

Application Number: 22/11107 Full Planning Permission

Site: 7-9 RUMBRIDGE STREET, TOTTON SO40 9DQ
(PROPOSED LEGAL AGREEMENT)

Development: Conversion of existing frontage and demolition of rear office building to provide 13 residential dwellings for supported living with associated carer office and overnight accommodation with associated landscaping and cycle parking

Applicant: Purpose Social Property Limited

Agent: Vail Williams LLP

Target Date: 27/12/2022

Case Officer: Warren Simmonds

Extension Date: 27/01/2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Affordable housing provision
- 3) Design, site layout and impact on local character and appearance of area
- 4) Highway safety, access and parking
- 5) Residential amenity
- 6) Flood risk
- 7) Air quality
- 8) Ecology and biodiversity

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Totton and Eling Town Council.

2 SITE DESCRIPTION

The application site is located within Totton town centre, fronting onto Rumbridge Street at the north and backing onto the Windsor Road car park at the rear.

The site was last used for office purposes in support of DPP Ltd plumbing operations, but is now vacant as the business has moved to different premises within the town (commercial premises at 14 Bartram Road, Totton).

The site frontage onto Rumbridge Street is a two storey pitched roof building which is to be retained. The remainder of the long and narrow site is covered by a single storey flat roof building that was used for office purposes, and a small service yard to the rear (with access from Winsor Road car park).

To the east of the site is number 5 Rumbridge Street which is a two storey flat roof building with a variety of commercial uses on the ground floor and residential flats above including informal rear balconies at first floor level.

To the west is 11 Rumbridge Street which constitutes a two storey low pitched building with commercial ground floor frontage and residential uses above and behind. Mayday Court to the west includes four west facing terraced houses whose rear building line is on the boundary of the site. There are no windows in the rear (east facing) elevations of the terraced houses apart from small roof lights.

3 PROPOSED DEVELOPMENT

The application seeks full planning permission for the conversion of the existing frontage building and demolition of the rear office building to provide 13 residential dwellings for supported living with associated carer office and overnight accommodation.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11281 Construction of 6x dwellings; conversion of the existing office building to provide ground floor commercial use and cycle parking for dwellings; conversion of the upper floor to 1x dwelling; part demolition of existing building (Outline application with details only of access, layout and scale)	15/09/2022	Granted Subject to Conditions	Decided
05/83883 Retention of first-floor extension for additional office and a flat; detached two-storey terrace of 4 houses	06/09/2005	Granted Subject to Conditions	Decided
03/79535 First floor extension for additional offices and a flat; detached two-storey terrace of four houses	16/02/2004	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON6: Primary, secondary and local shopping frontages

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR4: The settlement hierarchy

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

TOT18: Rumbridge Street Secondary Shopping Frontage

Supplementary Planning Guidance And Documents

Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021)

SPD - Air Quality in New Development. Adopted June 2022

SPD - Parking Standards

Relevant Advice

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Constraints

NFSFRA Fluvial
Flood Zone
Plan Area

Plan Policy Designations

Town Centre Boundary
Built-up Area
Rumbridge Street Secondary Shopping Frontage

6 TOWN COUNCIL COMMENTS

Totton & Eling Town Council

Whilst it was recognised permission had been previously granted on the site for residential dwellings (ref: 21/11281), Councillors felt this planning application, although for residential occupation had an aspect of business use. With that in mind no provision of parking had been made for staff, would carers be expected to pay for parking in Winsor Road?

A reduction in the number of units would enable parking provision for staff to the rear.

The other concern was potential noise and disturbance from the site which could have a detrimental effect on nearby residents.

RECOMMENDATION - PAR4: We recommend REFUSAL, for the reasons listed.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Surface Water

No objection to this application

NFDC Landscape Team

No comments required

NFDC Strategic Housing officer

Support, subject to meeting affordable housing provision requirements.

Ecologist

I have no objections to the proposals subject to securing the mitigation (sensitive lighting & nesting birds) and enhancement measures (native tree and shrub planting and bird and bat boxes) detailed within the EcoSupport Preliminary Ecological Appraisal dated 13/09/2022.

Environmental Health Contaminated Land

No objection, subject to a standard condition.

Environmental Health (Pollution)

No objection, subject to condition with respect to noise level protection (for future occupiers of the proposed development) and CEMP.

Environment Agency

No response received, however no objection to previous proposal under planning reference 21/11281.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Four representations were received from third parties. Each was objecting to the proposed development. Grounds for objection include:

- Overlooking and loss of privacy to adjacent properties
- Concerns regarding noise and security
- Insufficient side boundary treatment
- Excessive amount of development
- Not enough outdoor space

For: 0

Against: 4

10 PLANNING ASSESSMENTPrinciple of Development

The proposed development is considered acceptable in principle:

The application site is located within the built up area of Totton and forms part of the designated Rumbridge Street Secondary Shopping Frontage, whereby saved local plan policy TOT18 is relevant. TOT18 states:-

"Within the Rumbridge Street Secondary Shopping Frontage, as defined on the Policies Map, development proposals which enhance the commercial vitality of the area will be permitted. A minimum of 40% of the total street frontage should be retained in retail use

No residential uses will be permitted within the ground floor street frontages."

The site is not within or adjacent to a Conservation area, nor are there listed buildings or other structures of heritage significance within close proximity. There are no Tree Preservation Orders (TPOs) affecting the site (however, two TPOs exist within Mayday Court).

The site lies in a highly sustainable location, being situated centrally within the town centre of a 'tier one' town as defined within the Council's Settlement Hierarchy (Policy STR4 refers). Within Totton there are a very good range of services and facilities within easy walking distance of the site including a range of public transport options.

Both local and national policy point to a preference of accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the principal settlements.

The principle of the residential redevelopment of the site has been established via the recent granting of outline planning consent for '*Construction of 6x dwellings; conversion of the existing office building to provide ground floor commercial use and cycle parking for dwellings; conversion of the upper floor to 1x dwelling; part demolition of existing building*' under planning reference 21/11281.

The proposed use

The current application differs from the previous proposal as it proposes 12 x one bedroom and 1 x two bedroom self-contained units of accommodation for occupiers with learning and physical disabilities as part of an assisted living scheme which includes associated on-site carers' office and carers' overnight accommodation.

The proposed residential accommodation is intended to provide a living environment suitable for adult occupiers with learning and physical disabilities. The application is made by Purpose Social Homes and the Registered Provider (RP) of Social Housing (instructed by Hampshire County Council) will be Westmoreland Supported Housing Limited - the tenure of the units is intended to be open-dated Assured Short-hold Tenancies.

On-site support for the occupiers is to be provided by Dimensions UK (a not-for-profit organisation supporting people with learning disabilities, autism, behaviours of distress and those with complex health needs) in conjunction with Hampshire County Council.

The proposed use is for supported/assisted living as planning use C3 (dwelling houses) and, for clarity, is not a C2 (residential institution) use.

Loss of employment use

Previous planning consent 21/11281 has granted consent for the residential conversion and redevelopment of the site for 7 x two bed dwellings but retained an area of the ground floor Rumbridge Street frontage as a Class E commercial/retail unit.

The current application retains a similar amount of the ground floor front element as offices and ancillary accommodation. These offices would fall within Use Class E which also includes retail shops - in this respect it is considered the proposal remains accordant with provisions and requirements of saved local plan policy TOT18.

Applicant's fall back position for change of use to dwelling

It is a material consideration that, notwithstanding the provisions of saved policy TOT18, permitted development rights remain available under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3 (Changes of use), Class MA (commercial, business and service uses to dwellinghouses) which could allow the change of use and conversion of the existing ground floor front office area to a dwellinghouse without the need for planning

consent from the local planning authority under the Prior Notification/Prior Approval procedure.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. However, it is anticipated that the updated housing land supply position will remain below the required 5 years.

In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

The NPPF identifies (para.69) that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

In summary, the NPPF tilted balance is engaged and officers consider in this case adds limited but material weight in the overall planning balance to the provision of new housing (and affordable housing).

Affordable housing provision

The application is for 13 dwellings and therefore a requirement to provide affordable housing is triggered under the provisions of local plan policy HOU2 and the NPPF.

Under policy HOU2 there is a requirement for all new developments of 11 or more dwellings, or of more than 1,000 sqm gross internal area (GIA) of residential floorspace, to provide affordable housing. In Totton and the Waterside area, the target is for 35% of new homes to be affordable housing.

For a 13 dwelling scheme in Totton this would equate to 4.55 affordable units, however because the site as it currently exists includes vacant building(s), the NPPF directs that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

In this case, the proportionate reduction, taking into account the GIA of existing vacant floorspace, results in an affordable housing requirement of 1.3 dwelling(s) for the proposed development. The applicant has agreed to provide the single two bed dwelling unit on the site (i.e. the two bed flat at first floor level within the retained Rumbridge Street fronting building) as affordable housing and this has been accepted in principle as meeting the affordable housing requirement by the Council's Housing Officer. The affordable housing provision can be secured by S106 legal agreement.

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

The layout (footprint) and scale of the proposed development is very similar to that proposed under the outline planning application 21/11281 (outline consent with matters of Appearance and Landscaping to constitute Reserved Matters). The height of the rear element now proposed is significantly less than that indicatively shown for the outline consent and there is no roof terrace element being proposed for the current application.

The existing two storey building fronting onto Rumbridge Street is to be retained with no significant amendments to its external design or appearance. The new two storey element attached to the rear will be subservient in height to the retained Rumbridge Street element and so will not be prominent in views from the perspective of Rumbridge Street.

The proposed rear two storey element is of simple, relatively utilitarian design and would consist of buff facing brickwork and dark coloured aluminium door and window frames. The design and appearance of the development is considered to be acceptable and appropriate within the context of the urban character and immediate surroundings of the application site.

Highway safety, access and parking

The access arrangements and provision for the application site are pedestrian only and remain as existing - no additional parking provision is proposed, and it is accepted that no additional parking provision is possible by reason of the limited amount of outside space available within the site.

As part of the Local Development Framework for its area, New Forest District Council adopted a revised Parking Standards Supplementary Planning Document (SPD) on 6th April 2022. The adopted SPD forms part of the Local Development Framework for New Forest District (outside the National Park) and outlines the recommended provision of cycle and vehicle parking for all new developments.

For each new one bed dwelling the adopted Parking Standards SPD recommends 1.4 shared or communal parking spaces, or 2 on-plot parking spaces, together with 1 cycle parking space per unit. However, within the revised Parking Standards SPD, Principle PS1 states that provides the following exception:

'In the main town Main Town Centre locations of Fordingbridge, Hythe Village, Lymington, New Milton, Ringwood and Totton, a reduced car parking provision will be acceptable subject to the site being well served by existing public and active modes of travel, and confirmation that factors influencing parking pressure set out in Annex 2 will not be exacerbated.

Proposals in these Main Town Centre locations will be assessed on a site by site basis with account taken of the layout and design of the development and where relevant can also take into account future public and active travel projects, where there is sufficient certainty in their delivery.'

A reduced (zero parking) scheme has already been accepted for the redevelopment of this site for 7 x two bedroom dwellings under planning reference 21/11281. The current scheme is likely to present a reduced demand for car parking as it is unlikely any of the intended assisted living residents will be car drivers.

In these respects, taking into consideration the highly sustainable town centre location of the proposed development, with good access to a wide range of local services, facilities and access to public transport, a zero car parking provision is considered acceptable in this case. A large public car park is available immediately to the rear of the site for staff to use if necessary.

In respect of cycle parking, the proposal includes provision for 4 x cycle parking spaces to within the ground floor area of the retained building.

Residential amenity

The application site is within an existing mixed commercial residential use area of the town centre. The proposed development would introduce additional mass and bulk/height at first floor level and would introduce residential units.

Policy ENV3 of the adopted local plan has regard to design quality and local distinctiveness and includes a requirement that new development will be required to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise, light pollution and other adverse impacts on local character or residential amenity.

The application proposes residential redevelopment in a town centre location which in itself constitutes an appropriate and acceptable use. As with any development, care should be taken in ensuring the proposal does not result in the undue overlooking or overshadowing of adjacent residential uses from proposed windows or any outside amenity space areas etc.

The proposed two storey rear element is substantially less tall than that indicatively shown in the approved outline planning consent (21/11281) and the current proposal has no roof terrace element. It is considered these two factors represent a significant improvement in amenity terms in respect of the potential for overlooking of existing adjacent properties.

Concerns from third parties have been raised in respect of potential overlooking effects of the existing first floor rear terraces relating to dwellings at 5 Rumbridge Street. Whilst a degree of mutual overlooking may arise from the proposed east facing first floor windows of the closest units of the development, such relationships are common within close knit urban areas. It is noted in this case the floor level of the external terrace area(s) is set significantly higher than the first floor floor level of the proposed units, meaning that the floor level of the terrace would be approximately 1.5m above the internal floor level of the proposed first floor units. As such, it is considered that the proximity and relationship between the proposed new dwellings and the existing rear outdoor amenity space of the adjacent dwellings would not amount to an undue level of overlooking by which the application could reasonably be refused.

Flood risk

The northern end of the application site falls within Environment Agency Flood Zone 2. This area of the site is also within the NFSFRA (Strategic Flood Risk Assessment) Fluvial flood zone 2.

To address flooding risks and to ensure that flood risk is taken into account the Sequential Test will be applied to direct new development to areas with the lowest probability of current and future flooding, and to control and avoid inappropriate development in areas at current or future risk from flooding.

The Exception Test will be applied to consider proposals that it is not possible to locate in areas of lower flood risk, taking into account any wider benefits of the development proposal, and safety consideration on- and off-site. Appropriate flood warning and evacuation plans are a SFRA requirement for any sites at risk of flooding where development is allocated or permitted in accordance with the flooding Exception Test.

In considering potential or proposed locations for development it is therefore important that, as far as reasonably possible, development is located where the risk

of flooding (from all sources) is and will remain lowest, taking account of climate change and the vulnerability of future uses to flood risk.

The Flood Risk Vulnerability Classification in National Planning Policy Guidance identifies 'Highly vulnerable' and 'more vulnerable' uses that are least appropriate to locate in flood risk areas. These include emergency service stations, mobile home parks, caravans, hospitals, residential institutions and housing.

The application is accompanied and supported by an appropriate Flood Risk Assessment (FRA) specific to the proposed development, in accordance with local and national planning policy guidance.

Air quality

The Council's 'Air Quality in New Development' Supplementary Planning Document (SPD) was adopted on 1 June 2022. To make development acceptable the Council will expect mitigation measures to be implemented by the applicant to reduce emissions to air from all proposed development.

The SPD provides guidance on when an Air Quality Assessment will be needed to support a planning application and what the assessment needs to address. It also confirms when an Air Quality Statement is required. Where necessary to enable development to take place, appropriate mitigation measures will be required, the document contains suggested mitigation measures.

In this case, the Council's Environmental Protection officer has confirmed that an Air Quality Statement (AQS) in respect of the proposed development should be required. The applicant has duly submitted an AQS which sets out appropriate mitigation measures in accordance with Appendix 1 of the SPD.

Ecology and biodiversity

On Site Biodiversity and protected species

The applicant has submitted a Phase 2 Bat Survey Report and Updated Preliminary Ecological Appraisal (EcoSupport, dated 13th September 2022) for the site, in which a scheme of ecological enhancements to provide a biodiversity net gain (BNG) for the development is set out.

The submitted PEA and scheme of BNG has been considered by the Council's Ecologist who raises no objection. The scheme of ecological enhancements can be made a Condition of the planning approval.

Habitats Mitigation

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement (or unilateral undertaking) to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy.

In this case, the applicant would be required (prior to determination of this planning application) to enter into a Section 106 legal agreement or submit a unilateral

undertaking, which secures the required habitat mitigation contributions as detailed in the 'Developer Contributions' section below.

Nitrate neutrality and impact on Solent SAC and SPAs

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. Natural England has now raised this with the Council and other Councils bordering the Solent catchment area and has raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation.

An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC considers that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

Managing air quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations.

A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

A financial contribution is required (to be secured via a Section 106 legal agreement or unilateral undertaking) towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement:

- Infrastructure contribution of £38,042
- Non-infrastructure contribution of £5,569
- Bird Aware Solent contribution of £5,243
- Air quality monitoring contribution of £1,183

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	691	105	586	243.22	£80/sqm	£26,567.39 *
Businesses - Offices (non-Financial /Prof	45	45	0	-22.32	No charge	£0.00 *

Subtotal:	£26,567.39
Relief:	£0.00
Total Payable:	£26,567.39

11 CONCLUSION

The proposed development would provide an appropriate residential redevelopment of the vacant site by providing new dwellings in a sustainable town centre location.

The proposal would make appropriate on-site provision towards affordable housing and would not result in undue impacts in respect of the amenity of neighbouring uses or in terms of the character of the surrounding area.

The proposal would make appropriate on site provision of affordable housing and would provide appropriate habitats mitigation via contributions to be secured by S106.

12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure:
 - appropriate on-site affordable housing; and
 - appropriate contributions in respect of habitats mitigation; and
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

1741P.102B	PROPOSED ELEVATIONS & SECTION PLANS
1741P.103	EXISTING PLANS & ELEVATIONS
1741P.101B	PROPOSED FLOOR PLANS
1741P.100D	SITE LOCATION & BLOCK PLAN

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

4. The development hereby permitted shall not be occupied until:

(i) 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 measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and

(ii) 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

(iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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.

5. Before development commences above ground level, samples or exact details of the facing 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. 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 no 7 to 9 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 10 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 CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. 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 the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

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 CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. 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 CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

9. Where a remediation scheme has been approved in accordance with condition 8, 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 CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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 CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

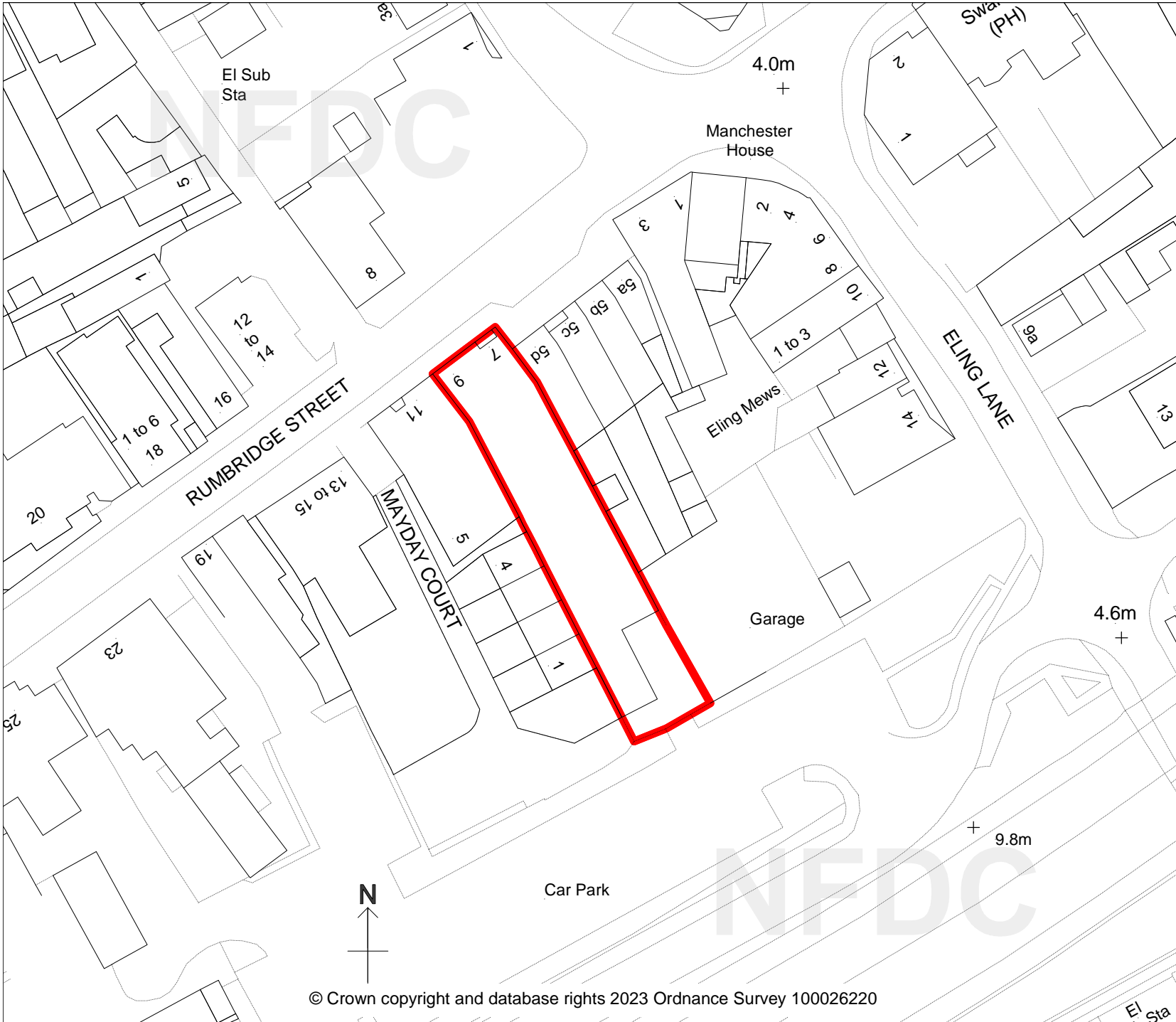
11. Development shall be carried out in accordance with the enhancement measures (Mitigation and Enhancements) for biodiversity as set out in Section 6 of the submitted EcoSupport Preliminary Ecological Appraisal (PEA) dated 13th September 2022.

Reason: To provide an appropriate level of biodiversity net gain for the development

Further Information:

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

February 2023

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Scale 1:699

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 scale.