

Application Number: 19/10013 Full Planning Permission

Site: LAND OF FENWICKS STORAGE YARD, BROKENFORD LANE,
TOTTON SO40 9DX

Development: Development of 21 dwellings comprised; 3 terraces of 5 houses;
1 terrace of 6; bin and cycle store; parking, landscaping, access
and associated works

Applicant: Sovereign

Target Date: 05/04/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Affordable housing policy requiring social rent.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Planning Agreement
Housing
Meteorological Safeguarding
Built-up Area
Town Centre Boundary
Plan Area
Historic Land Use
Aerodrome Safeguarding Zone
Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Housing needs
3. Climate change
4. Character of towns and villages
9. Biodiversity

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS9: Settlement hierarchy

CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 Presumption in favour of development
DM3: Mitigation of impacts on European nature conservation sites
DM5: Contaminated land
TOT6: Land east of Brokenford Lane

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 - Housing design, design and character
SPD - Parking Standards
SPD - Mitigation strategy for European species
SPD - Totton Town Centre Urban Design Framework

6 RELEVANT PLANNING HISTORY

- 6.1 **17/11740** - 21 dwellings comprised; 1 terrace of 10 dwellings; 1 terrace of 5 houses; 1 terrace of 6 houses; parking; landscaping (Outline application with details only of access, appearance, layout & scale)
Granted 7/08/18
- 6.2 **18/11018** (Site adjoining to NW) - 24 Dwellings comprised 18 houses; 1 block of 6 flats; associated parking; access; landscaping
Decision -Granted subject to S106 agreement 5/02/19
- 6.3 **17/11557** (Site adjoining to NW) 24 dwellings comprised 4 blocks of terraced houses and 2 flats; open space; parking (Outline application with details only of access)
Decision Withdrawn 14/02/19 (in favour of detailed permission 18/11018)
- 6.4 **13/10035** Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping (Extension to time limit of Planning Permission 10/95182).
Granted: 11 July 2013
- 6.5 **10/95182** Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping.
Granted: 14 May 2010

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: outline planning permission was achieved on this site last year for 21 dwellings in a similar site layout. Residential development on this site has been expected for some time and included in the local plan. The previous proposal had some issues regarding a shortage of open space and parking spaces and did not include any affordable housing. The first two issues remain but the site will now be 100% affordable housing which is a welcome change. The concerns about parking provision still remain significant from Councillors who see the current amount of off-site parking on Brokenford Lane as a major issue, and something that this application will impact negatively and dramatically. One suggestion would be the introduction of a resident permit scheme or some permit system to use the nearby NFDC car park free of charge. Despite these issues, overall it is felt that the development would be very beneficial to the area.

Recommended for permission, but would accept the decision reached by the District Council's Officers under their delegated powers.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Environment Agency: no comments received

9.2 Hampshire County Council Highway Authority: the application site benefits from an existing planning consent for development of 21 dwellings with 36 parking spaces, and bin and cycle storage. The scheme has since been revised.

Having reviewed the current proposal, we are concerned that the dimensions of those parallel parking spaces (01 to 08, 11-19) are well below the standards (2.4m x 6m) being just 1.7m (w) x 5.7m (L). As such it effectively makes the width of parking aisle much narrower than 6m therefore makes manoeuvring difficult. It would also affect manoeuvring of refuse truck/ delivery lorry as the submitted swept path analysis shows that even based on the substandard dimensions tracking lines are touching the parking bays on both sides of the aisle. We therefore suggest the applicant should widen all of the parallel parking bays and aisle space by shifting perpendicular parking bays slightly outwards by 500mm to increase the aisle space. If these are not revised, the effective turning space would be inadequate for manoeuvring of both cars and HGVs.

However, all matters related to parking are down to NFDC as the local parking authority, and as such it is ultimately the decision of NFDC whether to ensure their parking standards SPD is adhered to or not. Whilst the dimensions of the proposed parking bays are substandard, the Highway Authority would not see this as a reason for a recommendation for refusal but would strongly advise parking bays to be designed in accordance with the standards so they are usable.

9.3 Urban Design: no further comments at this stage. It will be important to obtain good quality detailing and materials for these terraced buildings and the details and materials of the landscape/external spaces is critical.

- 9.4 Landscape and Open Spaces: no objection on landscape/openspace grounds, subject to conditions. There are a number of design changes and modifications that would create a better development and resolve issues.

Regarding landscape and open space comments, subject to agreeing to change aspects of the scheme as outlined, the specifications and details could be conditioned as it does not affect the fundamentals of the layout. However, issues regarding the site drainage, SuDS and car parking could fundamentally affect the sites layout and these therefore do need to be addressed.

- 9.5 Environmental Health (Pollution): following the recent submission of the Proposed Remedial Strategy dated 09 December 2018 undertaken by Forge Environmental Management Ltd. the following comments are made:

The Remedial Strategy has been submitted to address the identified hazards documented in previous reports in order to remove or manage any on-going risks to human health and controlled waters to ensure the site is suitable for its proposed residential end use.

The report summarises the previous site investigations which has informed a refined conceptual site model identifying several pollutant linkages that require addressing with remedial options.

All soft landscaped areas and private gardens will be capped with clean material at a depth of 450mm and 600mm respectively to address lead, hydrocarbon and asbestos contamination.

The area within the vicinity of TT3 will be excavated to remove a hotspot of contamination. The localised hydrocarbon impacted groundwater within the vicinity of BH205/TT4 and BH201/TT5 will be pumped out once the areas are excavated. The UST identified on the site will be removed.

The area adjacent to the northern boundary where an AST was identified will require a watching brief during the excavation of the concrete slab.

Passive ground gas protection measures are to be installed within all new properties to address elevated CO2 levels identified on the site.

All appropriate validation reporting will be required to be submitted for compliance with planning conditions. Including:

- capping thickness and chemical suitability of imported material
- validation sampling in capped areas
- validation sampling in excavations
- validation sampling of arising to be reused
- post remediation groundwater monitoring in the south-western corner of the site (1 sample per month for 3 months depending on the results).

Therefore we consider that the planning permission should only be granted to the proposed development subject to 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.

They have no specific comments concerning the demolition plan. Largely because the remediation for the site includes clean cover for the whole site, so any further potential contamination will be dealt with.

9.6 Housing Development and Strategy Manager: comments awaited

9.7 Network Rail: no objection subject to asset protection agreement.

9.8 Southern Gas Networks: standard advice offered in relation to work in proximity to gas pipelines. (No pipelines within the development site).

9.9 Southern Water: initial investigations indicate that Southern Water can facilitate foul sewerage and surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the foul and surface water sewers to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website

The proposed on site drainage is not designed to adoptable standards and Southern Water requirements. Southern Water will not allow construction of tanked impermeable paving over or within 5 meters of adoptable sewers.

Also it is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a. Adequate soakaway or infiltration system.
- b. Water course.
- c. Where neither of the above is practicable sewer.

We request that should this application receive planning approval, the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards and Southern Water requirements will preclude future adoption of drainage assets.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of

the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

10 REPRESENTATIONS RECEIVED

10.1 One letter has been received which raises the following points:

Query with regard to boundary fence position affecting my property and that of my neighbours. Can the developer clarify the exact boundary line and what their intentions are as I believe we have a right of access along a strip of land to the rear of our fences.

11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion - albeit the development has been planned with Secure by Design in mind.

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (21 x £1224 = £25,704.00) in each of the following four years, subject to the following conditions being met:

The dwellings the subject of this permission are completed, and
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 £0.00 (Affordable housing exemption claimed).

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 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 and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

14.1 Site description and proposals

14.1.1 The application relates to land at Brokenford Lane comprising the now derelict Fenwick's Storage Yard and seeks full permission for the erection of 21 dwellings comprising four terraced blocks of two storey 3 bedroom houses; access; parking and landscaping with details of access, appearance, layout and scale all to be considered.

- 14.1.2 The application site forms the southern parcel of a larger area that previously provided for industrial uses. The site adjoins sidings adjacent to the Waterloo - Weymouth railway line to the north and is visible from the railway line. The railway line separates the site from the town centre. There is a pedestrian footbridge over the railway at this point and Brokenford Lane is a well-used pedestrian route to the town centre. There is a current application before the Council in respect of the adjoining site reference 18/11018 for 24 dwellings which is about to be approved once the section 106 agreement has been signed.
- 14.1.3 The site is located within Flood Zone 2 and the Environment Agency has been consulted.
- 14.1.4 This site, combined with the adjoining site to the north west and further land to the south of Brokenford Lane is allocated for residential development under Policy TOT6 of the Local Plan Part 2.
- 14.1.5 There is a history of planning permissions for residential development on this site with the most recent permission granted in August 2018. This permission is still valid and is a material planning consideration in the assessment of this scheme. This application differs to that now submitted and related to the site as a whole. The main differences between this application and the approved scheme is in relation to the design of the terraced blocks. The earlier scheme showed a multi gabled approach to the housing blocks whereas this scheme shows simpler more traditional terraced blocks with a uniform ridge line. The scheme has been the subject of some pre application discussions with the Council.
- 14.1.6 The terraced units are to be faced in a traditional brick finish all under a slate roof with uPVC windows and doors. The scheme includes bin and cycle stores, as well as a small area of public open space. The terraced blocks are as per the earlier permission arranged in two lines with each line split into two blocks. One line runs parallel with the rear elevations of Nos. 44-54 Brokenford Lane, with the other line running parallel with the railway line to the north.
- 14.1.7 The developers are keen to secure the site and remedy current anti-social issues such as fly tipping and accordingly wish to carry out demolition of the existing buildings in January. This is currently being considered but subject to CIL regulations is likely to be acceptable so that there is an early resolution to these issues. By the time this application is presented to Committee the site will have been cleared of all derelict buildings.
- 14.1.8 The key issues with this application are matters of principle and policy including affordable housing, design and appearance, impact on local amenity, highway safety, flood risk, contaminated land, and matters relating to ecology.
- 14.2 Principle and policy requirements
- 14.2.1 The principle of the development of this site is well established. The recent permission on the site provided no affordable housing because of viability issues associated with on-site abnormal costs particularly in

relation to contaminated land. This new application now provides for 100% affordable units and this is very welcome. Grant aid from Homes England has been achieved to allow this to happen.

14.2.2 a) Affordable housing

Policy TOT6 requires the provision of affordable housing to accord with Policy CS15(d). Unlike the previous approval which had no affordable housing this proposal submitted by a registered housing provider now includes for 100% affordable units with a range of tenure types as shown on the submitted plans (11 affordable rent and 10 shared ownership).

14.2.3 With regard to affordable housing the applicants now intend to build out the whole site as affordable. However, the Council can only ask for policy requirements to be part of any Section 106 agreement. In this case this equates to 40% being a total of 8.4 units. Normally this would require 8 units provided on site and an off-site contribution of 0.4 units. Of the 8.4 units, 25% (2.1 units) should be social rent with the rest being intermediate. The applicants have offered to tie 9 dwellings for affordable rent the definition of which is a property offered with at least a 20% reduction on market rents. Whilst this does not strictly accord with policy it is considered that the 9 dwellings offered will be an acceptable compromise with policy. Overall it is likely that the remaining dwellings (2 and 10 units will also be affordable on the basis of affordable rent and intermediate).

14.2.4 b) Public open space

14.2.5 The proposal generates the need for public open space in accordance with policy CS7; it is not considered that subdivision of the allocated site into two (as covered by this application and 18/11018) negates the need for this despite the site area now being below 0.5Ha. Policy CS7 requires a minimum standard equivalent to 3.5Ha of public open space per 1000 population. Application 17/11740 included a modest area of public open space that was considered to be beneficial to the setting of the development and the amenities of future occupants. This short fall was made up by way of contributions towards the improvement of the adjoining public open space on the western side of Bartley Water.

14.2.6 The current proposal puts forward the same area of public open space without a play area on the site, as agreed previously, and with a contribution again to improve play facilities in the vicinity of the site on the western side of Bartley Water. The earlier permission on the site required through a Section 106 agreement a transfer of the Public Open Space on site to either the Town or District Council with a maintenance sum, as well as an off-site contribution to the Bartley Water area of some £37,869.61. (Members should note at this point that the other part of this allocation to the north west has recently been granted permission under 18/11018 and that site contributed a sum of £27,747,13 which can be added to the pot for off-site improvements). There will need to be an adjustment for inflation and the final figures for off-site and on-site contributions will be confirmed prior to the S106 being concluded.

14.2.7 Design

The dwellings on this application are arranged in the same general pattern as per the previous approval. The blocks have been broken into four separate blocks which does allow easier rear access for the residents. The design has been simplified to reflect traditional terraces. Facing brick and slate materials as proposed are considered acceptable. It is considered that whilst there may be some minor alterations required by the Environmental Design Team the overall submission is acceptable subject to any minor changes required. Any necessary change will be internal to the site only and not require any wider re-consideration.

14.2.8 Highway Safety

The proposal provides for a total of 36 car parking spaces (31 allocated and 5 unallocated). In addition a total of 42 cycle spaces are planned. The Council's SPD on parking recommends a total of 44.1 spaces inclusive of visitor spaces; the applicant is proposing 36 spaces which is a shortfall of 18%. Hampshire Highways highlight that off-site parking might become obstructive with the potential for footway parking given the nature of Brokenford Lane. The site is close to local amenities and public transport however and on balance, it is considered that any associated objection is unlikely to be sustainable. In this regard, whilst deferring the matter of parking provision to NFDC, Hampshire Highways have not formally objected to the application. The fall-back position is that the site benefits from an extant permission with the same number of parking spaces as now proposed.

14.2.9 The Highway Authority also point to other issues with regard to the size of parking spaces and the ability for larger vehicles to turn within the site. In response the applicant's agent states the following.

"I've just checked the CAD and the parallel parking bays are 6m x 2m, HCC have not correctly interpreted the drawing which is showing a 300mm border to the road/parking finish which is included within parking space. With regard to the Refuse vehicle tracking this is not relevant as it is not entering site, the Bin collection point at entrance."

14.2.10 Local amenities

There are a small number of existing dwellings that are impacted by the new development. The units comprising 44-54 (even nos.) back onto two of the terraced blocks. The position of these dwellings are a reasonable distance away from the back of the existing dwellings (in excess of the usual 21 metres distance employed). The existing dwellings until recently were faced with poorly designed large industrial units. The new dwellings will radically improve their outlook and will lead to less residential amenity issues. One comment has been raised regarding the details of a rear access lane and this is being clarified with the agent.

14.2.11 The other residents affected are those on the edge of the Jackie Wigg Gardens estate to the east of the site. Again there are one or two residents which lie closest to the new site but these are separated from the site by a narrow access lane and there is some oblique overlooking of the end property only.

14.2.12 Overall there will be a significant uplift in this area of Totton once both this site is developed and the site to the north-west. The removal of unsightly industrial buildings and the redevelopment with good quality housing will result in a significant boost in visual terms to this area of the town. The final part of the allocated site may also come forward at a future date and this will complete the development to the overall benefit of the town.

14.2.13 Consequently the impact on local amenity is considered to be acceptable and in line with the policy requirements set out in CS2.

14.2.14 Flood risk and surface water

The application site lies within an area of Flood Risk with nearly the entire site within Flood Zone 2. The National Planning Policy Framework advises that inappropriate development in areas at risk of flooding should be avoided but where development is necessary, it should be made safe without increasing flood risk elsewhere. In the normal course of events, a Sequential Test should be undertaken to steer new developments to areas with the lowest probability of flooding. If following application of the Sequential Test, it is not possible, consistent with wider policy objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. This should demonstrate that there are wider sustainability benefits to the community that outweigh flood risk whilst a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime and, where possible, reduce flood risk elsewhere.

14.2.15 Given the site's allocated housing status within the Local Plan, it is not felt that there is a need to carry out an individual Sequential Test and this reflects the stance taken at the time of the previous planning permission. A flood risk assessment has been submitted (which is also a requirement of Policy CS6) and the Environment Agency have raised no objection to the application subject to a condition to ensure that development is carried out in accordance with this flood risk assessment. As such, overall it is considered that the flood risk associated with this proposed development would be acceptable.

14.2.16 A Flood risk assessment and sustainable urban drainage scheme to deal with surface water has been submitted for consideration. The conclusions of these studies is that the redevelopment of the site will increase the amount of permeable area and that the surface water run-off from the site can be effectively dealt with and can result in a lower off site flow of water than currently exists. The earlier permission which the applicants have inherited included a flood risk assessment. The permission included a condition requiring the development to be carried out in accordance with that FRA. It is recommended the same condition be applied this time. In addition a condition can be applied relating to surface water disposal.

14.2.17 Contaminated Land

The Council's Environmental Health Officer has considered the application and been in liaison with the developers during the demolition works recently undertaken. The EHO has no objections

subject to the imposition of standard conditions to deal with contaminated land that is known about and any occurrence of contamination which may be discovered during the course of the development.

14.2.18 Ecology

On site biodiversity enhancements are required by policy. This can be covered by an appropriately worded condition as per the earlier permission on the site.

14.2.19 In accordance with the Habitat 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.

14.2.20 The applicant is aware this will require a significant monetary contribution as per the earlier permission and that no allowance can be made by the fact that the dwellings will be offered at 100% affordable. This latter fact will also impact on the habitat mitigation contribution as there is no CIL payable on this occasion. The habitat mitigation figure is therefore likely to be £99,162.00.

14.2.21 Conclusions

The site has the benefit of an extant permission for the same number of units and for the same general site layout. The principle of development is firmly established. The provision of 100% affordable is welcomed. The policy requirements for social rent cannot now be met but affordable rent offered at 9 units to be tied by S106 is considered to be a reasonable compromise. The design and layout is considered acceptable and all other planning considerations can be covered by appropriate conditions.

14.2.22 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.

14.2.23 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	8.4	21 (9 tied by S106)	+12.6
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£99,162.00	£99,162.00	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Social Housing	1967.14	0	1967.14	1967.14	£80/sqm	£192,477.08 *

Subtotal:	£192,477.08
Relief:	£192,477.08
Total Payable:	£0.00

* 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 2019 this value is 1.22

15. RECOMMENDATION

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

- 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 (as amended) to secure
 - a) The permanent securing of nine units of affordable housing by way of affordable rent in accordance with the provisions of the New Forest District Council Core Strategy policy CS15
 - b) An index linked financial contribution in accordance with the provisions of the New Forest District Council Core Strategy policy CS7 and CS25 towards public open space enhancements within the strip of land between the application site and Bartley Water leading to Rumbridge Street car park and including the Eling Recreation Ground in the sum of £TBC
 - c) The provision within the site of an area of open space with such space to be transferred on completion of the necessary works and subject to an index linked financial contribution towards the maintenance of open space subject to a minimum contribution of £2900.00
- ii. the imposition of the conditions set out below together with any additional conditions that may be necessary to deal with the comments raised by the Council's Environmental Design Team, to include any necessary changes to the approved plans list.

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:

2017/D1339/SK100	Site location plan
18078-PL-2-01	Location Plan
18708-PL-2-02 rev C	Site layout
18708-PL-2-03 rev B	Tenure
18708-PL02-04 rev B	Building heights
18708-PL-2-05 rev C	Building materials
18708-PL-2-06 rev B	Bedrooms
18708-PL-2-07 rev D	Boundary materials
18708-PL-2-08 rev B	Parking/bins
18078-PL-2-09 rev A	Site layout
18-040-SK04	Drainage strategy
18-040-SK07	Proposed external finishes

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the spaces shown on plan 18708-PL-2-08 rev B for the parking of motor vehicles and cycle storage provision have been provided. The parking spaces shown on the approved plan shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

4. 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 shall be erected or carried out without express planning permission first having been granted.

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

5. Before development commences above slab level of any of the dwellings, 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. The approved Proposed Remedial Strategy dated 09 December 2018 undertaken by Forge Environmental Management Ltd. 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 Core Strategy for the New Forest District

outside the National Park.

7. 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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 Core Strategy for the New Forest District outside the National Park.

8. A monitoring and maintenance scheme to include monitoring the effectiveness of the proposed remediation over a period of 3 months or longer (as stated in the remediation scheme), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. 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 Core Strategy for the New Forest District outside the National Park.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (RGP design, ref 2017/D1339/FRA1.3, dated 01 May 2018) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 4.64m above Ordnance Datum (AOD), as stated in paragraph 5.25 of the FRA
2. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To safeguard the development against flood risk and to accord with the provisions of the NPPF and Policy CS6 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. Prior to the construction of any part of the development details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: To ensure that the drainage system to be provided is of an appropriate standard.

11. Prior to the occupation of any of the dwellings, full details of the waste collection facilities for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason: To ensure adequate provision is made for waste collection facilities and to protect the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside of the National Park (Adopted 2009).

12. Prior to the commencement of development a programme / method statement for the construction and implementation of the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure development proceeds in an appropriate manner and to protect the amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park (Adopted) 2009.

13. Prior to the commencement of development above slab level of any of the dwellings hereby approved, full details of biodiversity mitigation, compensation and enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter strictly accord with these approved details.

Reason: To safeguard the ecological interests of the site and to accord with Policy CS3 of the Core Strategy for the New Forest District outside the National Park (Adopted October 2009) and Policy DM12 of the Local Plan Part 2: Sites and Development Management Document (Adopted 2014).

14. 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.

Notes for inclusion on certificate:

1. In discharging condition No.14 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/>
2. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

3. Wildlife and protected species are widespread in the New Forest District and the issuing of planning consent should not be taken as acceptance that they may not be present at the time of development operations. Given that disturbance or harm to wildlife can result in criminal offences being committed by those undertaking or commissioning works, due regard should be given to the law and relevant professional advice. (Whilst professional information supporting this application suggests risks to protected species may be low, regard should be given to ecological advice and) as wildlife is mobile and may occupy sites where evidence was not previously found, the risk of presence should be appropriately addressed during works. If evidence of protected species (such as bats, nesting birds and reptiles) is encountered, works should stop immediately and Natural England, as well as an ecological consultant, contacted for advice, Works should only proceed in accordance with the advice provided.

4. 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 all the above apply. Some minor amendments to the submitted details have been discussed and agreed with the Local Planning Authority.

5. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
March 2019

Item No: 3g
Land of
Fenwicks Storage Yard
Brokenford Lane Totton
19/10013

Scale 1:1250

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

