

Application Number: 17/10606 Full Planning Permission

Site: Land north of SCHOOL LANE, MILFORD-ON-SEA

Development: Development of 42 dwellings comprised: 17 detached houses; 8 semi-detached houses; 11 terraced houses; 6 flats; garages; parking; landscaping; estate roads; junction access; footpaths; open space, play area; 5 allotments; cycleway

Applicant: Pennyfarthing Homes

Target Date: 03/08/2017

Extension Date: 27/07/2018

RECOMMENDATION: Service Man Planning Grant

Case Officer: Judith Garrity

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Aerodrome Safeguarding Zone
Built-up Area
Housing Allocation
Tree Preservation Order (TPO 0030/17)

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
6. Towns, villages and built environment quality
7. The countryside
8. Biodiversity and landscape

Policies

Policy CS2: Design quality
Policy CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
Policy CS7: Open spaces, sport and recreation
Policy CS8: Community services and infrastructure
Policy CS12: Possible additional housing development to meet a local housing need
Policy CS10: The spatial strategy

Policy CS15: Affordable housing contribution requirements from developments
Policy CS25: Developer contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

Policy MoS1: Land north of School Lane
Policy MoS2: Transport schemes
Policy DM2: Nature conservation, biodiversity and geodiversity
Policy DM3: Mitigation of impacts on European nature conservation sites

Hampshire Mineral and Waste Plan

Policy 15 - Safeguarding Mineral resources

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Policy NPPF1 - Presumption in favour of sustainable development
Green Belt

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPG - Milford-on-Sea Village Design Statement

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council recommends refusal:

A great many Milford-on-Sea residents have objected strongly to the application by Pennyfarthing Developments for 42 homes on the above site. The main concerns of the residents and the objections of the Parish Council are:

- The land formed part of the Green Belt until it was de-selected in order to build 30 affordable homes. The village has pressed for the building of affordable homes for local people and agreed that, in accordance with the Local Plan, this Green Belt land should be used to provide these much-needed homes.
- The Planning Inspector ratified this development and ruled that no more than 30 houses could be built on the site. Also included in his ruling was the provision for public open space, allotments and a drop off point for the school. The homes were to consist of 1/3 affordable rented houses, 1/3 shared ownership houses and 1/3 small market homes.
- The current application for 42 homes would supply 6 flats as the only affordable rented accommodation - 4 x 2 bedroom and 2 x 1 bedroom. In addition to 6 shared ownership two *bedroom* houses the developer has included 7 'starter' homes as part of its

obligation to provide affordable housing. These starter homes will not be an option for either the local families on the housing register who are in desperate need of rented accommodation in Milford or for other families or young people seeking to join the housing ladder. Indeed; NFDC's own Strategic Housing Officer has pointed out that a family would have to earn around £42,000 pa to be able to buy one of these houses. We object most strongly to the assertion that this provision can form part of the affordable obligation. The remainder of the houses proposed for the site are large 'executive' style houses, of which Milford-on-Sea has no shortage.

- The Parish Council, the School and residents are all convinced that the siting of the car park is too close to a hazardous bend on the B3058. The drop-off must be to the south of the school, where the Planning Inspector had envisaged it. No more Green Belt land should be concreted over.

This application does nothing to alleviate the shortage of affordable housing for local people.

This application contravenes the ruling of the planning inspector and the terms of the Local Plan.

This application disregards Green Belt policy.

The Parish Council asks that you refuse this application.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to conditions. There is a requirement for a Section 278 agreement.
- 9.2 Hampshire County Council (Flood and Water Management Team): No objection subject to conditions.
- 9.3 Southern Water: No objection subject to condition relating to details of the means of foul and surface water disposal.
- 9.4 Environment Agency: No comments received.
- 9.5 Hampshire County Council (Education): Comment that the school would not be oversubscribed from within the catchment due to the proposed development.
- 9.6 Hampshire County Council (Minerals & Waste): The site is located within the minerals and waste consultation area (MWCA) – mineral section where Policy 15 (Safeguarding mineral resources) applies. Further exploratory work is required to be undertaken in the form of a minerals safeguarding report or assessment. However, this matter could be dealt with by submission of details by condition.
- 9.7 Scottish and Southern Electricity Network: Comment on the location of electricity lines/cables and associated equipment. If any diversion is required all cost would need to be met by the developer.
- 9.8 Southern Gas Networks: Provided details of the location of gas pipes.
- 9.9 Environmental Health (Contaminated Land): No objection. Based on the site assessment undertaken the site is suitable for the proposed development.

- 9.10 Archaeologist: Whilst the results of the desk top assessment suggest the site has a low/limited potential for archaeological remains so a targeted archaeological evaluation would be advisable. No objection subject to conditions.
- 9.11 Waste Management: Comment that the bin stores for the flats should be large enough to house one 360 litre wheeled bin for glass collection in addition to storage of waste sacks.
- 9.12 Tree Officer: No objection subject to conditions.
- 9.13 Ecologist: The amended details are accompanied by ecological updates which appear suitable subject to conditions.
- 9.14 Urban Design/Landscape Design Officer: No objection subject to conditions. The proposal provides a design and layout that accords with Policy CS2 in creating a distinctive place to live which responds positively to local character. In terms of design (and subject to robust conditions carried out in a timely manner), this represents an acceptable scheme.
- 9.15 Public Open Space Officer: - The open space is likely to be a combination of adult (or under 10) and junior football pitches; and/or rugby pitch, together with space for other facilities in the future, such as a possible MUGA. The Parish Council have agreed to take on the formal open space, informal open space, play area, allotments and dual use drop off parking and open space maintenance contributions have been identified. The issue of transfer will however be resolved as part of a S106 agreement.
- 9.16 Housing Development & Strategy Officer: does not support as the proposal does not meet the Policy requirements of 70% affordable homes. The applicant would need to provide evidence why the site cannot be viably developed in accordance with Policies CS12 and CS15, and justify the reduction in affordable housing provision.
- 9.17 District Valuer: an assessment of the viability of the scheme for 42 dwellings has been undertaken with the 45% affordable housing proposed. This assessment is based on a tenure mix of 55% Open Market, 14% Shared Ownership, 17% Starter & 14% Affordable Rent. This has concluded that in order to make the scheme viable, a maximum of 45% affordable housing could be provided on the site, based on current higher build costs.

10 REPRESENTATIONS RECEIVED

- 10.1 8 Objections have been received on the original plans
 150 Objections to the 1st set of amended plans
 43 further objections raised to the 2nd set of amended plans

Objections raised on the following grounds (summary).

- Support objections made by Parish Council;
- Contrary to Policy MoS1 and Inspectors requirement for 30 houses;
- Current application against spirit of de-regulation of this Green Belt land; No justification for loss of Green belt;
- Loss of Green Belt was based on affordable homes for local needs;
- Contrary to local, regional and national strategies for future housing development;
- Extra homes should be closer to towns where jobs are available not in small villages;
- Insufficient affordable housing – should be 70% to meet policy; Milford needs more affordable homes;
- Objection to numbers and tenure of affordable units. Starter homes should not be included as affordable housing;

- Revised plans have reduced further the affordable housing proposed on the site to 45%;
- Revised plan only offers a small reduction in numbers of dwellings proposed compared to previous plans;
- Need reappraisal of national policy on provision of affordable homes;
- Need homes for local need with connections to the village– smaller homes for families are required and not large properties, flats or second homes;
- Further plans for Green Belt release will result in urban sprawl to link with Everton;
- Location of play space in the Green Belt;
- Loss of countryside;
- Height of some of the buildings;
- Impact on infrastructure, school places, road/traffic and medical services;
- Flooding;
- Light pollution – impact on wildlife; effect on current residents of School Lane and Lynmore Grove;
- Trees/hedges – oak trees should be subject of TPO; hedges are a feature of the village;
- Loss of the hedgerows; impact on nesting birds;
- Congestion and highway danger associated with access to car park/ drop off
- Reduced size of drop off ;
- Drop off is located too far from the school. Car park facility is only the benefit of the scheme;
- Reduction in parking provided for the school; Does not resolve school parking issues. Need to provide proper off-road parking for the school;
- Drop off parking should be in housing area to stop car park compromising health and safety of school;
- Playground and parking location makes it secluded and unsafe to use;
- Location of access to main site and implications for adjoining dwellings;
- Plans should be in place for allotments and open space before building starts;
- Impact of car park on environment and Green Belt;
- Loss of Green Belt for car parking is unacceptable;
- Impact on landscape, community and village;
- Overlooking of school and safeguarding/security issues;
- Development would not be beneficial to the village;
- Materials should blend in with the environment;
- Noise, disturbance and smell;
- Availability of land on opposite side of road;
- Visual impact;
- Consideration needed about proposals in rural setting.

1 support – need more homes in village.

2 comments – layout of the 2-bedroom properties

10.2 Milford Conservation Volunteers – commented on the original Ecological surveys and proposed mitigation measures. Their view on the development is neutral with respect to matters relating to wildlife, conservation and management of the site should the application receive planning permission. They support the mitigation measures, hedgerow provision and provision of nesting and wildlife boxes, badger/reptile corridor, sensitive lighting strategy, wildflower grassland and gentle slopes to the SUDs area. No further comments have been made on amended plans

10.3 Milford-on-Sea Primary School: Object to the amended plans which has reduced the size of the drop off area are as follows:

- The proposed drop off zone fails to provide a safe drop off area.
- It is located too far from the school. Access from the drop off zone to the school

needs to be directly at the point of drop off. A parent or carer needs to see their child has entered the school grounds safely. The Inspector's recommendation is for a "safe drop off zone adjacent to the school".

- Support a parking facility sited to the south of the school's playground which meets the inspector's requirement of a drop off zone adjacent to the school. It would alleviate the potential inconvenience for residents. It does not require the support from Hampshire County Council and is actionable by the developers.
- Parents will continue to use the bus lay-bys as unofficial drop off zones, as well as the new housing development, as both are closer to the school. Drop off zones using the current bus lay-bys, would provide a safer and more effective way to manage the traffic. We also support this proposal.

10.4 South Lawn Hotel: Support provision of car parking facility. Until recently parents have been allowed to park at the hotel when dropping off and picking up children. This arrangement has had to cease as the hotel is becoming busier, having impact on hotel business and deliveries. The removal of parking at the hotel will exacerbate the current problems. No further comments have been made on the amended plans.

11 CRIME & DISORDER IMPLICATIONS

See assessment below

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £51,408 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £454,668.68.

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 subject of negotiations both before the application was submitted and during the application process. The applicant sought pre-application advice on the form of development proposed however, while development of the site was discussed, the enquiry was not formally concluded prior to the submission of the current planning application. The proposal remains for a development in excess of the policy requirement of 30 dwellings on the site, but the applicants have worked positively with Council officers to respond to the concerns expressed. Most specifically revisions have been made to reduce the size of the drop off area within the Green Belt, reduce the number of units proposed on the site to 42 dwellings and revised the layout. This achieves a better balance of development on the site and proposed a layout that seeks to address the sensitive rural edge to Lymington Road as well as including the provision of a cycle path link along both Lymington Road and through the site.

14 ASSESSMENT

14.1 The application site and its surrounding:

- 14.1.1 The site is greenfield in nature, currently used for agricultural purposes. It is bounded by Milford-on-Sea Primary School to the north, countryside to the east, School Lane and residential development to the south and by Lymington Road to the west. The housing site is within the Built-up Area of Milford-on-Sea but the open space, play area, allotments and drop off car park are within the defined Green Belt. The whole of this site is allocated in the adopted Local Plan: Sites and Development Management (Part 2) DPD under Policy MoS1.

As an allocated housing site, a presumption in favour of residential development exists on the site, subject to other material planning considerations, as outlined below.

14.2 The submitted proposal

- 14.2.1 It is proposed to erect 42 dwellings and flats on the site. The proposal includes a new vehicular access from a point to the south of the site from Lymington Road and parking arrangements for the proposed housing. A dual use car park /school drop off for 36 spaces is proposed within the open space and Green Belt accessed from Lymington Road to the north of the site. Five full size allotments are proposed to the northern end of the site – although 3 of these are indicated as sub-divided into smaller plots. The parking area includes parking spaces for the users of the proposed allotments.
- 14.2.2 A cycle path would be provided to the Lymington Road frontage to link to Milford on Sea Primary school and a second cycle route is proposed to run through the public open space linking the car park to the new residential development and Lymington Road.

- 14.2.3 An area in excess of two hectares would be provided to the north of the housing site for formal public open space in the form of playing fields and a children's play space. This open space is likely to be a combination of adult (or under 10) and junior football pitches; and/or rugby pitch, together with space for other facilities in the future, such as a possible MUGA
- 14.2.4 The proposed housing development would comprise detached, semi-detached and linked dwellings as well as 6 flats, set behind retained hedgerows on Lymington Road and School Lane, interspersed with landscaping and trees within the development. School Lane would be stopped up at its junction with Lymington Road and diverted through the site and the existing lane retained for access to existing houses and as a pedestrian/cycle route.
- 14.3 Policy Framework
- 14.3.1 The southern part of the site (within the defined built-up area) is allocated for housing under Policy MoS1. This allocation is specifically to provide housing to serve local need in accordance with Policy CS12 and CS15 (b) of the Core Strategy. These Core Strategy policies state that this site could provide for up to about 30 dwellings, of which at least 70% should be for affordable housing, made up of at least 40% social rented housing and at least 30% intermediate affordable housing. The policies indicate that the remainder of the site to be developed pursuant to these policies should be developed for low-cost market housing, which could include starter homes. At least 50% of the affordable housing provided is expected to be family housing. All affordable housing provision is also subject to Policy CS25 which states that regard will be had to economic viability considerations, consistent with meeting core strategy objectives.
- 14.3.2 Policy MoS1 reiterates the requirement that 70% of dwellings provided on this allocated site should be for affordable housing and that provision is made for a maximum of 30 dwellings. The policy requires development of this site to meet a number of other specific criteria. These criteria are as follows:- on site provision of formal open space in accordance with Policy CS7; including provision of play space for children within the residential development; provision of land for a minimum of two hectares of formal public open space (playing fields) to the northern part of the site (east of Milford Primary School); 5 full size allotments; provision of vehicular access from Lymington Road; provision of off road cycleway on the site frontage; pedestrian access from Lymington Road and School Lane; provision of car parking to serve the playing fields and available for dual use with the school as a safe pick up and drop off facility; together with significant landscaping to integrate the different elements within the site and with adjoining features in order to create an appropriate transition from built development across the playing field to the wider countryside beyond.
- 14.3.3 Policy MoS2.2 requires the provision of a cycle link from Milford Primary School/Lymington Road to Keyhaven Road via Lydale Close and Carrington Road. A route for the cycleway is identified on the plans and includes a section along the frontage of the site to Lymington Road.
- 14.4 The principle of development
- 14.4.1 Given that the site is allocated for housing, subject to meeting other criteria and the delivery of other elements of policy, the principle of developing the southern part of the site for residential purposes is considered to be acceptable.

- 14.4.2 The site is allocated for a maximum of 30 dwellings under Policy MoS1, it is now proposed to provide 42 units on the site. As such this scheme is contrary to Policy MoS1. A viability appraisal has been submitted with the application to justify the quantum of development sought by this scheme. The increase in the density of development on the site over and above that stipulated in Policy MoS1 needs to be justified as an exception and in doing this a convincing rationale needs to be provided that demonstrates how this would be achieved in a contextually appropriate way. This should be done through the layout, design and overall quality of the development, as well as by showing the scheme to be sympathetic in spatial terms to its rural edge context. This matter is considered later in this report.

14.5 Affordable Housing Considerations

- 14.5.1 The application is for a total of 42 dwellings. Of this number, 7 dwellings (17%) would be starter homes, 6 dwellings (14%) would be shared ownership and 6 dwellings (14%) would be for affordable rent.
- 14.5.2 It should be noted that Starter Homes do not meet the definition of affordable housing based on the Council's own policies. However, the Council has on other historic recent large-scale housing schemes accepted Starter Homes as an alternative to intermediate affordable housing (i.e. shared ownership and shared equity housing), having regard to statements from central government that were in favour of starter homes as an affordable tenure option, particularly in relation to stalled brownfield sites.
- 14.5.3 A government's Housing White Paper has since been published, which has changed the criteria for Starter Homes, meaning that Starter Homes are no longer, in most circumstances, going to be an appropriate alternative to affordable housing. However, because the Local Planning Authority has accepted Starter Homes as an alternative to affordable housing on other developments being built pursuant to Core Strategy Policies CS12 and CS15, it is felt that it would not be reasonable to reject Starter Homes as an alternative to affordable housing in this instance given the Government advice on starter homes and the Council's acceptance of that advice at the time the applicant acquired the site.
- 14.5.4 If starter homes are accepted to be a form of affordable housing for the purposes of determining this application the proposal is to include 19 dwellings as affordable housing which would be 45% of the total number of homes. If this is not accepted to be a form of affordable housing then 12 homes can be defined as affordable, which would be 29% of the total number of homes.
- 14.5.5 Evidently, either position would not meet the policy expectation for 70% of the dwellings to be affordable on this site. The applicants have submitted a detailed viability appraisal, which includes figures which seeks to demonstrate that meeting the Local Planning Authority's policy requirement would make their development unviable.
- 14.5.6 The applicant's viability appraisal has been considered by the District Valuer (DV). A viability assessment of the appraisal was completed with respect to the proposed affordable housing element of 45% and the tenure mix proposed.
- 14.5.7 The District Valuer has based his assessment on sales that are considered, on a reasonable evidence base, to be achievable in the locality. A profit of 19% has also been accepted for this site given the historic nature of this planning application and the lengthy negotiations that have been ongoing. The assessment also allows for a small increase in construction costs.

- 14.5.8 The District Valuer's assessment concludes that the scheme providing 45% affordable housing with additional CIL and S106 contributions results in a residual land value that indicates that in order to make the scheme viable, a maximum of 45% affordable housing could be provided on the site including the proposed starter homes as a form of affordable housing.
- 14.5.9 Based on the applicant's viability appraisal, and the conclusions of the District Valuer, the Council's policy expectation of securing 70% affordable housing on this site is unrealistic and unachievable if the scheme is to be viable. Accordingly, taking account of the Council's policy (CS25) to have regard to economic viability considerations and to the advice in the National Planning Policy Framework, that the scale of obligations sought by a local planning authority should not threaten the viability of development (para 173, NPPF).
- 14.5.10 If considered to be acceptable, the applicant's affordable housing offer of 7 Starter Homes, 6 shared ownership and 6 homes for affordable rent will need to be secured within a Section 106 Legal Agreement. Providing the affordable housing is secured in this way, it is considered that the quantum and mix of affordable housing, while not meeting policy expectations, nonetheless should be given positive weight given the existing development plan policy context. It should be noted that if the Starter Homes are not sold as Starter Homes within an initial 9 month period, they would then through the Section 106 legal agreement be safeguarded for other forms of Intermediate Housing.
- 14.6 School drop off and car parking
- 14.6.1 Part of the allocated site falls within the designated Green Belt where inappropriate development would be harmful. The proposed car parking and school drop off facility is shown within the Green Belt to the northern part of the site. A Technical Note submitted by the applicant indicated that approximately 70% of parents come from the north when dropping off children at school and as such there are logical and functional reasons for the location of this drop off area in order to avoid congestion outside the school.
- 14.6.2 Policy Mos1 does not specify the preferred location of the school drop off facility but states that "*car parking sufficient to serve the playing fields and available for dual use with the school as a safe pick-up and drop-off area*". However, despite this if the proposed development is to be appropriate in its current location it should serve the purposes of the Green Belt and be one of the limited range of uses or development types that are acceptable in the Green Belt. Inappropriate development should not be approved except in very special circumstances.
- 14.6.3 Para 89 of the NPPF sets out clearly the types of development and uses which can be considered appropriate exceptions in the Green Belt. Provision of facilities for outdoor sports and outdoor recreation are acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purpose of including the land in the Green Belt.
- 14.6.4 The car park /drop-off provides parking for 36 cars including parking for the 5 allotments proposed on the site. The car park /drop off with its limited size would be an appropriate ancillary use which would meet the needs of the playing fields, open space and allotments which are appropriate green belt uses, as well as providing a much-needed drop off facility for a school. This would result in improved safety and security of Milford on Sea primary school children at the morning drop off and afternoon pick up times.

- 14.6.5 Given the sensitive location of this drop off area within the Green Belt it is important to ensure appropriate landscaping within the car park as well as a limitation on associated lighting to ensure controls are retained and that the purpose of including land within the Green Belt and its openness are not unreasonably undermined. Details of the treatment of this area have been indicated as part of the submitted landscape proposals however full details can be secured and controlled by condition.
- 14.7 Public Open Space
- 14.7.1 Policy MoS1 requires the provision of a minimum of 2 hectares of formal open space to the northern part of the site. In addition the development needs to make on site provision of public open space in accordance with Policy CS7 to include a children's playspace within the residential development.
- 14.7.2 The current proposal includes a total of 2.858 hectares of public open space in the northern part of the site. This area includes formal open space (2.533 ha); allotments (0.1838 ha); play area (242.4 sq. m), and dual use parking/ drop off (0.1169 ha).
- 14.7.3 Policy CS7 requires the provision of 3.5 hectares of public open space per 1000 population. These standards are met with respect to formal and play space, there would however be an underprovision of informal open space.
- 14.7.4 The informal open space comprises 0.1073 hectares which represents a shortfall of 0.1407 ha with respect to CS7 requirements. However, as there would be an over provision made in terms of the open space on the overall site this shortfall is considered acceptable in this instance. The public open space, in combination with other areas of landscaping closest to the dwellings, would ensure that the development's needs for appropriate areas of public open space are met.
- 14.7.5 The developer has agreed to undertake a full drainage survey of all the playing pitch areas and provide a suitable playing field surface with a grass sward suitable for this use. Details concerning these matters can be secured through condition.
- 14.7.6 The applicants are to provide an equipped children's play area to the northern boundary of the residential scheme. This is within Green Belt land and not within the residential development which is stipulated in Policy MoS1. However, it is appropriate development within this location and should ensure that noise to adjacent residents is minimised whilst remaining functionally close enough to the houses to provide surveillance opportunities from within the residential estate.
- 14.7.7 An illustrative design of this play space has been provided which includes a natural play space but full details of the design can be secured by condition.
- 14.7.8 Milford on Sea Parish Council are in principle willing to take ownership of the open space (formal and informal), play area, allotments on this site, and car park/drop off, subject to commuted sums for maintenance.
- 14.7.9 The on-site public open space and children's play space would need to be secured through the S106 legal agreement. This would include a need to secure a public open space maintenance contribution of a total of £147,876.96 and separate Children's Play Area maintenance contribution of £33,936. In addition to this, a further sum commuted sum of £63,827.40 is required for the car park/drop off.

- 14.7.10 These commuted sums together with the arrangements for the transfer and future management of the open space, play area and car park/drop off would be secured through the Section 106 legal agreement.
- 14.8 Allotments
- 14.8.1 The application proposes 5 full size allotments within the north-east of the site with car park provided in association with the proposed allotments. Three of these allotments are indicated to be sub-divided but this is acceptable and overall the allotments would be of an appropriate size to meet the requirement of Policy MoS1. These allotments are located within the Green Belt and are considered as appropriate development. However, this said, no objection is raised and this provision would meet the requirements of Policy MoS1
- 14.8.2 The allotments and their future management by the Parish Council would be secured through the Section 106 legal agreement
- 14.9 Layout and Design Considerations
- 14.9.1 The layout of the residential development comprises a main access from Lymington Road with a spur off to the west to serve further dwellings. The layout is legible and draws people through the site with a broad central green street where SUDS form part of a green corridor, with trees, hedgerows and public greenspace creating a pleasant setting to the scheme. The dwellings generally address the main access road and do not front onto Lymington Road where existing established hedge and other native planting would be retained, reinforced or replaced as required. The garden and private amenity areas provided are adequate for both functional and amenity needs of future residents.
- 14.9.2 The dwellings are generally simple and unassuming and together with the landscape, make a reasonable contribution to their setting on the rural edge. Such simple design characteristics can be successful if locally appropriate materials are used. The proposed design details include hipped roofs and some subservient gable features as well as attached garages some with front dormers. The elevation details include a variety of materials but predominantly brick and tile with a limited use of cladding to add variety and texture to the visual appearance of the development. A group of trees within rear gardens would form a "green island" between the two parts of the development
- 14.9.3 The proposed development off the spur road to the west (Plots 9 -29) are, with the exception of Plots 9 and 10, proposed to provide affordable housing and are of a higher density.
- 14.9.4 Design and Access statement has been submitted to provide a rationale for this approach. The development has been designed to reflect a single farm building group adjacent to the boundary with the school. A green edge with landscaping, trees and retained, or replaced hedgerows are proposed to the Lymington Road frontage respecting the character of existing dwellings in large gardens and the rural character within which they would be located. Timber structure car ports have been introduced to enhance the street scene and reduce hard surfacing and on-street parking so that amenity space and landscaping can be optimised with the use of colour and texture to break up these areas.
- 14.9.5 The flats (Units 18-23) are located towards the front of the site to create a key frontage building to define the north-west corner of the site. The flats are 2 storey and have been designed to reflect the design of a barn, in terms of both scale and features, with the first-floor accommodation largely within the roof. The flats would

relate appropriately in scale and design to the facing terrace (plots 24-27), and a parking barn faces the road. Bin storage is provided within the flat block with access from the road for collection. Subject to the use of quality natural material, suitable surfacing and textures, this could achieve a suitable quality of development.

- 14.9.6 This layout allows for the provision of a meaningful and functional amenity space for future occupants of the flats to the side and rear as well as a soft planted buffer to the Lymington Road frontage.
 - 14.9.7 Plots 11-17 have been formed as two simple terraces around a courtyard to replicate an enclosed barnyard which includes a series of buildings and car ports set behind landscaping on the Lymington Road frontage. This is considered to achieve visually appropriate development on the rural edge.
 - 14.9.8 The layout allows for a reasonable balance of hard and soft landscaping and helps to retain the green rural edge to Lymington Road which forms part of its existing distinctive character. The buildings would be sufficiently set back from the frontage to make them contextually appropriate. The proposed dwellings and flats would be seen through this planting with gaps provided to seek to maintain views of the countryside and rural landscape beyond it to enhance its landscape setting, garden space and green character.
 - 14.9.9 Subject to further details of materials and finishes this is now considered to be acceptable.
 - 14.9.10 A cycleway link is now included to the Lymington Road frontage as specified in Policy MoS2.2. It would link to the school and provide a convenient and direct route for parents and children. Works would be required to the hedge which would involve realignment to allow sufficient width for the cycleway on some parts of this road frontage. This appears to be practicable to achieve subject to the submission of a detailed methodology for its relocation - or replacement if such a methodology cannot demonstrate this - being submitted as part of a condition.
 - 14.9.11 In addition, a shared cycle and footpath is proposed aligned with the main residential spine road and links to the open space through the development. This route would be close to the rear boundary of the school. This would provide a pleasant traffic free route through the open space and residential development which would assist in improving the safety of cyclists and pedestrians using the open space and as such is welcomed in addition to the frontage cycle way.
- 14.10 Amenity considerations
- 14.10.1 The proposed development would not have a significant impact on the amenities of most nearby residential properties given that existing dwellings are typically set well away from the development site. The school and its playground area has a common boundary with the site and is screened by mature trees and hedging.
 - 14.10.2 The group of 8 trees on this boundary with the school is protected by a TPO which ensures their long-term retention. Whilst there would be some transfer of noise and activity associated with the school to the residential site this would be concentrated during the day. As such it is unlikely to give rise to levels of noise that would have an unacceptable or harmful impact on the amenity of new residents adjoining this boundary.

- 14.10.3 The future occupants of the dwellings within the development would enjoy satisfactory levels of amenity, noting the reasonable garden sizes provided for most dwellings and the integrated landscaping proposed. There is generally an acceptable relationship between the proposed dwellings that will preserve privacy and amenity as far as possible. The limited number of side facing windows and use of obscure glazing as indicated on the submitted plans would result in a reasonable relationship being achieved on the site.
- 14.10.4 Generally, within the eastern part of the development the rear gardens are no less than 10 metres in length, although Plot 7 has a more limited rear garden of 7 m length and Plots 6 and 9 have slightly awkward shaped rear gardens with a maximum length of 10.5 m and 8 m respectively. However, both plots offer a greater width thereby providing for the reasonable amenity of future occupants.
- 14.10.5 Rear gardens in the eastern part of the development are generally between 9.5 and 12 metres in length and sufficient back to back distances are retained. However, on Plots 1-17 and 24-27 - it is considered appropriate to remove permitted development rights in order to retain control over future development, to ensure that the reasonable amenities of neighbours and design philosophy and the setting of the overall development are controlled in the future.
- 14.11 Landscape and Arboricultural Considerations
- 14.11.1 The site is located within the landscape character area of Barton and Milford Coastal Plain and has typical characteristic of this area. These characteristics are composed of intensively farmed but well managed landscape of regular fields with straight boundaries divided by hedgerows with hedgerow oaks being a feature. These, together with remnants of ancient woodland, provide visual links to the Forest. This character is defined through oaks as part of hedgerows, small woodland blocks and groups of pines that punctuate the skyline.
- 14.11.2 The Design and Access statement submitted comments on landscape character and notes hedgerow species and coastal pines. It describes the existing character of lanes and roads, the flat topography of the site, proximity to the coast, and views towards the Isle of Wight.
- 14.11.3 Street scene elevations submitted are useful to determine opportunities for large scale tree planting to provide a framework for the development on the sensitive edge of the rural settlement. Existing hedging should remain as they are a key landscape characteristic and would contain and soften the development. The southern boundary of the school has an important group of trees (now protected by a TPO) and hedge together with a proposed land drain. However, details of management and future maintenance of the hedges should be provided, which can be covered by condition.
- 14.11.4 Some coppicing work has been undertaken to boundary hedges to School Lane and Lymington Road. However these hedges have not been removed, and the hedges will regenerate. Furthermore the works did not required planning permission and no adverse impact on ecology resulted.
- 14.11.5 A tree planting strategy has been submitted. These landscaping proposals provide a green Infrastructure and landscape framework. These plans demonstrate, subject to agreement of detailed matters by way of condition, how the development would contribute positively to the creation of an appropriate development on the rural northern and western edges of the site.

- 14.11.6 An arboricultural assessment and method statement has been submitted with this application. This states that no trees would be lost as a result of the development although some small sections of hedgerow would need to be removed to facilitate the new accesses proposed. However, the scheme will be supplemented with new tree planting which would contribute and enhance local character. These details are included in the amended landscape plans referred to above and would result in a considerable increase in the number of trees on the site.
- 14.11.7 The proposed development is not situated within a Conservation Area and when submitted there were no TPOs on the site. However, to ensure long term protection, a new TPO was made to ensure a degree of control and consideration is taken during the design and construction process. This TPO relates to two horse chestnut trees situated on the Western boundary of the land east of Lymington Road and a separate group of trees comprising 7 poplars and 1 holm oak situated in the northern boundary of land south of the school. These trees, now protected, are shown to be retained as part of the submitted scheme.
- 14.11.8 Amended plans have included the provision of a cycleway to the frontage to Lymington Road which would, at its north western corner be close to these protected trees. However, the revised methodology shows protection measures and construction exclusion zones in this area.
- 14.11.9 The submitted tree protection plan specifies a suitable level of protection which along with the arboricultural Impact assessment would not result in a significant impact on trees, furthermore if a suitable tree planting scheme is undertaken this will increase the tree cover across the site. There appears to be an opportunity to plant extra heavy standard trees and larger specimen trees in areas where the most immediate benefit of new tree planting can be gained. A condition is required to provide a specification of new planting (location, species and size), method of implementation, future maintenance and a suitable planting system for trees to be planted in areas of hardstanding.
- 14.12 Ecological Considerations
- 14.12.1 Ecological Information has been submitted that considers the impact of the development on the ecological interest of the site and provides details of how the construction of the cycleway to Lymington Road would be undertaken without adverse impact on frontage hedge or its ecology.
- 14.12.2 The site is considered of low ecological value. However, the site lies within the zone of influence of various internationally designated sites; there is a low population of grass snakes and low level of bat foraging. Trees on the site have potential to support nesting birds and the hedgerows have the potential to support dormice. Evidence of foraging badgers was also recorded.
- 14.12.3 Ecological enhancements and mitigation are included as part of the development proposals.
- 14.12.4 The Ecologist has been consulted on this application and confirmed that overall, the amended plans and revised ecological report are acceptable. Any hedgerow removal, realignment or management should be carried out under suitable professional ecological supervision and to an agreed methodology. Conditions are required to ensure that the development is undertaken in accordance with the submitted details, under appropriate professional ecological guidance and achieve the necessary quality of hedgerow management and replacement.

14.13 Drainage Issues

- 14.13.1 A flood risk assessment has been submitted in addition to an assessment of foul drainage on the site. The site is located within a low risk flood zone. However while there are records of flooding near the application site none of these have been on the application site itself.
- 14.13.2 The risk of flooding to the proposed development and risk of it exacerbating flood risk to neighbouring properties are considered to be negligible or low and therefore no mitigation measures are considered necessary.
- 14.13.3 With respect to surface water drainage, alternative means of draining surface water from the site are required as there are no public surface water sewers in the area to serve the development. It is proposed to use SuDs on the site. There would be a combination of swales, filter drains and a retention basin is incorporated across this site forming a treatment drain. Details of the proposed SUDS have been submitted but these need to be finalised by condition.
- 14.13.4 The proposals for surface water drainage meet the current standards and best practice in relation to surface water drainage but maintenance details will need to be agreed. Conditions are required to include design and future maintenance of SUDS and the detailed design of the surface water drainage proposals.
- 14.13.5 The information submitted is sufficient to provide confidence in drainage provision, although further testing should be undertaken. The additional investigation of the groundwater levels and associated amendments to the design are satisfactory.
- 14.13.6 With respect to foul water drainage, An initial desktop study indicates that Southern Water cannot accommodate the needs of this application site without additional local infrastructure. Details for foul disposal and an implementation timetable are required but can be agreed by condition.

14.14 Transportation Considerations

- 14.14.1 A detailed Transport Statement has been submitted with the application which has been supplemented by a Technical Note with specific reference to the proposed car park.
- 14.14.2 Access would be provided to the residential development from a new access on the B3058 Lymington Road via a new junction a short distance from the existing junction of School Lane. School Lane would be stopped up and re-aligned to join the proposed new access road via a new junction.
- 14.14.3 The parking standards for the site are set out in the adopted parking standards (2012). The level of parking provided with respect to the proposed dwellings is considered adequate and meets recommended standards. Cycle parking facilities would be provided within garages or sheds in rear gardens.
- 14.14.4 The new car park /drop off would have a separate access from Lymington Road to the north of the school. The proposed new car park would provide 36 spaces for the open space/ drop off facility including parking for the allotments.
- 14.14.5 A survey carried out by the applicant in the morning and afternoon school drop off periods concluded that there are 87 and 89 cars parked associated with the school respectively. During school pick up times there are periods of extensive on street parking on the B3058 and surrounding roads to the west of the site. This frequently results in disruption to traffic movements and impacts on highway safety.

The car park/drop off would therefore help to alleviate this pressure but would not completely absorb all school drop off trips. It would undoubtedly reduce the demand for on street parking in the vicinity of the site at peak times, but it is not its purpose to provide for the full parking needs of the school.

- 14.14.6 There needs to be a balance between the size of the car park and its impact given its location in the Green Belt. When comparing the parking quantum with that suggested in the SPD, the level of parking is however sufficient and strikes the appropriate balance in this sensitive area.
- 14.14.7 It is however accepted that there could be periods of occasional peak demand – such as during sports tournaments -where a parking overflow may result. The submitted layout allows for this overflow on the field accessed through the maintenance access. This would only occur on an occasional basis and would be managed by the Parish Council when they take on the maintenance/management of the open space. This would safeguard the long-term impact on the Green Belt and ensure no inappropriate development would result.
- 14.14.8 The internal highway arrangement – including the cycleway though the site and along Lymington Road - are intended to be offered to Hampshire County Council for adoption. Subject to the applicant providing satisfactory details as part of the S278/S38 agreement for the adoption of the roads within the site no highway objection is raised. Given that the layout has changed revised tracking drawings for large refuse and fire tender vehicles were provided and are acceptable.
- 14.14.9 The submitted application is accompanied by a detailed Transport Statement which has forecast vehicular trips for the development. Trip generation information has been assessed and considered appropriate. Furthermore, the applicant has provided an analysis of the distribution and assignment of vehicle movement which are considered appropriate.
- 14.14.10 As such the conclusion is that the existing highway network in the vicinity of the site is able to accommodate safely the forecast additional traffic movements that would be generated by the proposed development. Conditions would be required to cover parking, cycle parking and turning head provision and highway construction.

14.15 Habitats Mitigation

- 14.15.1 Members will be updated at the meeting in terms of habitat mitigation
- 14.15.2 A further contribution towards management and monitoring of the mitigation measures per dwelling is required. As part of the current adopted mitigation strategy the Council agreed to pay a contribution to the Solent Recreation Mitigation Partnership (SMRP) for all new development within 5.6 km of the Solent and Southampton SPA. This introduced an increased contribution per dwelling. All new development approved from 1st April 2018 will be required to “top-up” their access management contribution to incorporate the new SRMP rate.
- 14.15.3 In this case this would result in a habitats mitigation contribution of £41,196 which will be secured by way of a Section 106 agreement.

14.16 Minerals and Waste

- 14.16.1 The application site forms part of a Minerals Safeguarding Area that is safeguarded under Policy 15 of the HCC 2013 Minerals and Waste Plan (that is supported by a later Supplementary Planning Document). The submitted application is not accompanied by a Minerals Resource Assessment. However, this could be dealt with by condition which will then inform whether prior extraction of minerals is viable or appropriate.

14.17 Other material considerations

- 14.17.1 There are no concerns raised by Environmental Health with respect to contamination on the site. The Phase I and II Geo-Environmental Site Assessment has been considered and the conceptual model has identified potentially active contamination from previous agricultural uses on the site. However the risk is low. The report concludes that there are no active contaminants that constrain the site and therefore it is considered suitable for development as proposed.
- 14.17.2 A desk-based assessment of the archaeological potential of the site has been undertaken. The results of the desk top assessment suggest the site has a low/limited potential for archaeological remains. A targeted archaeological evaluation would however be advisable as well as a site investigation and post investigation assessment prior to occupation of the dwellings. These matters can be covered by conditions
- 14.17.3 Concerns have been raised in representations about drainage and flooding and these issues have been considered as part of the planning assessment. The proposed measures and suggested conditions are considered adequate to ensure no adverse impacts would result.
- 14.17.4 The Governors of Milford on Sea Primary School have raised concerns about the safety of children due to the position of the rear gate from the car park/drop off. This gate has been positioned as close as possible to the car park/drop off. The proposed landscaping in this area is designed to be low level ground cover with some tree planting which can be designed to ensure surveillance of children will be possible to ensure they arrive at the school gate safely.
- 14.17.5 Comments have also been made about the safeguarding of children at the school. The side of nearest dwelling – on plot 24 - would be located a minimum 4 metres from the boundary of the school playground. There are no side facing windows, however, a first-floor rear bedroom window would have an outlook towards the school playing fields. This view would be at an oblique and distant angle so as not to lead to unacceptable overlooking.
- 14.17.6 The flats are proposed in an L-shaped block and this narrow side elevation is a minimum of 9 metres from the school playground with the rear (north) elevations 18m away, although some oblique views from the rear (east) elevation. There would be a limited number of first floor rear facing windows (dining/living, kitchen and landing). There are however mature trees and hedge planting to this boundary that would be retained as part of the development proposals.
- 14.17.7 The car park and cycle link would be separated from the rear boundary of the school and existing hedging would be retained so as not to unduly open up the school site to views. Overall these measures would appear to ensure protection and safeguarding of the safety of children at the adjoining school.

14.18 Planning Balance and Conclusions :

- 14.18.1 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an

appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted.

- 14.18.2 Overall, while the proposed development does not meet the expectation for delivery of affordable housing on the site in terms of numbers or tenure a viability assessment has been submitted that demonstrates that this would not be viable but that 45% affordable housing in the proposed tenure would be the maximum amount of affordable that could be achieved whilst maintaining the scheme's viability.
- 14.18.3 The terms of Policy MoS1 have been complied with in respect of provision of open space, car parking drop off for the school – which is a positive benefit for the local community, as well as allotments, play area and a cycleway link both through the site and along Lymington Road.
- 14.18.4 However, the proposals remain in excess of the maximum number of 30 dwellings specified in Policy MoS1 and in this case an exception to policy would need to be accepted if the application were to be supported. Significant changes that have been made to the submitted layout and design on the site through negotiation which are now considered to propose an acceptable layout which would deliver an appropriate balance of hard and soft landscaping. The layout, design and overall quality of the development, suggest that the scheme would be sympathetic in spatial terms to its rural edge context.
- 14.18.5 The weight of local objection is noted; however, on balance, sufficient justification is considered to have now been demonstrated to allow for an exception to policy to be made in this instance. It is on the basis of this judgement and the finely balanced assessment of all of the relevant issues that the application is recommended for approval.
- 14.18.6 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.

15. RECOMMENDATION

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

- i) a Section 106 agreement to secure provision of
 - a) public open space
 - b) allotments
 - c) car park/drop off
 - d) play area

- e) cycleway provision
 - f) affordable housing.
 - g) Habitats mitigation
 - h) commuted sums for maintenance of open space, play area, allotments and car park/drop off
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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:
LP.01 REV B, SL01 REV G, DBML01 REV G, CSE.01 REV B2, HT.403-A.e REV C, HT.403-A.p REV C, HT.403-B.e REV C, HT.403-B.p REV C, HT.1650.e.1 REV C, HT.1650.e.2 REV C, HT.1650.p REV C, HT.AND-A.e REV C, HT.AND-A.p REV C, HT.AND-H-A.e REV B, HT.AND-H-A.p REV B, HT.FLET.H.e REV C, HT.FLET.H.p REV C, HT.NORTH.e REV C, HT.NORTH.p REV C, HT.NORTH-H.e REV A, HT.NORTH-H.p REV A, S-GAR.01.pe REV C, D-GAR.02.pe REV C, T-GAR.03.pe REV B, SHED.pe REV C, CAR PORT.pe REV A, P.5.e REV B, P.5.p REV A, P.6-7.e REV A, P.6-7.p REV A, P.8.e REV A, P.8.p REV A, P.9-10.p REV C, P.9-10.e REV C, P.11-14.e REV A, P.11-14.p REV A, P.15-17.e REV B, P.15-17.p REV B, P.18-23.pe REV G, P.24-27.e1 REV D, P.24-27.e2 , REV D, P.24-27.p REV D, P.28-29.p REV B, P.28-29.e REV B, P.30.e REV B, P.30.p REV B, P.38-39.p REV B, P.38-39.e REV B

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 Local Plan for the New Forest District outside the National Park (Core Strategy).

4. 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 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).

5. Prior to the commencement of the development a detailed specification for the car park/drop off, children's play area and public open space shall be submitted to and approved in writing with the Local Planning Authority. Such specification to include the following matters:
- (a) full construction details including levels and drainage
 - (b) details of hard landscaping
 - (c) details of soft landscaping to include a specification of all landscaping, trees and hedge planting
 - (d) details of means of enclosure and all boundary treatments
 - (e) details of play equipment to be installed.
 - (f) details of the design of the play area
 - (g) details of all lighting
 - (h) full drainage surveys of all the playing pitch areas
 - (i) provision of a report that specifies the drainage measures required to be undertaken to the playing pitch area.
 - (j) details of a suitable playing field surface with the correct grading/surface level falls and establish a grass sward suitable for this use
 - (k) full details of the hibernacula include its design and exact location full construction details include leveling and drainage

Such measures as agreed shall be undertaken in strict accordance with this agreed specification and any subsequent amendments shall be agreed in writing with the Local Planning Authority. These areas to be managed and maintained to the satisfaction of the Council until they are formally transferred to a body nominated by the Council.

Reason: To ensure that the car park/drop-off, children's plan area, and public open space is provided in a suitable condition/standard for transfer and in accordance with Policy CS7 of the Local Plan for the New Forest outside of the National Park (Core Strategy) and Policy MoS1 of the Local Plan Part 2 (Sites and Development Management) Plan.

6. Before the commencement of development, a detailed scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. Such scheme to set out how lighting columns/fixtures, designs and locations will take account of this sensitive Green Belt location. Development shall only proceed in accordance with the approved details. No further lighting shall be installed without express planning consent.

Reason: As excessive lighting would be unacceptable and in order to ensure that the level of lighting is minimised in the interests of visual amenity, to safeguard the rural character of the Green Belt and to comply with policy CS2 of the Core Strategy for New Forest District outside of the National Park

7. Before development commences, 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 40% 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.

Additional infiltration tests are required to be undertaken at the infiltration locations ensuring that the multiple tests are undertaken. 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 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.

8. Before development is first occupied, a management plan which includes details of the means of the future maintenance of the approved surface water drainage and sustainable urban drainage system (SuDs) shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements of the different drainage elements as outlined in the SuDs management plan must be confirmed in writing in accordance with the details agreed by the applicant prior to occupation of the penultimate dwelling on the site.

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.

9. Before development commences, details of the means of disposal of foul water from the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Development shall only take place in accordance with the approved details, to the agreed timescales.

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.

10. Before development commences, details of the means of surface water drainage 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, to the agreed timescales.

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

11. The development hereby permitted shall not be occupied until the approved provision for the parking of cars and cycles has been made in accordance with the approved plans and this provision shall be retained for its intended purpose at all times.

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

12. The development hereby permitted shall not be occupied until the approved provision for turning to enable vehicles to enter and leave in a forward gear have been provided within the site in accordance with the approved plans and thereafter retained for its intended purpose at all times.

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

13. The 36 unallocated parking spaces in the northern edge of the site that are designed to provide dual use parking for the open space, school drop off and allotments shall be kept permanently available for the parking of such vehicles and at no time shall any of these spaces be allocated for the specific use of any dwelling on the site hereby approved.

Reason: To ensure that this area remains available for its intended purpose in the interests of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy) and Policy MoS1 of the Local Plan Part 2 (Sites and Development) Plan.

14. Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This plan to include the following matters:

(a) a programme of and phasing of demolition(if any) and construction work;

- (b) the provision of long term facilities for contractor parking;
- (c) the arrangements for deliveries associated with all construction works;
- (d) methods and phasing of construction works;
- (e) access and egress for plant and machinery;
- (f) protection of pedestrian routes during construction, and
- (g) the location of temporary site buildings, compounds, construction materials and plans storage areas.

Reason: To ensure adequate provision is made during construction to minimise impacts on the local highway network and ensure pedestrian and highway safety in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside the National Park (Core Strategy).

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

16. Notwithstanding the submitted plans, before development commences a scheme of landscaping and tree planting schedule for the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) details of the planting system to be used for trees within hardstanding
- (d) areas for hard surfacing and the materials to be used;
- (e) details of the means of enclosure;
- (f) a method and programme for its implementation, and the means to provide for its future management, including a watering scheme and 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 Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

17. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural Report and Method Statement reference 16283-AA5-DC dated 10th June 2018 and Barrell Tree Protection Plan TPP (16283-BT5) or as may otherwise be agreed in writing with the Local Planning Authority. Prior to the commencement of any works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as set out in Section 2 point 16 within the Barrell Tree Consultancy Arboricultural Method Statement (16283-AA5-DC)

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

18. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural Method Statement (16283-AA5-DC) dated 10th June 2018 and Barrell Tree Protection Plan TPP (16283-BT6) and in accordance with the recommendations as set out in BS5837 (2012) "Trees in Relation to Construction Recommendations". The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

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

19. No development/demolition shall take place until a programme of archaeological work including a written statement of investigation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the significance and research questions; and,

- (a) the programme and methodology of site investigation and recording;
- (b) the programme for post investigation assessment;
- (c) details of provision to be made for analysis of the site investigation and recording;
- (d) details of provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (e) provision to be made for archive deposition of the analysis and records of the site investigation;
- (f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development/demolition shall take place other than in accordance with the approved Written Scheme of Investigation.

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

20. The dwellings shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Statement of Archaeological Investigation approved under condition 19 and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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

21. Prior to development commencing, a hedgerow management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan to include details of the methodology for any hedge removal approved as part of this development and the future maintenance/management of all retained hedges. The methodology and management as agreed shall be undertaken under professional ecological supervision.

Reason: In the interests of visual amenity, to ensure any hedge removal is undertaken in an appropriate manner and the future management of hedgerows is secured, and to safeguard protected species in accordance with Policy CS2 and 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 outside of the National Park (Part 2: Sites and Development Management)

22. The works hereby approved shall be undertaken in strict accordance with the Ecological appraisal and Stage 2 surveys undertaken by Lindsay Carrington Ecological Consultants (Updated June 2018) received on 12 June 2018 and supplementary letter dated 8 June 2018 unless otherwise first agreed in writing with the Local Planning Authority.

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).

23. Prior to development commencing, details to include the methodology for the realignment and reinforcement of the boundary hedge to the Lymington Road frontage where it is required to facilitate the provision of the approved cycleway shall be submitted to and approved in writing by the Local Planning Authority and include the following measures:

- (a) exact details of the part of hedge affected,
- (b) a detailed methodology for undertaking the works
- (c) mitigation measures for ecological interests that may be affected (including birds and dormice).
- (d) If a suitable hedge realignment methodology (that would ensure the health and long term survival of this hedge) under (b) cannot be agreed, details shall be submitted of alternative proposals for a replacement hedge.

All to be agreed in writing with the Local Planning Authority and works undertaken in strict accordance with the agreed methodology under professional ecological supervision

Reason: In the interests of visual amenity, to ensure the future retention and management of hedgerows, retention of the rural landscape character of the site and to safeguard protected species in accordance with Policy CS2 and 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 outside of the National Park (Part 2: Sites and Development Management).

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

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

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

25. Before the commencement of the development a detailed Minerals Safeguarding Assessment to include any measures that are to be taken to recover minerals from the site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Minerals Local Authority. Development shall only take place in accordance with the approved measures as set out in the assessment.
- Reason: To ensure that the sites potential mineral resources are adequately assessed and to ensure compliance with Policy 15 of the Hampshire Minerals and Waste Plan.
26. 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 and 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 to plot numbers 11, 12, 13,14,15,16,17,24,25, 26 and 27.
- Reason: In view of the limited size and location of these plots the Local Planning Authority wish to ensure that any future development does not adversely affect the visual amenities of the area, undermine the original design philosophy of the development so as to respect its rural character and protects the amenities of neighbouring properties, in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

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

In this case, the application proposals have been the subject of negotiations both before the application was submitted and during the application process. The applicant sought pre-application advice on the form of development proposed however, while development of the site was discussed, the enquiry was not formally concluded prior to the submission of the current planning application. The proposal remains for a development in exceed of the policy requirement of 30 dwellings on the site, but the applicants have worked positively with Council officers to respond to the concerns expressed. Most specifically revisions have been made to reduce the size of the drop off area within the Green Belt, reduce the number of units proposed on the site to 42 dwellings and revised the layout. This achieves a better balance of development on the site and proposes a layout that seeks to address the sensitive rural edge to Lymington Road as well as including the provision of a cycle path link along both Lymington Road and through the site.

2. This decision relates to amended / additional plans and documents received by the Local Planning Authority on Amended plans received on 23 May 2018; 25 May 2018; 04 June 2018; 08 June 2018; 12 June 2018 and 28 June 2018.
3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling.
4. Prior to the commencement of the proposal covered by this Prior Notification mitigation measures to meet the requirements of the Habitat Regulations must be undertaken. One approach to meet this strict pre-requisite is to comply with the requirements of the Council's Mitigation Strategy by entering into a Section 106 Agreement to make the necessary payments to mitigate the harm caused by future occupiers on European wildlife sites. Alternatively one off arrangements can be proposed and implemented but a formal procedure has to be followed in such a case.

Details of our Mitigation Scheme can be accessed from the following link.

<http://www.newforest.gov.uk/article/15454/Mitigation-Strategy-for-European-Sites>

In addition there may be a liability to pay the Community Infrastructure Levy (CIL). To allow the Council to assess your CIL Liability a Notice of Chargeable Development must be submitted to the Council prior to commencing the development. CIL is charged on additional floor-space and any existing floorspace can be discounted from the CIL liability if they are eligible. To be eligible, existing buildings must have been in lawful use for a continuous period of at least six months within the period of three years ending on the day the Council receives the notice of chargeable development. Further information on CIL can be found on the Council's website at:

<http://www.newforest.gov.uk/article/14186>

5. The applicant should be aware that as the proposals include highway works that will need to be subject of a Section 278 Agreement with HCC. Furthermore the formation of a new or altered access onto the highway, which will include works within the highway, will be required to be undertaken on accordance with standards laid down by, and under a license agreement with, the Highway Authority. Full details of how to apply can be found at:
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

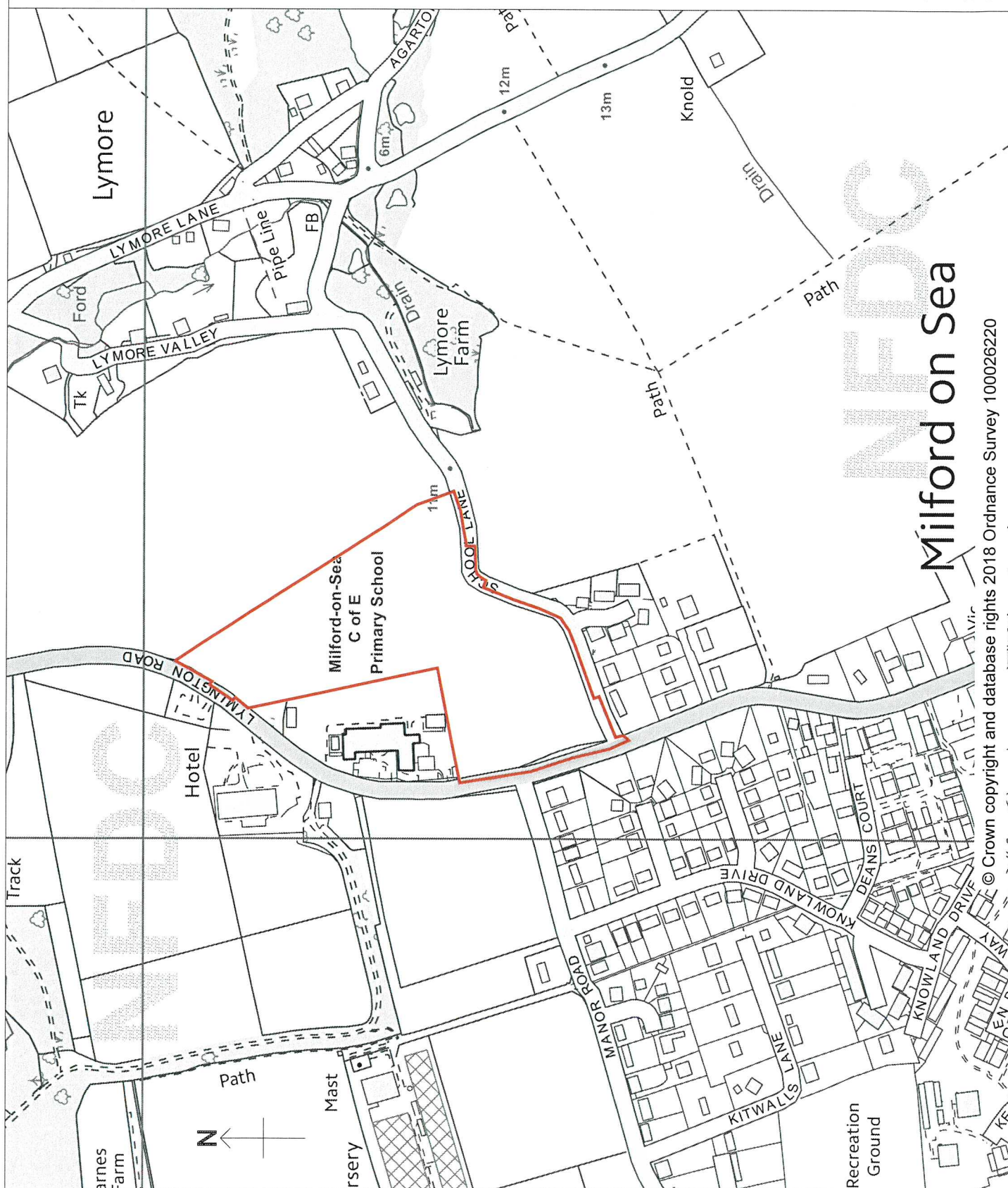
July 2018

Item No: 3a

Land North of
School Lane
Milford on Sea
17/10606

Scale 1:5000

N.B. If printing this plan from
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scale.



Milford on Sea

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