

Application Number: 18/10724 Full Planning Permission

Site: Land of, 39 SALISBURY ROAD, TOTTON SO40 3HX

Development: 2 Blocks of 4 flats; new access with car parking and amenity area

Applicant: Imperial Homes South Ltd

Target Date: 24/07/2018

RECOMMENDATION: Service Man Planning Grant or Refuse

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view (to scheme as submitted)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town centre designation
New Forest SPA
Solent and Southampton Water SPA
Tree preservation orders

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

Special qualities, local distinctiveness and a high quality living environment
Climate change and environmental sustainability
Housing
Economy
Travel
Towns villages and built environment
Minimising deprivation

Policies

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS15: Affordable housing contribution requirements from developments
CS20: Town, district, village and local centres
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF 1 - presumption in favour of sustainable development

NPPF 127 - design quality

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

TOT15: Totton town centre opportunity sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework 2018

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Totton Town Centre - Urban Design Framework

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

6.1 ENQ/18/20260- Pre application enquiry for 4 x 2 bed flats. 2 x 1 bed flats in a 2.5 storey block plus 2 x 2 bed semi-detached houses

6.2 17/11521 – Two semi-detached houses , 1 block of 5 flats – Withdrawn 18/01/18

6.3 16/11048 – Block of 10 flats landscaping and parking - Refused 13/10/16

6.4 12/98500 – 1 block of 5 flats and terrace of 3 dwellings – Refused 19/09/12

6.5 02/75466 – 6 flats and demolish existing dwelling – Refused 02/10/02

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: recommend refusal

Although a number of improvements have been made since the last application there are still concerns about the recent submission. The use of this site is still allocated for commercial and community use at a ground floor level under the local plan. While this may not always be achievable it is still a belief of the Town Council that a percentage of the use could be successful commercial use.

Despite this a good scheme could possibly overcome this as a sole reason for refusal. However there are still many restricting factors on this site. The Tree Officer has once again recommended refusal due to the loss of protected trees and the Town Council would support this reason for refusal as there are so few large trees left in the area. There are also concerns about potential overlooking across to the bungalows to the North from large first floor windows which would have a clear vantage point across the entire garden of number 41 in particular.

The size of the large building is an improvement on the previous scheme and the shared amenity space is much improved, but it is not felt that the block to the rear of the site is subservient enough given its sensitive position. The number of parking spaces is also not sufficient for the amount of flats proposed and it is felt that the required number should be 12 spaces. Overall it is still felt that the site is still being overdeveloped and is not in harmony with its existing landscape, its much smaller surrounding buildings and is still contrary to planning policy.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS (concerning original scheme)

9.1 Tree Officer

There are 2 protected trees, a poplar and oak, on site and a protected blue cedar tree growing on the adjacent property close to the south east boundary of the site. These trees have high amenity value and are particularly important to this part of Totton as the area is highly built up with limited tree coverage.

The plans for the proposed block of flats show that the protected Lombardy poplar will be lost with the oak and cedar (on adjacent land) retained. The Lombardy Poplar has been categorised as an 'A1' in the tree survey schedule of the submitted tree report (Eco Urban Ltd Arboricultural Implications Assessment & Method Statement Ref:17919-AIA 2) using the categorisation method set out in BS5837:2012 and is therefore considered a constraint to development. This tree is one of the most prominent trees in the centre of Totton and the loss of this tree would detrimentally impact the amenity of the area. The applicant's Arboriculturalist has stated that the loss of this tree can be mitigated by new planting that is carefully selected. The submitted landscaping proposals for this site show ornamental pear trees to be planted along the northwest boundary. These trees are of small stature and although they will provide amenity in the immediate vicinity they will not mitigate the loss of a skyline tree which can be viewed from many vantage points from around the town.

None of the plans in the submitted tree report show the root protection areas (RPAs) of the protected trees to be retained, the onsite oak T2 and the offsite blue cedar T1. Using the data provided in the report I overlaid the root protection areas for both trees (the RPA of the oak is also likely to be off set with a greater RPA into the site due to the off-site constraints of the pavement and highway on the other side of this tree). This shows that there will be extensive alterations to the surfacing within the RPAs of both trees. It would appear that over 20% of both trees will become permanent hard standing this is contrary to BS5837:2012 (see section 7.4.2.3).

Therefore I object to the loss of a prominent A1 categorised skyline tree to this proposal. I also object on tree grounds that the applicant has failed to convince me that this proposal can be constructed without causing long term damage to the retained oak and blue atlas cedar due to the extensive alterations within the rooting areas of both these trees.

9.2 Urban Design

The proposal doesn't contribute positively to local distinctiveness and sense of place. It is not appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features. The proposal fails to provide public and private spaces that are well-designed, safe, attractive, and complement the built form; or to provide appropriate green spaces and landscaping (see Policy CS7 below).

Notwithstanding that I have not been party to pre-application discussions, I have some broad objections to the design but would suggest further consideration as this is a difficult site to bring forward and would be happy to engage in proactive design discussion. The buildings are rather bulky and fail to respond adequately to either their neighbouring buildings or the streetscape which they will form part. Their appearance is bland and uninspiring, they do not properly address the external spaces or public realm.

The loss of the poplar tree is regrettable and if there was a distinctive development of some quality to enhance the local character and sense of place then there might be an argument for its loss. However, I agree with the tree officer – there is no such mitigating circumstance. Meanwhile I do not see that the remaining trees will be adequately protected.

The relationship of the development to the edge of the car park access and to the service road is poor, the proposed trees are not given adequate space and the space for landscape planting or good boundary treatment is inadequate or left off the site so that it will not be dealt with under this application (a state of affairs that really must be addressed through the red line plan before we continue dialogue).

Amenity for residents is lacking. The impact on the slip road corridor of Salisbury Road is potentially damaging and this needs further exploration.

9.3 Environmental Health (Contaminated Land)

No concerns with this application.

9.4 Hampshire County Council Highway Engineer

Engineer no objection subject to conditions

The parking standards for the site are laid down by the New Forest District Council (NFDC) as the local parking authority, in accordance with their Supplementary Planning Document (SPD) as adopted in October 2012. These standards indicate an unallocated requirement of 12 spaces or 16 allocated spaces (rounded up and inclusive of visitor parking). The proposed quantum is 8 spaces which falls below the recommended standards laid out by NFDC. It is up to NFDC as the local parking authority to ascertain whether this shortfall is acceptable. However it is noted that a public car park is adjacent to the site, and although it is restricted for only 20 hours stay in 24 hours, it would be considered to be a suitable use for visitor parking.

The proposals indicate secure cycle storage for each of the units. The total provision of 12 spaces is in line with the standards laid out in the SPD and is therefore acceptable. It is noted that all spaces are indicated as vertical storage, which would not be suitable for all users. It is requested that 50% of cycle storage does not require the user to lift their bike.

The central parking area is of sufficient width to allow full manoeuvrability for all spaces to access and egress the site in forward gear. The location of the bin collection points are also suitably located to remove the necessity for a refuse vehicle to enter the site. As the egress is to be left turn only, it is requested that a left turn arrow is painted at the exit to make the junction clear.

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in 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>.

9.5 Natural England

Note appropriate assessment carried out. NE has no objections to this assessment provided that suitable mitigation is secured.

9.6 Environment Agency

Our remit with regard to Japanese Knotweed extends to the need for approval from us if application/use of herbicides occurs within or adjacent to any watercourse. Any offsite disposal must be made in accordance with relevant waste legislation. We no longer provide best practice guidance but it is still available on our web site.

9.7 Estates and Housing Services

New Forest District Council's Housing Services is keen to acquire additional housing stock for social rent to alleviate the chronic shortage of affordable housing in the District.

Housing Services have therefore instructed the Council's in house Estates team to seek out potential new residential opportunities. Imperial Homes were approached by the Estates Team to ascertain whether they would be prepared to sell the 8 completed units to the Council for social rent.

The District Council's Housing Services consider that a proposed re-development of this site with small residential units close to the Town Centre, whether for open market sale or social rent, is to be supported as this is where the greatest demand and supply shortages exist.

There is no obligation on the applicants to sell the completed units to the Council. However, the Council's Cabinet has recently increased the Housing Capital Programme to enable it to be in a position to purchase additional newly built residential units direct from house builders should they become available.

10 REPRESENTATIONS RECEIVED (to original scheme)

3 Letters of objection raising the following points

- Site contains Japanese Knotweed and should not be developed until this has been properly eradicated
- Previous attempts at eradication of Knotweed have been insufficient
- Loss of Poplar tree unacceptable
- New access is poor
- Lack of parking will lead to residents' disagreement
- Access road will have a detrimental impact on Blue Cedar tree
- Proposed design results in loss of privacy over whole of my garden
- Would prefer to see more employment offices and some accessible bungalows for elderly residents as the site is close to local amenities.
- Design of the flats is not in keeping
- Potential loss of Blue Cedar because of access would be unforgivable
- Street scene is inaccurate as it shows the trees being further from the property that they actually are.

11 CRIME & DISORDER IMPLICATIONS

None relevant

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in 8 dwellings x £1224 = £9792) 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.

This development has a CIL liability of £47,141.65

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 all the above apply. The application whilst not being acceptable on receipt has been the subject of discussions with the applicants and amended plans are anticipated which improve the quality of the development to such an extent as to be considered to overcome the concerns raised by consulted parties with regard to the initial submission.

14 ASSESSMENT

14.1 Site description and location

14.1.1 The site lies within the Totton Town Centre designated boundary as shown in the Local Plan. The site comprises a rectangular parcel of land which has a narrow frontage onto Salisbury Road, a deep side frontage onto the access road to the Council owned Westfield Road car park and a rear narrow frontage to the car park. The site measures approximately 60 metres in length by 16 metres in width. There is a change in levels between Salisbury Road and the site itself which is at a higher level.

14.1.2 At the present time the site is devoid of any buildings and is boarded off from Salisbury Road and the car park access road. The site contains two trees one oak, and one poplar with a blue cedar tree just outside the site boundary, covered by Tree Preservation Orders.

14.2 Proposals

14.2.1 The proposal is split into two elements, with a block of 4 no. 2 bed flats towards the front of the site and 4 no. 1 bed flats to the rear. The buildings would be two storeys in height. No on site parking is now proposed with the area to the front of the site providing landscaping. The area in the middle of the site separating the two buildings is a grassed amenity space as shown.

14.2.2 The buildings form substantially two brick clad blocks which would be 2 storey in height and formed by a number of distinct gables with link sections. Both buildings would be provided with an artificial slate roof with uPVC windows and doors. The two blocks are arranged on the site with one block set back from Salisbury Road so as to avoid two of the TPO trees with the Poplar TPO tree having to be removed.

14.2.3 The building at the rear fronts onto the public car park road and the car park itself and is separated from the front block by a square shaped area of amenity grassland. This area also contains a cycle store building that will be extended to address the concerns of Hampshire Highways.

14.3 The key considerations are

- Principle of the development
- Design quality
- Impact on local environment (trees)
- Access and parking
- Impact on local residential amenities

Principle

14.3.1 The site lies in an excellent location within walking distance of the town centre with its range of shopping and healthcare facilities. It is well located in relation to local transport infrastructure with bus stops nearby. The site lies within the Town Centre boundary as set out in the Local Plan. The principle of residential development on this site fits well with Core Strategy and Local Plan policy. The site adjoining to the south is currently owned by the County Council and is used as a community facility drop in centre. The Local Plan Part 2 identifies 37-39 Salisbury Road as a Town Centre Opportunity Site (policy 15.13) primarily for office/ community use. The proposed application site also falls within the Town Centre Boundary which states that residential development will be permitted where it is not on the ground floor of a defined Town Centre Opportunity Site and does not prejudice identified development opportunities..

14.3.2 As part of its Core Strategy the Council has set out its key priorities and objectives. In this case the key objective centres on housing provision to those in need. The Council in this case is working in partnership with the developer who intends to deliver much needed affordable housing on behalf of the Council. Historically opportunities for such low cost affordable housing in the town have been constrained and thus this opportunity needs to be taken. Allied to this such housing should provide a quality environment for those residents who live there. This is discussed below.

14.3.3 The applicants have submitted a survey which illustrated the number of empty retail and commercial units available locally. They consider that the additional supply of retail or commercial units on this site will have an adverse effect of increasing current vacancy rates in the town centre.

14.3.4 The restriction on residential development as set out in the policy can be set aside as there are other opportunity sites for offices; neither does the site fall within the recognised town centre retail frontage; community uses are already catered for in the town centre under TOT 16 and finally the vacant nature of the site for the last 7 years does suggest it has no real prospect of being developed along the lines suggested in the Local Plan.

14.4 Design quality

- 14.4.1 Policies CS2 states that new development will be required to be well designed to respect the character, identity and context of the area's towns and villages. All new development will be required to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials and its relationship to adjoining buildings and landscape features.
- 14.4.2 Added to this the Totton Town Centre Urban Design Framework has a specific section on Salisbury Road. It states that the issues here are this is a key route from the M27 and north, there is currently a poor streetscape, and there is a failure to announce arrival in the town. The opportunities are stated as improving views and character – tree planting and streetscape and to improve the sense of arrival. The guide goes on to state that development should create visual character, retain valued elements of existing character and ensure legibility with a recognition of location and natural sense of direction.
- 14.4.3 Prior to the submission of this application the applicant entered into pre application discussions with the planning team. The advice set out by officers at that time did recommend changes to the proposals particularly in ensuring the building at the rear was subservient to the building at the front.
- 14.4.4 The views of the Town Council are pertinent in this respect. They consider that the proposal is inadequate in design quality. These concerns are noted and are echoed by the Council's Urban Design Officer.
- 14.4.5 Given the concerns raised and the need to improve the general design quality of the buildings the applicants have made design changes which provide a better quality external appearance of the building while retaining the general form and footprint of the buildings.
- 14.4.6 As far as the site layout is concerned, car parking and access is dealt with below. Regarding the boundary treatment of the side road leading to and bordering the Westfield Road car park, the landscaping strip squeezed between the site boundary and the buildings is to be replaced by a low decorative brick wall interspersed with railings to provide a more practical boundary.

14.5 Impact on local environment (trees)

- 14.5.1 The Tree Officer expresses concern regarding the loss of the poplar tree. A view supported by the Town Council and Urban Designer. In addition grave concerns were expressed regarding the potential impact on the remaining two TPO'd trees by virtue of the proposed access road and car parking hard surfaced area.
- 14.5.2 The applicants are now proposing a car free development. While the views of the Town Council are noted it is clear from a sustainability point of view that the site is well located within walking distance of all necessary facilities for day to day living. The presence of the Council owned car park directly adjoining the site presents an opportunity for

those residents who do have a car or for visitors to park there during the day or overnight. The loss of the car park and access would resolve any impact on the remaining TPO'd trees and provide a better quality environment for the residents of the flats, as well as a softer greener feel to the frontage of the site. Additional tree planting and grass amenity areas would also provide a better frontage to the building rather than a car park which really ought to be hidden out of sight at the rear. The loss of the car park would however require better facilities for sustainable modes of transport such as cycling and the scheme has been amended to provide enhanced cycle storage.

14.6 Access and parking

14.6.1 Parking guidelines are set out in the Council's SPD. It requires an unallocated parking standard of 12 spaces or 16 spaces if allocated. Notwithstanding this and bearing in mind the issues above relating to the TPO'd trees it is considered that, given the site's location adjoining the town centre, this development could be planned as being car free. The adjoining car park can accommodate vehicles up to a maximum of 20 hours in any 24 hour period which would be suitable if those residents were out at work during the day. On balance it is considered that the trees should not be prejudiced by the provision of a new access road and car parking area. This coupled with the need to improve the amenity levels for the flat occupiers points to a car free development subject to an appropriate and easily useable cycle parking provision. Additional amenity land at the front would take the pressure off the rear amenity area and allow a better designed cycle store, as is required by the Highway Authority.

14.7 Impact on residential amenity

14.7.1 One letter of objection refers to a loss of privacy by virtue of being overlooked by the new blocks. This overlooking affects one property No.41. The new blocks have a total of 8 living room windows split between the two blocks which look towards the objector's property. However, the distance from those windows to the objector's boundary is some 12 metres. In addition, 4 of the windows are at first floor level and four at ground floor level where the overlooking is much less of an issue. The first floor windows do not all directly look into the objector's garden. Only two of the windows do so, with the other windows looking at an oblique angle. The objector's garden is also partially shielded from the site and any overlooking by their own conifer trees. While there would be some overlooking and loss of privacy it is considered that this is not at such a level that would warrant a refusal of permission on this basis. The two blocks have blank gables to the nearest neighbour no. 37 (the community drop in centre). That property does not suffer unduly from overlooking or loss of sunlight. The front block is well set back from the road and does not unduly impact on other properties along Salisbury Road.

14.8 Other matters

14.8.1 The objectors point to the presence of Japanese Knotweed on site. This has been drawn to the attention of the applicants who consider that they have dealt with this invasive plant. There are no overriding

impediments to the development of this site however. In other cases applicants have been required to submit an eradication proposal by way of a planning condition. Given the lack of concerns expressed by statutory consultees such an approach is not warranted on this occasion. The developers would still have a legal duty to dispose of any Knotweed found.

14.8.2 The Local Planning Authority 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 11 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 177) which indicates that development should be restricted.

14.8.3 In accordance with the Conservation of Habitats and Species Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.8.4 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.9 Conclusions

14.9.1 This proposal for new residential development on a sustainable site close to the town centre and its amenities and the provision of low cost affordable housing fulfils a key objective of the Council. The new development, as amended, meets necessary standards of design, does not impact on landscape features of importance, and provides a good quality of accommodation for those residents who are to be housed. Amended plans will be received and a

re-consultation exercise started prior to the meeting taking place. The recommendation is subject to no new material objections being received during the consultation period.

14.9.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	489.49	0	489.49	489.49	£80/sqm	£47,141.65 *
Subtotal:	£47,141.65					
Relief:	£0.00					
Total Payable:	£47,141.65					

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

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

15. RECOMMENDATION

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

No new material objections being received in respect of the amended plans hereby approved, and

- i) the completion, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure mitigation under the Habitats Regulations, and
- ii) the imposition of the conditions set out below.

Conditions to be attached to any consent:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans:

Site location plan Dwg. 20; Revised site layout plan Dwg. TBC; Proposed elevations plan Dwg. TBC; Proposed street scene elevations Dwg. TBC; Proposed floor plan Dwg. TBC

Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
4. The building shall not be first occupied until
 - (a) details of the treatment of the boundaries of the site have been approved in writing by the Local Planning Authority, and
 - (b) these means of enclosure have been implemented in accordance with the details thus approved.
Reason: To ensure that the development takes place in an appropriate way in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

8. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. 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. In addition a plan shall be submitted to and agreed in writing with the Local Planning Authority confirming the actual lines of drainage runs and equipment in relation to the tree root systems.

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 the National Park (Core Strategy).

9. 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.

10. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.

- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

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

Reason: To ensure adequate provision within the site.

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 all the above apply. The application whilst not being acceptable on receipt has been the subject of discussions with the applicants and amended plans have been submitted which on balance improve the quality of the development to such an extent as to overcome the concerns raised by consulted parties.

2. In discharging condition No. 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

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**Planning Development
Control Committee**
August 2018

Item No: 3e
Land of
39 Salisbury Road
Totton
18/10724

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