



# Statement of Common Ground

Between:

**AJC Group**

and


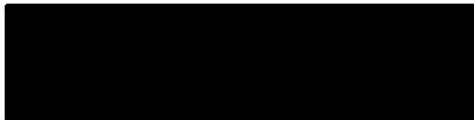

**New Forest District Council**

In relation to

**Orchard Gate, Noads Way, Dibden Purlieu, Hythe**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**PLANNING AND COMPULSORY PURCHASE ACT 2004**

<b>Signed:</b>  	<b>Signed:</b>  
<b>Name:</b> James Gilfillan	<b>Name:</b> 
<b>On behalf of:</b> New Forest District Council	<b>On behalf of:</b> AJC Group
<b>Date:</b> 28 September 2023	<b>Date:</b> 28 <sup>th</sup> SEPT. '23

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**RTPI**

Chartered Town Planners

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### **Appendices:**

- 1) Correspondence from Mr Cole
- 2) Consultation response from the Council's Senior Tree Officer to the planning application
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- 5) Correspondence with Hampshire County Council Highways
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- 7) 11<sup>th</sup> July 2023 letter from Calcinotto
- 8) 4<sup>th</sup> August letter and plans from Bellamy Roberts

## 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Chapman Lily Planning on behalf of AJC Group (“the Appellant”) in agreement with New Forest District Council (“the LPA”). It relates to a Section 78 appeal concerning the proposed development of Orchard Gate, Noads Way, Dibden Purlieu, Hythe (“the appeal site”).
- 1.2 The purpose of this SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the forthcoming inquiry to focus on the most pertinent issues.
- 1.3 This Statement of Common Ground should be read alongside the Statements of Common Ground relating to (i) viability and (ii) habitat mitigation.

## 2.0 The appeal site and its surroundings

- 2.1 The appeal site is 0.9 hectares in area (2.2 acres) with the plot being an L-shape. The site is broadly level. The site is located in the established suburban area of Dibden Purlieu on the edge of the New Forest, Hampshire.
- 2.2 The site is in a sustainable location being well positioned to access several town and local centres and the shops, services and public transport facilities located therein. Including:
  - Dibden Purlieu Village local centre (0.3 miles to the south-west)
  - Hythe Village local centre (1.8 miles to the north-east)
  - Southampton City Centre (11.7 miles to the north-east)
- 2.3 The site is located within a short walking distance of a good level of amenities to meet the day-to-day needs of residents, which is set out below in the figure 1.

Local Amenity	Address	Distance(miles)	Distance(kilometres)
Foodstore	Tesco Esso Express, Beaulieu Road	0.3	0.5
Post Office	Dibden Purlieu Post Office, Beaulieu Road	0.4	0.6
GP Surgery	Forestside Medical Practice, Beaulieu Road	0.5	0.75
Schools	Noadswood School, Water Lane	0.3	0.5
	Orchard Infant / Junior School, Water Lane	0.3	0.5
Pharmacy	Jays Pharmacy, Beaulieu Road	0.3	0.5
Bus Stop	North Road	0.15	0.25

**Figure 1: Walking distances to local amenities**

- 2.4 The site is accessible by public transport with the nearest bus stops located circa 250 metres to the south-west of the site on North Road. These bus stops provide services to Southampton

City Centre, Hythe and Beaulieu. Beaulieu Road train station is located circa 4.8 miles to the east of the site, and this provides access to the national rail network.

- 2.5 A single residential property occupies the site with several outbuildings and stables clustered in the central eastern portion of the site.
- 2.6 A 'garden area' immediately surrounds the property and contains several small ornamental trees and shrubs and a disused concrete pond. There are two large paddocks to the south and west of the site, with the remainder of the site used for stabling and other associated equestrian activity.
- 2.7 The site benefits from perimeter screening from mature trees and vegetation to most of its boundaries, however there are gaps in several areas and screening is notably absent to the boundary with the rear gardens of Lime Close.
- 2.8 A single-track vehicular access into the site is located on the east of the site's Noads Way frontage. Parking arrangements on site are currently ad hoc utilising areas of hardstanding and amenity space in the areas surrounding the stables and bungalow.
- 2.9 The area is in an established residential suburb and all the surrounding uses are all residential properties accordingly.
- 2.10 The character of the surrounding area is residential with a variety of dwelling types surrounding the site.

### **3.0 The proposed development**

- 3.1 The planning application which is the subject of this appeal was validated on the 15<sup>th</sup> July 2022 (LPA ref: 22/10813) and sought full planning permission for the following:

*Demolition of the existing buildings; erection of 25 dwellings with associated access, landscaping and parking*

### **4.0 Application plans and documents**

- 4.1 The application plans and supporting documents that compromised the planning application at the time that the application was determined were as follows:

- Location Plan & Topo ref:21110.06 rev B received 15/07/22
- Site & Block Plan ref:21110.41 rev D received 08/07/22
- Houses 01-03 plans & elevations ref:21110.42 rev B received 15/07/22
- Houses 04-07 plans & elevations ref:21110.43 rev B received 15/07/22
- Houses 08-13 plans & elevations ref:21110.44 rev B received 15/07/22
- Houses 14-17 plans & elevations ref:21110.45 rev B received 15/07/22

- Houses 18-21 plans & elevations ref:21110.46 rev B received 15/07/22
- Street Elevations ref:21110.48 rev B received 15/07/22
- Air quality assessment
- Arboricultural Impact Appraisal and Method Statement
- Broadband Statement
- CGIs
- Design and Access Statement
- Ground Appraisal Report by Geo Environmental;
- Preliminary Ecological Assessment
- Planning Statement
- Statement of Community Engagement
- Renewable and Low Carbon Statement
- Transport Statement
- Viability Assessment
- Water Quality Checklist

4.2 The plans on which the appeal is to be determined are as follows

- Site and Block Plan drwg. no. 211140.41H scale 1:500 @ A1
- Houses 01-03 plans & elevations ref:21110.42 rev B
- Houses 04 -07 Plans and Elevations drwg. No. 21110.43C
- Houses 08-13 plans & elevations ref:21110.44 rev B
- Houses 14 -17 Plans and Elevations drwg. No. 21110.45C
- Houses 18-21 Plans and Elevations drwg. No. 21110.46C
- Houses 22-25 plans and Elevations drwg. No. 21110.47C
- House 21 Carport Elevations dwg. No. 21110.51A
- Landscape plan 293-1-R7
- Landscape plan 293-3-R6
- Landscape plan 293-4 – planting mood board
- 5577-312 BR Proposed Layout (internal highway)
- Access Plan 5577/002 rev A

4.3 As relayed to the Planning Inspectorate and the Local Authority on 11<sup>th</sup> August 2023 the appellant has undertaken consultation on a series of minor amendments to the plans which formed the basis of the Council's determination. The plans are available to view on the Council's website and persons are able to request a hard copy from the appellant's agent, Chapman Lily Planning.

4.4 The consultation on the amended plans began on the 10<sup>th</sup> August with the following actions being undertaken,

- a letter advising on the submission of revised plans has been sent to all local residents that commented on the application and letters have been hand delivered to all properties with an adjoining boundary with the appeal site.

- Letters have been sent to all statutory consultee, Local Councillors and the Parish Council advising them of the revised plans
- A site notice has been displayed outside of the site and in surrounding roads advising on the submission of amended plans.

- 4.5 At the time of completing this Statement of Common Ground a respond to the amended plans has been received from Mr D Cole, on behalf of 'over 230 local residents' noting the proposed amendments (a copy of the letter if attached as appendix 1). A hard copy of the plans have been provided to Mr Davidson at March Cottage, Noads Way.
- 4.6 The Local Planning Authority and the appellant confirm that they are of the view that the consultation undertaken on the revised plans accords with the Wheatcroft principles and that no person or consultee will be prejudiced with the appeal proceeding on the basis of the amended plans.

## 5.0 Background and reasons for refusal

- 5.1 Planning application 22/10813 was refused on the 19<sup>th</sup> December 2022 for the following reasons:

1	The scheme would, due to the scale and layout of development proposed, the extent of plot coverage of built form and hard surfaces, the dominance of car parking, proximity to trees on and adjoining the site, the small plots proposed and lack of space for recreation open space and sufficient landscape setting fail to respect the spacious sylvan character of the prevailing pattern of development in the area, or deliver a well planned high quality design that would contribute positively to the local distinctiveness, the quality of life and enhances the character and identity of the locality. It is therefore contrary to Policies STR1 & ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020, Policy D1 of the Hythe and Dibden Neighbourhood Plan 2019 and the Housing Design, Density and Character SPD 2006.
2	Due to the proximity of the proposed access to the existing access to the east and failure to demonstrate the visibility splays are based on actual vehicle speeds along Noads Way the scheme has failed to demonstrate that the works are sufficient. Furthermore on site highway and pedestrian safety has not been demonstrated, nor has the scheme considered or demonstrated support for modes of travel other than the private car. It is therefore considered that the scheme would be prejudicial to highway and pedestrian safety and contrary to policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
3	The scheme has failed to demonstrate that surface water drainage can be dealt with in a manner that would not give rise to increased surface water flooding on site and meet the requirements of delivering sustainable drainage contrary to policy STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
4	The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New

	Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policies ENV1 of the New Forest District Local Plan Part 1: Planning strategy 2020 and DM3 of the New Forest District Local Plan Part 2: Sites and Development Management 2014 and the Mitigation for Recreational Impacts on New Forest European Sites SPD 2021, Air Quality Monitoring SPD 2022 and the Bird Aware Solent Strategy.
5	The scheme has not demonstrated how it would meet the recreational and open space needs of the occupiers of the development, contrary to CS07 of the New Forest District Council Core Strategy 2009
6	The proposal has not demonstrated that it can not provide the required amount of affordable housing and is therefore contrary to Policy HOU2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
7	The scheme has failed to demonstrate that it can be delivered in a manner that respects the trees on and adjoining the site that make a positive contribution to the character and appearance of the area. The scheme would therefore have a detrimental impact on the landscape setting of the area and fails to deliver space and landscape proposal to mitigate the loss of trees. The scheme is contrary to Policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020

## 6.0 Planning History

6.1 Prior to the submission of the appeal scheme an application for 37 units was refused (reference 21/11201).

6.2 Following the refusal of the application for 37 units AJC sought pre-application advice from the LPA. The pre application submission followed an iterative process following a meeting with Officers. Following the 'in person meeting' and the submission of amended plans the LPA provided a written response to the pre-application, the summary points being:

- Reduced scheme makes significant improvements over the scheme refused planning
- Houses fronting the access road was a positive feature of the original pre-app submission
- Courtyard of parking and the rear of the terrace of four houses is not an appropriate design response for the entrance into the site or the character of Noads Way. The scheme would benefit from returning to the original layout, for this pre-app, of houses fronting the access drive and may have to accept a reduction in numbers of units in order to accommodate the required level of parking, within the plots.
- Layout of the north corner works better for parking accessibility, the continuous built form of parking and building frontage along that whole length from unit 6 to 14 needs breaking with a landscape separation, or at least a more generous gap between buildings.
- Acknowledge that the character of the centre of the site could take a different approach, being higher density as shown. Not comfortable with the approach of 3 sets of tandem parking spaces (parking 18-20) being an appropriate design solution.

- In all cases of parking being placed between flank walls, access for bikes, buggies and potentially wheeled bins is particularly constrained and likely to lead to conflicts.
- The revised layout largely addresses the concerns of the relationship between the dwellings and the trees and the impact on amenity of residents and poor tree-building relationship raised in the refused application. However, the presence of trees at the front of the site and highway visibility has not been reviewed at this time. Will the tree planting be successful between the parking spaces 22-25? They look very vulnerable and would compromise manoeuvrability, to the extent of being readily at risk of driven over, which based on a standard landscape maintenance/replacement condition would require regular replacement. The principle of courtyard/street trees has merit, but they need to have chance for success.

## 7.0 Planning Policy

- 7.1 This section identifies the planning policies and guidance that will be of most relevance to this appeal.

### **The Development Plan**

- 7.2 Both parties agree and accept that under the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.3 The Statutory Development Plan covering the appeal site consists of:

- New Forest District Local Plan 2016 -2036 Part 1: Planning Strategy (2020);
- Saved policies of the New Forest Local Plan Part 2: Sites & Development Management (2014)
- Saved policies of the New Forest Local Plan First Alteration (2005)
- Saved policies of the New Forest Local Plan Part 1: Core Strategy (2009)
- Hythe & Dibden Neighbourhood Plan (2019)

The policies and SPDs cited in the Decision Notice include:

- New Forest District Local Plan Part 1: Planning Strategy 2020: STR1, ENV1, ENV3, ENV4, CCC2, HOU2
- New Forest District Local Plan Part 2: Sites and DM Policies 2014: DM3. This policy was included in error. It is not a 'Saved' policy and was replaced by policy ENV1 when Local Plan part 1 was adopted in 2020.
- Core Strategy 2009: CS07
- Hythe and Dibden Neighbourhood Plan 2019: D1



- Housing Design, Density and Character SPD 2006
- Parking Standards SPD 2022.
- Interim Strategy for Ecology & Bio-diversity Net Gain 2020.
- Mitigation for Recreational Impacts on New Forest European Sites SPD 2021,
- Air Quality Monitoring SPD 2022
- Bird Aware Solent Strategy

#### **Other material considerations**

- 7.4 It is agreed that there are a number of policy statements and guidance dealing with planning policy at the national level which comprise other material considerations in the determination of the appeal. These include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

## **8.0 Matters not in dispute**

- 8.1 This section sets out the matters not in dispute between the Appellant and the LPA.
- 8.2 It is agreed that the format of the full planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.

#### **Housing Land Supply**

- 8.3 It is agreed that the LPA is unable to demonstrate a 5 year housing land supply and that having secured mitigation to address the impact of the development on International Nature Conservation sites the “tilted balance” in para. 11(d)(ii) of the NPPF applies. The LPA’s most recent statement of Housing Land Supply (January 2022) demonstrates a housing land supply of 3.07 years.

#### **Sustainable Location and principle of development**

- 8.4 The appeal site is located in Dibden Purlieu, where a range of local services and facilities are accessible on foot from the appeal site. Given the site’s location in the wider Hythe Village, in the top tier of the settlement hierarchy, it is capable of accommodating major residential development. The development of the appeal site would assist in preserving the special landscape qualities of the New Forest National Park and Cranbourne Chase AONB by reducing pressure for development outside of the defined built-up areas.
- 8.5 The principle of the site being suitable for development is demonstrated by inclusion of the site in the LPA’s 2018 Strategic Housing Land Availability Assessment as being suitable to deliver 13 (net) additional houses.

### **Housing Mix and Density**

- 8.6 The proposed 25 residential units providing a mix of 2, 3 and 4 bedroom properties makes a positive contribution to the availability of housing in the plan area and the current Housing Delivery Target of 400 units per year. The development would meet with the aims of the Hythe and Dibden Neighbourhood Plan to provide more smaller sized houses, including 2 bedroom properties, and housing suitable for first time buyers and young families.
- 8.6 The Housing Design, Density and Character SPD relates to policy 'DW-E2 Density and Mix of Housing Development' of the New Forest District Local Plan First Alteration 2005 which states that within the defined built-up areas the average net density of residential development should be a minimum of 30 dwellings per hectare. The proposal has a density of 27.8 dwellings per hectare.

### **Design, site layout and impact on local character and appearance of area**

- 8.7 It is agreed that the existing buildings on site are of no architectural merit and are neither designated, or non-designated heritage assets. The demolition of the existing house and other buildings would have no impact on the character and appearance of the area.
- 8.8 It is agreed that the surrounding area is residential in character with a mix of architectural styles.
- 8.9 Plot 1 - Its position set back from the road is sufficient to respect the pattern of development along Noads Way and would not be a prominent feature of the street scene to the detriment of the character of the road.
- 8.10 At the meeting of the 14<sup>th</sup> November 2022 the agreed minutes (attached as appendix 3) show that Officer's were of the opinion that the 'interior' of the site was acceptable in respect of a higher density and layout in context of the tilted balance.
- 8.11 It is agreed that the arrangement of the terraced dwellings fronting the open space 'The Green' provides a positive outlook, surveillance and engagement with that space. The design of the proposed houses has a collective character and sit comfortably together. The architectural style would not harm the appearance of the area.

### **Residential Amenity**

- 8.12 It is agreed that the proposal would not give rise to levels of overlooking, overshadowing, or overbearing that would have a material impact on the amenity of existing neighbours.
- 8.13 It is agreed that the proposal would not result in an increase in noise and disturbance to neighbouring properties and that any activities on the site, would be residential in nature and character, compatible with surrounding residential area.

- 8.14 It is agreed that the layout of the scheme would avoid any intrusive overlooking and overbearing between residents of the scheme.

#### **Landscaping/Trees**

- 8.15 It is agreed that the proposal does not require the removal of a significant number of trees or lengths of hedgerow to facilitate the development, with only 9 trees, from a surveyed number of 40, identified for removal. None of the trees proposed for removal are in good health or make a high value contribution to the character of the area such that their loss would be resisted.
- 8.16 It is agreed that the landscaping scheme includes 27 new trees and 27.51% gain in hedgerow units. The landscaping scheme has been amended to show an altered species mix which includes larger specimen trees.
- 8.17 It is agreed that the provision of car ports underneath tree T23 and the removal of benches has addressed the first section of the seventh reason for refusal, as confirmed in the comments from the Council's Senior Arboricultural Officer attached as appendix (2).

#### **Ecology**

- 8.18 It is agreed that a Preliminary Ecological Appraisal has been undertaken and accompanied the application submission and has not identified any constraints to the principle of development.
- 8.19 It is agreed that mitigation and enhancement measures to be employed during construction and incorporated in the development, can be secured by an appropriately worded condition.
- 8.20 It is agreed that the development can deliver 10% BNG by securing an off site solution secured through a Grampian condition. It is the appellant's intention to purchase BNG credits from the Hampshire and Isle of Wight Wildlife Trust in relating to their Lymington and Keyhaven Marshes Nature Reserve.
- 8.21 The appellants have confirmation from Roke Manor (attached as appendix (4)) to confirm that mitigation is available and secured at Roke Manor to ensure that the proposal can achieve nutrient neutrality. It is agreed that it is appropriate to secure nitrate mitigation by Grampian condition.
- 8.22 Matters associated with habitat mitigation are addressed in the accompanying statement of common ground.

#### **Highways**

- 8.23 It is agreed that the Council's second reason for refusal, relating to highway matters is resolved. The correspondence attached as appendix (5), between Hampshire County Council and the appellant's Transport Consultant (Bellamy Roberts letter and accompanying of 4<sup>th</sup> August 2023 attached as appendix 8) confirms that through the amended plans safe pedestrian access is

provided within the site and that it has been demonstrated that there is safe access to and from the site at the junction with Noads Way.

- 8.24 The contribution of offsite works in relation to improvements to the footpath network shown in principle in plan ref:5577-003 (attached as appendix 6), can be delivered via a Section 278 agreement and the provision of the project can be secured by a Grampian condition.

#### **Flood Risk/Drainage**

- 8.25 It is agreed that the site lies within flood zone 1 (the lowest risk of flooding).
- 8.26 It is accepted that if a sustainable drainage is demonstrated as being unable to deal with on site surface water drainage discharge to a sewer is permissible by planning/SUDS guidance.
- 8.27 It is agreed that there are no watercourses within the site or adjacent to the site that are able to form part of the drainage strategy.
- 8.28 Subject to the agreement of Southern Water to attenuation and off-site infrastructure capacity the drainage strategy detailed in the 11th July 2023 letter from Calcinotto (attached as appendix 7) will, if implemented, provide a workable and deliverable solution.
- 8.29 The proposed drainage strategy detailed in the 11<sup>th</sup> July 2023 letter from Calcinotto will not give rise to increased surface water flooding on site and as such the first section of reason for refusal 3 would be resolved, by this drainage approach.

#### **Affordable Housing**

- 8.30 It is agreed that the scheme meets the threshold for consideration of its contribution towards affordable housing as set out in the NPPF and Local Plan policy HOU2. The wording of the policy allows for the viability of development to be taken into account in the application of policy HOU2.
- 8.31 It is agreed that a policy compliant provision for this part of the New Forest District is 35%.
- 8.32 A detailed Statement of Common Ground covering Affordable Housing provides further details of matters agreed and remaining in dispute.

#### **Open Space**

- 8.33 It is agreed that in accordance with saved local plan policy CS7 the scheme should aim to make provision for open space to meet the recreational needs of its residents.
- 8.34 Based on the adopted ratios of 3.5Ha/1000 population, the scheme is expected to provide:
- Informal POS: 0.15ha
  - Play Space: 0.02ha
  - Formal POS: 0.09ha

8.35 It is agreed that the scheme makes provision for 0.075ha of informal open space on site.

Policy CS7 forms part of the 2009 Local Plan Part 1 Core Strategy document and is evidenced from a PPG17 study.

8.36 It is accepted that the contribution of £48,932 would provide an equivalent to the spatial requirement of play/recreation for the Childrens and Formal public open space based on provision of the following,

- Swing – Twin swing (with metal top bar) one normal one cradle, area 23.3m2 cost £2200
- Slide – Medium height, area 18.2 m2 cost £3850
- Climb – Jungle net, 29.4 m2 area, £2560
- Rotating – Roundabout, accessible for wheelchairs, 29.1m2, £7480
- Brachiating – Overhead ladder (monkey bars), 28.3m2, £4540
- Balance – Wobble bridge, 27 m2, £2610
- Sensory – Sensory play panel 11.1m, £1440,

Total equipment cost = £24,680

- Equipment install cost = £6170
- Boundary supply and install (fence for 186 m2 = 58m length x £55 per m) = £3190 (a boundary is required under EN1176 to ensure the play area is dog free)
- Safety Surfacing (assuming tigermulch or similar) £86/m2 x 166 = £14,276
- The play area will need to be inspected and certified by an RPII inspector (to comply EN1167) = £616

#### **Air Quality**

8.37 It is agreed that the development would comply with the LPA's Air Quality SPD. This (compliance with the Air Quality SPD) is achieved with the recommendation in the Air quality Consultants report (October 2022) A dust management plan could minimise impacts during construction and could be secured as part of a Construction Management Plan condition.

#### **Broadband**

8.38 It is agreed that the appeal site has access to standard and superfast broadband with up to 49 Mbps download speeds.

#### **Planning Obligation/ Legal Agreement**

8.32 It is agreed that the completion of a unilateral agreement securing the following:

- New Forest Habitats recreational mitigation Infrastructure £ £145,476

- New Forest Habitats recreational mitigation non-infrastructure £ £21,716
- Solent Bird Aware £ £19,820
- New Forest Habitats Air Quality monitoring £ £2,472.00

will address reason for refusal 4 and

It is the Appellants intention to offer:

- Formal Public Open Space and Play equipment contribution £48,932.00

To address reason for refusal 5 in part (in relation to Play Space and Formal Open Space provision)..

## 9.0 Matters that remain in dispute

9.1 The issues that remain in dispute between the appellant and the LPA are as follows:

- Whether the proposal by virtue of the extent of site coverage (built form) and hard surfacing, including car parking provision, is harmful to the character and distinctiveness of the area.
- Whether the proposed level of open space is deficient and as such has a harmful impact on the landscape setting of the site and recreational needs of residents.
- Whether the proposed design is well planned and high quality reflective of and contributing positively to the local distinctiveness of the site's context
- Whether it is viable for the proposal to make a contribution towards affordable housing and the level and tenure mix of such provision
- In the Council's opinion that the drainage strategy proposed is not sustainable and all options for achieving surface water drainage in accordance with the drainage hierarchy have not been exhausted.

## 10.0 Planning Conditions

10.1 The following conditions are being considered by the appellant and the LPA to be agreed in advance of the inquiry.:

Number	Text
1	<p>The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).</p>

2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>• Site and Block Plan drwg. no. 211140.41H scale 1:500 @ A1</li> <li>• Houses 01-03 plans &amp; elevations ref:21110.42 rev B</li> <li>• Houses 04 -07 Plans and Elevations drwg. No. 21110.43C</li> <li>• Houses 08-13 plans &amp; elevations ref:21110.44 rev B</li> <li>• Houses 14 -17 Plans and Elevations drwg. No. 21110.45C</li> <li>• Houses 18-21 Plans and Elevations drwg. No. 21110.46C</li> <li>• Houses 22-25 plans and Elevations drwg. No. 21110.47C</li> <li>• House 21 Carport Elevations dwg. No. 21110.51A</li> <li>• Landscape plan 293-1-R7</li> <li>• Landscape plan 293-3-R6</li> <li>• Landscape plan 293-4 – planting mood board</li> <li>• 5577-312 BR Proposed Layout (internal highway)</li> <li>• </li> </ul>
3	<p>If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation under the terms of this condition.</p> <p>Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.</p>
4	<p>Prior to use or occupation of the development hereby permitted, the car parking areas (and any turning space required to be provided) shall be constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.</p> <p>Reason: To ensure provision of adequate parking facilities in the interest of highway safety.</p>
5	<p>Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.</p> <p>Reason: To ensure a satisfactory visual appearance of the development.</p>
6	<p>A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The CEMP shall include, but not be limited to, the following:</p>

	<ul style="list-style-type: none"> <li>• Restriction on bonfires to be held on site at any time.</li> <li>• Details of the hours of construction which shall not extend beyond: <ul style="list-style-type: none"> <li>• Monday – Friday 0700 – 1900</li> <li>• Saturday 0800 – 1300</li> <li>• No noisy activity on Sundays or Bank Holidays</li> </ul> </li> <li>• Start up of vehicles and machinery to be carried out in a designated area as far away from surrounding residential areas as practicable. Start up and movement of vehicles and equipment will be limited to 30 minutes prior to the hours of construction only.</li> <li>• Measures to control suppress and minimise dust emissions, including controlling dust from regularly trafficked road areas.</li> <li>• Details of a contact telephone number shall be displayed on site for members of the public to raise issues. A named person will also be provided in order for contact to be made should complaints be received.</li> <li>• Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall be segregated again, and removed appropriately.</li> <li>• The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.</li> <li>• Any sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions including noise, dust, smoke and fumes.</li> <li>• Details of communications with adjacent residents in close proximity to the site to give a minimum of 48 hours notice of any exceptional construction activities.</li> <li>• Should piling be necessary for the construction of the development the CEMP shall consider impacts upon nearby residents and whether auger piling is used for new buildings adjacent to existing dwellings.</li> </ul> <p>Thereafter the CEMP shall be adhered to for the duration of the constructions works.</p> <p>Reason: In the interests of residential amenity.</p>
7	<p>The development hereby permitted shall not be occupied until: A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all</p>



	<p>measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;</p> <p>A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and</p> <p>The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.</p> <p>Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017</p>
8	<p>No development shall take place until details of the implementation, maintenance, and management of a drainage scheme has been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:</p> <ul style="list-style-type: none"> <li>i. a timetable for its implementation, and</li> <li>ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.</li> </ul>
9	<p>Prior to first occupation of the dwellings hereby approved a Biodiversity Net Gain (BNG) Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority (covering a minimum period of 30 years). to demonstrate that credits have been secured to deliver the equivalent of a 10% net gain in BNG for 30 years.</p>

10	Prior to any works above slab level a section 278 agreement shall be entered into to ensure the delivery of the off site highway works as shown on plan xxxx.
11	<p>Before the commencement of development, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following as appropriate:</p> <ul style="list-style-type: none"> <li>a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas;</li> <li>b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run off;</li> <li>c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required);</li> <li>d) Predicted run-off rates from the proposed scheme; and</li> <li>e) A timetable for implementation</li> </ul> <p>The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with the approved timetable.</p>

## 11.0 Core Documents

- 11.1 The Appellant and the LPA will jointly prepare a list of Core Documents upon which they intend to rely at the forthcoming inquiry.