

Application Number: 18/10646 Full Planning Permission

Site: THE YARD, MAIN ROAD, SANDLEHEATH SP6 1PY

Development: 2 Detached houses; detached garages and stables in paddock;
demolish existing structures

Applicant: Sandleford Ltd

Target Date: 16/07/2018

Extension Date: 12/10/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

The proposal constitutes a departure from the provisions of the Development Plan which seek to prevent housing development in the countryside.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

Countryside

Tree Preservation Order: Y TPO No:1238

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS10: The Spatial Strategy

CS17: Employment and economic development

CS21: Rural economy

CS25: Developers contributions

Local Plan Part 2: Sites and Development Management Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Habitat Mitigation

DM5: Contaminated land

DM20: Residential development in the countryside

DM22: Employment development in the countryside

DM25: Recreational uses in the countryside - including horse-keeping/riding

National Planning Policy Framework

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch. 12 - Achieving well-designed places

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Sandleheath Village Design Statement

Residential Design Guide for Rural Areas

Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

There is no formal planning history for the site, but it has a long history of commercial and industrial use starting in Victorian times as a brickworks, as a landfill site in the 1960's and as a builder's yard with some horticultural use from 1983.

The Council has been made aware of various uses of the site and cases have been opened in respect of more recent unauthorised storage activities. The most recent case under ref. EN/16/0218 resulted in dialogue between the applicant and Council seeking resolution of long-term use of the site. It was discussed 'without prejudice' that a redevelopment of the site with one or two houses may strike an acceptable balance between the need to secure improvements to the character and appearance of the site whilst ensuring that the unauthorised development is removed in a way which is practical and viable. The consequence of the redevelopment for one or two houses would be that all commercial use of the site would cease and any residual lawful use rights extinguished. The applicant was encouraged to engage with the local community and Parish Council to gauge local opinion with a view to preparation of a planning application for submission to the Council.

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council raise no objections, but comment:

1. The proposed two houses, stable block and paddock would not be out of keeping with the area and other properties off the bridleway.
2. As stated by the officer, the proposed development does strike a balance between the need to secure improvements to the site and appearance of the area.
3. Loss of commercial site has negligible impact due to availability of commercial units on Sandleheath Industrial Estate and spare commercial development potential in that area.
4. Current buildings on the site are unsuitable for conversion into dwellings.
5. Although contrary to Local Plan Part Two, Policy DM20, the proposed development is only just outside the development boundary and significantly improves the site.

6. Existing vehicle access along the bridleway gives access to other properties so the proposed development would not offer significant additional public access and may, in fact, reduce vehicle traffic.
7. Sandleheath Parish Council has noted that owners of all nearby properties have expressed their support for this application.
8. The Parish Council recommends strict conditions on the development. Applicant must prove that previous dumping on the site does not pose a risk to future residents.
9. Plans to ensure effective handling of run off waters should be put in place
10. Valuable trees and vegetation should be protected. Resiting of garage would be acceptable to reduce concerns of tree officer.
11. Applicant should be required to ensure that the surface of the bridleway access should be reinstated following building works and areas where the track verges have been damaged should be reinstated.
12. Where the bridleway meets the main road, a 3 metre tarmac run in should be installed to ensure that vehicles do not drag loose gravel out in onto Main Road.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer - As the application is for 5 dwellings or less, and there is no required change of vehicle access onto a classified road, Hampshire County Council's Highway Standing Advice should be referred to in the first instance. It is noted that the vehicle access into site is via a public right of way which is of concern to the HCC Rights of Way.
- 9.2 Hampshire County Council Rights of Way - The proposed vehicular access to the development site is along Sandleheath Bridleway 7108. It is an offence under the Road Traffic Act 1988 to drive over a public bridleway without lawful authority, it is noted that a red outline has not been provided on the location plan and it is therefore not known if the boundary meets with C148 COURT HILL which is the nearest public vehicular highway. Any increased use of the public right of way by vehicles is also likely to have a significant adverse impact on the amenity value of the route and may cause safety and nuisance issues to users of the path, we therefore recommend that the Applicant consider amending the application to provide an alternative vehicular access route to the development, or to divert the public right of way from the proposed vehicular access route. If no other option is available and Sandleheath Bridleway 7108 is to be used as a vehicular access to the development, we raise no objection to the application subject to conditions to ensure appropriate access arrangements are provided for the proposal and an informative note.

- 9.3 Environmental Health (Contaminated Land): no objection in principle to the proposed development as submitted, subject to standard planning conditions. Without these conditions, the proposed development on this site could pose risks to human health and/or the environment and we would wish to object to the application as the site was used as a previous refuse dump. It is reported that topsoil was put over the refuse and the site has been used as a nursery/ builders yard since 1983. Therefore a site investigation is pertinent to this site to assess the potential risks to human health and the environment to ensure the site is suitable for the sensitive nature of the proposed use.
- 9.4 Tree Officer – Trees to the front eastern boundary of this site are protected by Tree Preservation Order 1238. There are numerous trees to the western boundary and they all contribute to the rural nature of the site and provide a good level of screening and public visual amenity. Concern was initially raised over the proximity of the overhanging branches from the south-east and the north-west which would create unacceptable living conditions, resulting in future pressure to fell or significantly reduce trees in order to abate nuisance from falling debris, shading and the overbearing presence of large mature trees. Following discussion with the agent, amended plans were submitted which moved the footprints of dwellings and garages away from trees, addressing the initial concerns. No objections are raised subject to an updated tree report and protection plan being required by condition.
- 9.5 Natural England - No objections, subject to securing appropriate mitigation
- 9.6 Ecologist - No objection subject to appropriate mitigation being secured by condition.
- 9.7 Wessex Water - no objections, but provide informatives.

10 REPRESENTATIONS RECEIVED

A petition on behalf of ten local residents supports the proposed development on the basis that it would mitigate disruption caused to neighbours and Sandleheath in terms of noise, traffic use, damage to Bishops Lane, loss of residential amenity, physical damage to and visual change to the site and to the local environment, caused by recent unauthorised use of the site. The proposal will return the site to a use that is appropriate within the village.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £2,448 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 £55,186.23.

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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 applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information in respect of tree and ecological impacts, in light of the comments of consultees and following submission of appropriately amended plans the application was acceptable as amended and no specific further actions were required.

14 ASSESSMENT

14.1 The site and proposal

14.1.1 The proposal relates to buildings originally constructed in conjunction with a builders' yard and partly a horticultural nursery, and extensive hardstandings just off Main Road, Sandleheath. The site is located off Bishops Lane, which is a narrow access that serves the site and a small number of adjacent residential properties. The site is largely

surrounded by mature trees on all sides and is currently in relatively low intensity use for storage, including storage of vehicles and caravans in the open. The existing buildings are of portal frame construction, clad in profile sheeting, with corrugated roofing. A large glasshouse was until recently in situ on the site. There are a number of large detached dwellings in the locality, predominantly to the east of the proposal site, but also to the north and west, all beyond any defined built-up area.

14.1.2 The proposal would involve demolition of the existing structures and erection of 2 no. five bedroom detached dwellings, with associated garages, access, parking, turning, garden curtilage arrangements and a paddock area with a stable associated with Plot 2. Plot 1 would be sited to the north of the site, partially within the footprint of a large horticultural glasshouse, which formerly stood on the site. The footprint of Plot 2 would be sited partially within the footprint of existing structures (former builders yard structures) on the site. The dwellings would be of two storey height and constructed of clay tiles, red/brown facing brick and timber feather edged boarding. Both dwellings would be accessed from the existing main access point into the site, itself accessed via an unmade track and public right of way from Main Road.

14.1.3 Following initial comments from the Tree Officer, raising concerns over the siting of both dwellings and the garages in relation to adjoining trees and the level of arboricultural information provided, amended plans and information were submitted. The amendments removed the dwellings and garages from a proximity close to the overhanging branches of trees to the satisfaction of the Tree Officer.

14.2 Design and Appearance

14.2.1 Policy CS2 of the Core Strategy requires new development to be well designed to respect the character, identity and context of the area's towns, villages and countryside. While the existing buildings, hardstandings and open storage are of limited visual merit, it must be considered whether the scale, design and form of the development proposed would be acceptable in this countryside location and whether the proposal adheres to the guidance offered by the Council's adopted SPD - Residential Design Guide for Rural Areas.

14.2.2 The proposal is for two dwellings and garages and discounting the former glasshouse, they would be of greater massing than the structures to be replaced. Notwithstanding the fact that the site is bound by mature trees to be retained following development, which would screen the development from wider views, the proposed dwellings would be of good design and good quality materials including clay tiles, red/brown facing brick and timber feather edged boarding. While they would be more heavily massed than existing structures, the proposed structures would be of higher quality appearance and materials, which would enhance the character of the area, weighing in favour of the proposal. The proposal complies with the design related provisions of Policy CS2.

14.2.3 New dwellings in the countryside:

14.3.1 By virtue of the site's location within the countryside, outside any built-up area boundary, the proposed residential development is contrary to Local Plan Part 2 Policy DM20. Policy DM20 of the Local

Plan Part 2 restricts development of new dwellings in the countryside unless environmental benefits significantly weigh in favour of housing development. In this respect; 'without prejudice' discussions with the Council suggested that redevelopment of the site with one or two houses may strike an acceptable balance between the need to secure improvements to the character and appearance of the site while ensuring that the unauthorised and unlawful development is removed in a way which is practical and viable. It now needs to be considered whether the details and justification put forward by the applicant weigh sufficiently in favour of the proposal to constitute a departure from adopted policies.

- 14.3.2 Two dwellings would be provided of greater scale, but better visual appearance and quality than the existing buildings which occupy the site. However, in light of the former glasshouses and existing open storage of vehicles and containers on the site and the existing screening around the site, it is not considered that the proposal would impact to a significantly greater degree on the openness of the countryside than the existing land use. Furthermore, the proposed siting of the dwellings does not encroach into open parts of the site, adhering closely to the footprints of existing and former buildings on the site and surrounded by mature trees on all sides, which would assist with its screening and integration into the landscape. On balance the visual appearance of the proposed development would not harm the character of the area or wider countryside. Furthermore the environmental benefits to local amenity, delivered through removal of the unauthorised and unlawful development weighs in favour of the proposal. Consequently dwellings of the quality proposed may be supported, as a departure from the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwellings or erect further outbuildings. A condition would also be required to exclude the proposed paddock area from any defined residential curtilage to prevent use of the paddock as garden curtilage and the potential accumulation of domestic paraphernalia following occupation.

14.4 Loss of employment use

- 14.4.1 The Council's adopted local planning Policies CS21 and DM22 favour the re-use of permanent rural buildings for employment, to enable developments that help sustain the rural economy but do not harm the countryside. Policy CS17 sets out the strategy for employment and economic development. Key to this strategy is the retention of existing employment sites for continued employment use. While the site would be lost to employment use, the application is made on the basis of problems associated with the juxtaposition of the current use to adjoining residential land use.
- 14.4.2 The proposal would result in the loss of buildings and land which have previously been in commercial use. In the absence of overriding circumstances, loss of this commercial land would be contrary to policy. However, bearing in mind the close relationship to adjoining dwellings, intensification of the existing use on the site could have a much more harmful impact on residential amenity than the proposed use. The existing buildings and location are quite marginal in relation to the delivery of good quality employment opportunities and it is accepted that removal of the unauthorised and unlawful development in a way which is practical and viable would deliver benefits in respect

of local amenity. A pragmatic stance could be followed, which would result in loss of employment land and buildings, on the basis of the betterment of existing residential amenity and enhancement to the character of the area. Furthermore 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 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, it is considered that the benefits of the proposed development would significantly and demonstrably outweigh the adverse impacts of the development. Consequently officers consider the proposed development may be supported, as a departure to the provisions of Policies CS17, CS21 and DM22.

14.5 Ecology Impacts

14.5.1 The Council's Ecologist has raised no objection following submission of an appropriate level of professional information which establishes presence/absence, detail of mitigation/compensation and biodiversity enhancement measures. Subject to conditions, the proposal is unlikely to cause any harm to ecological interests in accordance with Policies CS3 and DM2.

14.5.2 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties Hereafter, all new residential development will be subject to a condition which will prevent occupation of the development until either mitigation in accordance with the Council's Phosphorous Mitigation Strategy is secured or, in advance of the publication of the Strategy, on-site foul drainage infrastructure capable of achieving an equivalent reduction in phosphorous has been installed in accordance with details approved by the Council.

14.6 Tree Impacts

14.6.1 Trees protected by Tree Preservation Order are situated along the eastern boundary and provide an important buffer between the site and main access to the site, while contributing to the wider landscape and are important to the character of the area. The potential tree impacts of the development have been addressed by a Tree Survey and Plan submitted with the application.

14.6.2 The Tree Officer, raised initial concerns over the siting of both dwellings and the garages in relation to adjoining trees and the level of arboricultural information provided. Amended plans and information

were subsequently submitted, which removed the dwellings and garages from a proximity close to the overhanging branches of trees. The original siting would have created unacceptable living conditions, resulting in future pressure to fell or significantly reduce trees in order to abate nuisance from falling debris, shading and the overbearing presence of large mature trees. The revised location and arboricultural information provided has overcome the Tree Officer's initial concerns, subject to conditions.

14.7 Highway/ Public Right of Way) Impacts

- 14.7.1 The Highway Engineer and Rights of Way Officer comment on the proposed access arrangements, as the proposed vehicular access to the development site is along Sandleheath Bridleway 7108. A red outline has been provided on the location plan showing the access connecting with C148 COURT HILL, which is the nearest public vehicular highway. The applicant confirms they have an existing right of vehicular access to the site via this route that also serves several other dwellings as well as the site itself. While access across a right of way is not ideal, your officers consider the intensity and type of vehicle movements to the site posed by the proposed development would be a benefit by comparison with the applicant's fall-back position to use the access for commercial purposes. Commercial traffic to and from the existing site will be replaced by vehicle movements of a more domestic nature and lower intensity, to the benefit of highway safety and to enjoyment of the public right of way. This view is supported by the comments of the Parish Council. The applicant has agreed to tarmac a 3m length of the access track where it meets the main road, to ensure that vehicles do not displace loose gravel onto the main road, in accordance with the Parish Council's request. It would be prudent to impose conditions and informatives requiring the 3m length of tarmac to be provided as well as access, parking and turning arrangements to be laid out in accordance with the approved plans.

14.8 Site Drainage:

- 14.8.1 The Parish Council suggest that effective handling of run off waters should be put in place. Given the amount of land available to the applicant, a comprehensive approach to dealing with water on site could be achieved, meeting the requirements of Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. A condition is proposed requiring the applicant to incorporate sustainable drainage techniques into the site drainage strategy.

14.9 Residential Amenity Impacts:

- 14.9.1 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to residential amenity of existing and future occupiers.
- 14.9.2 The proposal is unlikely to impact upon the amenity of neighbouring residential properties, being well separated from other houses in the locality and well screened from other residential curtilages by mature trees which largely surround the site. Consequently no adverse effects

overlooking or shading would occur. The proposed dwellings would provide an acceptable level of amenity for future occupiers in accordance with the amenity related provisions of Policy CS2.

- 14.9.3 Overall, there is an opportunity to improve residential amenities given the problems associated with previous uses of the site and considering removal of the existing buildings and clutter from the site would be to the betterment of visual amenity. This is born out by the lack of any objection to the proposal and the petition in support of the development from local residents, which weighs in favour of the proposal.

14.10 Other Matters

- 14.10.1 The Parish Council recommends conditions on the development to ensure that previous dumping on the site does not pose a risk to future residents. This will be resolved by the conditions requested by the Contaminated Land Team.

- 14.10.2 The Parish Council request that the applicant should be required to ensure that the surface of the bridleway access should be reinstated following building works and areas where the track verges have been damaged should be reinstated. An informative will be applied to this effect.

14.11 Appropriate Assessment and Habitat Mitigation

- 14.11.1 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.

- 14.11.2 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate 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, in 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.

14.12 Additional Contributions

- 14.12.1 The proposal is for a net gain of 2 no. dwellings, where contributions towards habitat mitigation would be required, in addition to any CIL liability. The proposed development has a CIL liability outlined in the table below.

- 14.12.2 No affordable housing or tariff style contributions are sought from this development, being a scheme of under ten dwellings. The National Planning Policy Framework (NPPF) indicates that in rural areas "policies may set out a lower threshold of 5 units or fewer". A lower threshold has not been set in this district and as a result it would be unreasonable to require an affordable housing contribution.

14.13 Conclusion

- 14.13.1 The site is visually enclosed and the design, layout, landscaping and tree protection measures proposed are likely to lead to enhancement of the site's appearance. The site is brownfield in nature and subject to the comments of the Ecologist being satisfactorily resolved its ecological value would not be harmed. The proposal is not considered to have any harmful impact on residential amenity. Your officers are not aware of any other matters raised in representations that would weigh against the scheme and on balance the special circumstances to warrant a departure from adopted policy have been demonstrated. Therefore, subject to conditions to ensure that the scheme's specific benefits are fully delivered, the application is recommended for permission.
- 14.13.2 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	0	0	0
Habitats Mitigation			
Financial Contribution	£1,100 if CIL paid in full	£1,100 if CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	722.27	149.25	573.02	573.02	£80/sqm	£55,186.23 *
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Subtotal:	£55,186.23
Relief:	£0.00
Total Payable:	£55,186.23

* 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:

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

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

Grant Subject to Conditions

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: 1:2500 Location Plan, drawing no. 1419/1G, 1419/3B, 1419/4B, 1419/5, 6897, SLP.07.05.18, Design and Access Statement dated May 2018, Updated Ecological Report by KGF ref Ec1A.12.08.18.v1, Tree Report dated 25th May 2018 and drawing no. TPP.TY.BL.S.F.25.05.18

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. 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.

5. The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
- (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 monitoring of any such proposals which form part of the proposed mitigation measures.

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 River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

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

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason: To ensure adequate on-site car and cycle parking provision for the approved development in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. All external works (hard and soft landscape) shall be carried out in accordance with the approved landscape plan ref. SLP.07.05.18 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).

9. Before development commences (including site clearance, demolition and any other preparatory works) an updated tree report and an updated 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.

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).

10. 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.

11. This consent does not grant permission for the paddock area shown on drawing no. 1419/1G and outlined in blue on the 1:2500 Location Plan, to be used as anything other than a paddock area and does not grant consent for its use as extended garden curtilage associated with Plot no. 2 shown on drawing no. 1419/1G.

Reason: To ensure the dwelling garden curtilages remain of a size which are appropriate to the location within the countryside and to comply with Policy CS3 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos 13, 14, 15 and 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 16 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with

policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. Where a remediation scheme has been approved in accordance with condition 14, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme

Notes for inclusion on certificate:

1. In accordance with paragraph 38 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 applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information in respect of tree and ecological impacts, in light of the comments of consultees and following submission of appropriately amended plans the application was acceptable as amended and no specific further actions were required.

2. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum.
3. In discharging condition No. 4 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/>
4. 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. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
5. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
6. HCC Countryside advise that the applicant will be required to enter into a Highway Agreement with Hampshire County Council or agree the provision of a contribution to the Countryside Service towards any necessary improvement/reinstatement of the existing highway and access to the development and any increase in the cost of maintaining the highway related to the development.

7. Wessex Water advise that the applicant has not indicated how foul sewerage will be disposed of. The proposal is some distance from the nearest public foul sewer. The planning authority will need to be satisfied with your private arrangements which will be subject to building regulations. Alternatively, you can requisition us to lay a sewer to serve your site at your cost if your development has no access to our services because third party land is in the way. We suggest you consider private negotiation first further details available here. According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please contact Wessex Water for advice on what to do if an uncharted pipe is located.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has not indicated in the current application how rainwater (also referred to as "surface water") will be disposed of. One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. If planning approval is obtained we advise that a further detailed plan is submitted to the planning authority showing the surface water strategy for the proposed site following the SuDS hierarchy, which is subject to building regulations.

If you need more information please contact:
development.south@wessexwater.co.uk

Further Information:

Jim Bennett

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New Forest
DISTRICT COUNCIL

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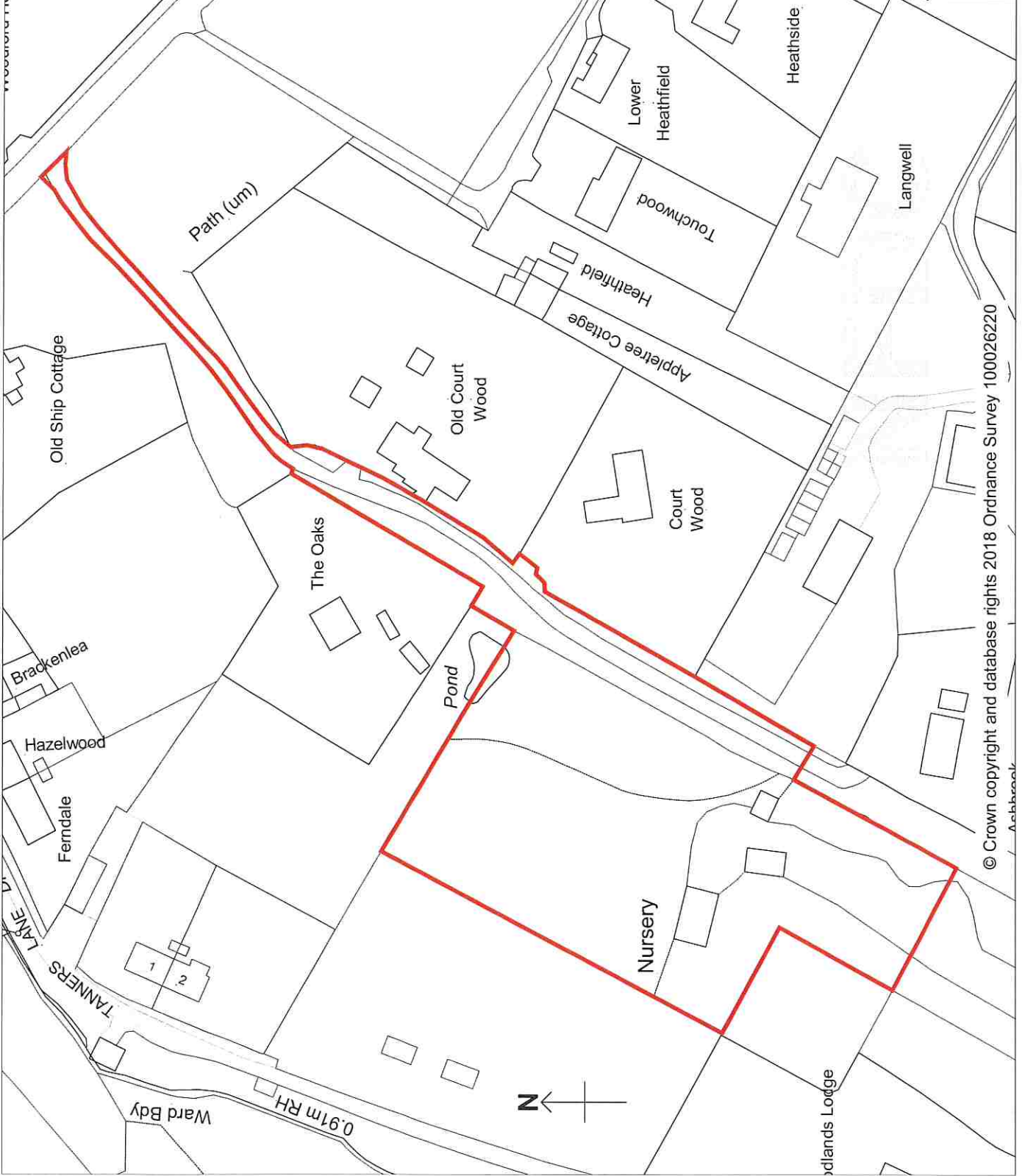
**Planning Development
Control Committee**

October 2018

Item No: 3a
The Yard
Main Road
Sandheath
18/10646

Scale 1:1250

N.B. If printing this plan from
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scale.



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