal access road from Lymington Road running through the site with two dwellings sited on the eastern part of the site, and the area of open space to be used as a SANGS is situated on the western part of the site. The internal access road leads onto the area of open space and would effectively be connected to an internal footpath providing a link through the whole site from Lymington Road to the existing footpath to the west of the site. It should be noted that while the submitted site layout plan is an illustrative drawing, it does show a possible layout of the site for both the dwellings and area of open space and the full details of the area of open space and housing layout would be assessed as part of a reserved matters application.

14.3 Planning history

14.3.1 There have been previous applications on this site in 1994 and 1995, which were refused permission and dismissed on appeal. The application dismissed on appeal involved a development of five large detached dwellings on the whole of this site with the access to be provided between two existing residential properties in Chestnut Avenue. In dismissing the appeal, the Inspector did not raise any concerns relating to the effect on the character of the area or trees, however, he was concerned with the impact of the proposed access road on the living conditions of the adjoining residents at 30 and 32 Chestnut Avenue.

14.4 Policy

14.4.1 The relevant policy in this case is Policy NM12 of the Local Plan Part 2 which states that the site in question is proposed as a new public open space to be managed as Suitable Alternative Natural Green Space (SANGS). The policy seeks to mitigate the impact of recreational impacts from residential development on the European Nature Conservation designations and to secure long term public access to

this area. However, in order for this area of open space to be implemented, the Council may consider a very limited amount of 'enabling development' on the site provided a minimum of 0.3 hectares of accessible public open space in the form of natural green space is provided. The details of the creation of this area of open space which would be managed as a SANGS is set out in the Councils adopted Mitigation Strategy. It states that provision of the area of natural green space is linked to the public right of way to the west of the site.

14.4.2 The proposed illustrative layout of the site shows that an area of open space in the western part of the site which equates to over 0.4 hectares in size would be provided. The area of open space would be an informal grassed area with scattered trees with a footpath link through the site connecting to the existing public footpath to the west in Farm Lane North to Lymington Road. This would enable people to access and utilise this area from the surrounding areas and provide a pedestrian connection through the site. It is considered that the provision of four dwellings on this site together with the internal access road from Lymington Road enables the implementation of the area of open space to be accessible to the public and on this basis, it is considered that the proposal would comply with Policy NM12.

14.4.3 It should be noted that following the adoption of CIL in April 2015, the regulations have affected what can actually be secured or provided through a Section 106 Agreement and accordingly, in this case, the open space/ SANGS cannot be secured by a Section 106 Agreement before a decision is made.

14.4.4 In order to fully understand the legalities of the matter, both the applicants agent and Officers sought advice from Counsel. In response, Counsels opinion concludes that the issue can be resolved if the provision of on site SANGS required by the NMT12 allocation can be achieved by a pre commencement condition requiring the Councils written approval for a scheme to maintain the space as SANGS. After the application is approved, one option is that the scheme can secure a S106 Agreement between the applicant and the Council to transfer the site to the Council to be managed as SANGS. The S106 obligation would not offend the requirements of Regulation 123 (2) of the CIL Regulations. In consequence the habitat mitigation proposed complies with Policy DM3 .

14.5 Ecological matters

14.5.1 In relation to the nature conservation issues, further survey work has been carried out on the site. Hampshire Biodiversity Information Centre (HBIC) as part of their alternative open space study and assessment consider the site as comprising high quality, unimproved grassland. In response, the Ecologist has stated that such sites are increasingly rare in Hampshire and the UK, they are identified as priority habitats within Government legislation and policy which highlight the need for planning authorities to further their conservation (e.g. National Environment and Rural Communities (NERC) Act 2006 Section 40). The site would meet criteria to allow it to be considered a Site of Importance for Nature Conservation (SINC) and the Hampshire Biodiversity Information Centre (HBIC) have proposed the site as a SINC. Currently there is not much variation across the site that would allow lower quality areas to be identified and enable an area for development to be identified. The

type of habitat present and the information gained by HBIC demonstrates the land has intrinsic value that has been present for many years.

14.5.2 Policy DM2 does say development that would damage SINC's or habitats or species of principal importance will not be permitted unless the benefits outweigh the harm. In this particular case attempts have been made to reduce impacts by minimising the extent of loss and maximising the area which is to be retained and furthermore placed into enhanced management (ie the area of open space has been increased in size). This has been achieved by increasing the area of land to be used as SANGS/Open space to 0.4 hectares and removing some of the internal road network. The Ecologist understands that the open space area would be managed by the Council in the future and so appropriate management is likely to be delivered. While any loss of habitat is regrettable and requires careful consideration, there is no evidence to indicate the site would be managed to retain interest in the future and the proposal would secure the long term appropriate management of the remainder of the site.

14.5.3 The Ecologist has reviewed the proposals in terms of other biodiversity interests, and while there were some concerns regarding the work; the further clarification on key points of the (Ecosa Ecological Assessment Oct 2016) e.g. updated reptile survey and recommendations for mitigation/compensation are acceptable. The site has also recently been mowed which may have reduced its suitability for reptiles, and this in itself illustrates how the current ownership and management of the site is not optimal for sustaining its nature conservation value and the benefits of securing more appropriate management.

14.5.4 The Ecologist considers that there is evidence to show that the low density of reptile species previously found, and absent following the 2016 surveys, can be accommodated by mitigation and compensation measures both within the development and in the retained area, which now amounts to nearly 70% of the area. While in principle the loss of local wildlife site habitat is contrary to policy approaches, the protection of such areas is subject to consideration of need and compensation. In balancing out the issues, and taking into consideration the comments from the Ecologist, it is considered that securing enhancement and appropriate management of the open space, as well as provision of features within the development itself (e.g. bat features, bird nesting opportunities), losses can be largely mitigated and benefits would accrue over time for biodiversity through the improved management.

14.6 Impact on the character and appearance of the area

14.6.1 In terms of visual impact, the actual layout of the site, design of the buildings, and the layout of the area of open space would be provided in full in a reserved matters application. The submitted illustrative drawing demonstrates that the proposed number of houses can be acceptably accommodated on the site enabling the required area of open space and also shows a spacious layout with the proposed dwellings benefiting from reasonable sized gardens and space between the buildings together with a housing layout that invites the public into the site to use the area of open space.

- 14.6.2 Accordingly on the basis that the basic concepts, layout and design principles are followed in the illustrative plans, there is no reason why a high quality development should not result and if planning permission were to be granted, there should be a condition which ensures that the development should reflect the design principles on the illustrative plans.
- 14.7 Residential amenity
- 14.7.1 In terms of residential amenity, it is considered that four dwellings could be provided on this site without causing significant impact on the privacy, light and outlook of the adjoining and nearby residents and this has been demonstrated on the submitted illustrative drawing. Overlooking would be a matter to be considered in any reserved matters application when the appearance of the buildings would also be considered. However, the dwellings would be sited and orientated away from the residents to the south in Chestnut Avenue which are sited more than 20 metres away from the rear boundary. The proposed dwellings would be located closer to the residents at Nos. 1 and 2 Oxe Close, and while the distances from the rear elevation of the proposed dwellings to the rear elevation of the neighbours measures around 20 metres which is acceptable, the dwellings can be design to reduce the impact of overlooking.
- 14.8 Highway matters
- 14.8.1 With regard to highway safety matters, it is proposed to provide access onto Lymington Road, which is a classified Road. The applicant commissioned a speed survey which provided an 85%ile wet weather speed of 31mph for vehicles travelling in a westerly direction. The necessary visibility splay required to accommodate this 85%ile speed is indicated to incorporate the splay, however, it should be noted that the part of the splay passes over land in the ownership of a third party.
- 14.8.2 The Highway Authority have raise an objection to the proposal and considers that on the basis that part of the visibility splays (in the eastern direction) passes over unregistered land (a small part of the visibility splay is outside highway land and the applicants land) the provision/ retention of the splays cannot be guaranteed by the imposition of condition.
- 14.8.3 In response, while Officers understand the comments made by the Highway Authority, a reason for refusal on the grounds that part of the visibility splay is located on unregistered land would not be reasonable. Planning permission can still be granted with a condition for the visibility splays to be provided and it will be the responsibility of the applicant to ensure that the condition can be adhered to. The applicant has enquired to find out who the owner of this piece of land is, however, they have had no success. On other highway matters, the proposed internal access shows a turning head within the layout to ensure refuse and emergency vehicles can enter and leave the site in a forward gear. Matters of car parking spaces and provision would be considered as part of any reserved matters application.
- 14.9 Other matters

14.9.1 In terms of tree matters, there are many substantial trees on and adjacent to the site which are protected by a Tree Preservation Order and are mainly located around the perimeter of the site. The Tree Officer is satisfied that the site could accommodate 4 dwellings with access from Lymington Road without undue risk to the protected trees from either construction works or longer term pressure from occupiers. However, the full details of the layout and updated tree report will need to form part of the Reserved Matters Application.

14.9.2 Concerns have been expressed that there are restrictive covenants on the land, however, this is not a planning matter. Concerns have been expressed that the red line boundary is not correct in terms of land ownership. However the applicant in response has confirmed that the red line boundary is correct. Matters of boundary disputes and ownership are not planning matters.

14.9.3 In relation to affordable housing contributions, on 19 May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

“Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm;

In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...;

Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house”

This national guidance is at odds with Policy CS15 of the Council's Core Strategy. The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government's national guidance unless there are reasons to make an exception

14.9.4 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with National Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy

14.10 Conclusion

- 14.10.1 In conclusion, the proposal to develop part of the site for four dwellings would enable the remainder of the site, which equates to 0.4 hectares in size to be used as an area of informal open space to be used as SANGS. The illustrative layout shows how the site could be developed in this context together with a useable area of open space which connects Lymington Road with the existing public footpath at Farm Lane North. While concerns have been expressed from the Highway Authority that part of the visibility splays would be located on unregistered land, this is a matter for the applicant to resolve and to ensure that the proposed development can achieve acceptable visibility splays.
- 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. **RECOMMENDATION**

Grant Subject to Conditions

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. The development permitted shall be carried out in accordance with the following approved plans: 8324/100 Rev F.

Reason: To ensure satisfactory provision of the development.

5. The details submitted in accordance with Conditions 1) and 2) shall reflect the design concepts and principles contained in the illustrative site layout plan drawing number 8324/100 Rev F.

Reason: To ensure that any pursuant reserved matters applications follow the key design principles and concepts which are set out in the illustrative drawings which is important achieve a high quality development for the site in accordance with Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.

6. Visibility splays, in accordance with the details shown on Anders Roberts & Associates Ltd Drawing 8324/100 Rev. F, at the junction of the proposed new vehicular access with Lymington Road (A337) shall be provided and these splays shall be kept free from any obstruction greater than 600mm above the adjacent carriageway at all times.

Reason: In the interest of highway safety and to comply with Policies CS1 & CS10 of the New Forest District Core Strategy.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

9. Notwithstanding the Ecosa Ecological Assessment dated October 2016, and prior to the commencement of development, a detailed mitigation, compensation and enhancement strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

10. In any submitted reserved matters application, there shall be no residential uses or development sited in the land hatched and set as open area/ SANGS land as shown under drawing No 8324/100

Reason: Policy NM12 states that the site in question is proposed as a new public open space to be managed as Suitable Alternative Natural Green Space (SANGS). The policy seeks to mitigate the impact of recreational impacts from residential development on the European Nature Conservation designations and to secure long term public access to this area. However, in order for this area of open space to be implemented, the Council may consider a very limited amount of 'enabling development' on the site provided a minimum of 0.3 hectares of accessible public open space in the form of natural green space is provided. A reduction in the extent of public open space/ SANGS would be contrary to policy NM12 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development

11. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage

system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

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

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 concerns have now been raised following discussions with the applicants agent and legal.

2. This decision relates to amended plans received by the Local Planning Authority on the 15th December 2016.
3. In discharging condition No. 7 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
February 2017

Item No: 3a
Land South of
Lymington Road
New Milton
13/11276
SZ2494

Scale 1:1250

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

