

Application Number: 16/10886 Full Planning Permission

Site: SOLENT WORKS, NORTH CLOSE, LYMINGTON SO41 9BU

Development: One two/three/four-storey block of 41 retirement flats including communal facilities, access; parking; landscaping; demolition of existing

Applicant: Churchill Retirement Living Limited

Target Date: 14/10/2016

Extension Date: 16/12/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view, contrary to policy.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
4. Economy
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS14: Affordable housing provision
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers' contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: Presumption in favour of sustainable development
- DM3: Mitigation of impacts on European nature conservation sites
- DM5: Contaminated land
- DM10: Residential accommodation for older people

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

Housing Design, Density and Character SPG (NFDC 2006)
Parking standards SPD (NFDC 2012)
SPD - Lymington Local Distinctiveness
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

None relevant to the consideration of this proposal

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal: there is inadequate provision for car parking. Adverse impact on neighbours as a result of over dominance and shade from the scale and height of the development. In our opinion there is a glut of unsold retirement properties in the town and such an age restricted development will not fulfil the need for affordable housing.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Urban Design Officer: Overall the appearance is still rather too institutional and although the designer has made strenuous efforts to accommodate our concerns, the result is that this quantum of development (with design solutions restricted by the applicant's less flexible approach to some aspects such as window sizes) does not result in a building which appears particularly comfortable in this street.
- 9.2 Conservation Officer: The plans and elevations have been successfully amended to resolve the concerns raised over the design, proportions and details. No objection subject to conditions.
- 9.3 Hampshire County Council Highway Engineer: no objection subject to conditions.
- 9.4 Tree Officer: no objection subject to conditions.
- 9.5 Planning Policy: The site is currently made up of several plots: an unoccupied bungalow, a vacant industrial unit, a sign writing company, a gym and offices. As this enquiry relates to an employment site, policy CS17 is applicable which seeks to retain existing employment sites and allocations for continued employment use. This proposal would therefore be contrary to CS17. However, consideration needs to be given to its continued suitability for employment use. Key to this is the context of the site, which is predominantly residential; the impacts of the existing use, or potential future uses; and the potential for environmental benefits arising from a redevelopment. The site was not considered suitable for release in the last employment land review largely because of its proximity to the town centre and public transport facilities which resulted in a favourable

assessment. Also the site has clearly met the requirements of its occupiers for many years. However, it is not a site which offers ideal access for industrial traffic and, given the surrounding residential environment, it is not a location where employment uses would normally be promoted. In this respect, a residential redevelopment would be likely to provide for environmental enhancements (subject to an acceptable design). Consideration could be given therefore to recommending an exception to policy on the basis of overriding benefits arising from the proposal.

- 9.6 Ecologist: no objection subject to condition.
- 9.7 Southern Gas Networks: there are low, medium and intermediate gas pipes near the site. The applicant will need to be aware of the regulations.
- 9.8 Hampshire County Council Flood and Water Management Team: the proposals for surface water drainage meet the current standards/best practice in relation to surface water drainage.
- 9.9 Southern Water: no objection subject to conditions and informative notes.
- 9.10 Environmental Health (Contaminated Land): no objection subject to conditions.

10 REPRESENTATIONS RECEIVED

- 10.1 22 letters of objection have been received raising the following concerns: overdevelopment which would be out of character, loss of privacy, views and light, loss of employment use, insufficient parking, impact of increased traffic on surrounding highways, noise concerns, drainage issues, increased burden on health care, no need for more elderly persons accommodation, need family accommodation, concerns about construction traffic and disturbance during construction, contamination issues, location of refuse store, light pollution, request for a wall to the rear boundary and concerns about use of the footpath to the site from the southern arm of North Close.
- 10.2 Three letters raising the issue of the decline in the number of swifts and request that swift bricks/nest boxes are included in the scheme.

11 CRIME & DISORDER IMPLICATIONS

None relevant

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £46,080 in each of the following six years from the dwellings' completion, and as a result, a total of £276,480 in government grant under the New Homes Bonus will be received.

From 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £163,684.00.

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case following negotiation with the applicant amended plans have been submitted which have enable a recommendation to grant permission to be made.

14 ASSESSMENT

- 14.1 This site is located on the north-east side of North Close and comprises a collection of functional buildings and a bungalow associated with commercial uses on the site. The site is located in an essentially residential area with older properties to the north-east, south-west and opposite the site in North Close with a more recent residential development at Keel Gardens to the north. The existing residential development varies in design and size ranging from bungalows to two/three storey properties (with the second floors accommodated within roof spaces). The Lymington Conservation Area lies to the south of the site (but does not immediately adjoin it). There is a large Plane tree opposite the site in North Close, some vegetation that has value on the north-east and south-east boundaries of the site. The application is supported with a Planning Statement.
- 14.2 The proposal is to redevelop the site with a 2/3/4 storey block of 41 retirement flats including communal facilities, access, parking and landscaping with demolition of the existing buildings. The design of the

proposed building has been revised since the application was originally submitted as a result of concerns raised about the way the building addressed the context of the site.

- 14.3 The principle of residential development of the type proposed is generally acceptable in the built-up area although Policy CS17 seeks to retain sites in employment use. However, consideration can be given to an exception to policy and consideration needs to be given to the continued suitability of the site for employment use. Key to this consideration is the context of the site, which is predominantly residential; the impacts of the existing use, or potential future uses; and the potential for environmental benefits arising from a redevelopment. The site was not considered suitable for release in the last employment land review largely because of its proximity to the town centre and public transport facilities which resulted in a favourable assessment. Also the site has clearly met the requirements of its occupiers for many years. However, it is not a site which offers ideal access for industrial traffic and, given the surrounding residential environment, it is not a location where employment uses would normally be promoted. In this respect, a residential redevelopment would be likely to provide for environmental enhancements (subject to an acceptable design). It is therefore considered that an exception to policy would be acceptable in this case on the basis of overriding benefits arising from the proposal and having regard to the fact that policy supports this form of residential accommodation.
- 14.4 This site is located in an essentially residential area with a mix of one/two/three storey buildings (with the second floors located within the roof space). The proposed building would be substantial and appear as a two/three storey building when viewed from North Close (with some of the second floor contained within the roofspace) and would incorporate a lower ground floor at the rear to deal with a drop in levels towards the rear of the site. The front of the building would be broken up into a series of five buildings with recessed links joining them which would be constructed using a cladding material as a contrast to the bricks to be used for the main building elements. The result would appear as a series of detached buildings which are designed to a reasonable standard in good quality materials which would improve on the quality of built form that exists on the site at present. The side elevations of the front part of the building have been designed to reflect the depth of neighbouring buildings such that they would be appropriate to the character of the area. The building would include a wing that would project back in to the site at two storeys, it is considered that the depth of the site is such that this would be appropriate in this location and having regard to existing buildings on the site. The rear elevation of the main frontage part of the building would be four storeys high with the third floor set within the roofspace, while parts of this would be visible between buildings from Gosport Street this would not be particularly apparent due to the limited gaps. The Conservation Officer has commented that the proposals would be of an appropriate design and proportions with good detailing.
- 14.5 The Urban Design Officer has no concerns about the proposal's ability to function within its local neighbourhood. However, concerns were originally expressed about the scale and mass and following further discussions aimed at getting the appearance right, the designer has altered the elevations and the buildings now look better in terms of having a more coherent architecture. However, by abandoning the attempt to disguise a three storey building as a two and a half storey

building, it becomes evident that the building is very large. It is clear that development will change the character of this street. There is such a large proportion of the street taken up by the new proposal that a change is inevitable and justifiable. This is recognised but it still needs to be reasonably appropriate, taking on board aspects of local context and positively embracing some of these aspects – eg articulated skyline, a green set-back from the street (gardens), front doors, window hierarchy, domestic street rhythms – not an institutional appearance. Throughout negotiations, there have been concerns about the size of the development and it has been reduced in some places. While some of the suggested changes have been accommodated there remain concerns. It is considered that the proposed building will change the character of this part of the street by removing existing buildings of little value and replacing them with a large building with some design quality. On balance it is felt that the proposal would be acceptable in this context.

- 14.6 With regard to the impact of the proposals on neighbouring residential amenity, several properties would be affected, however, it is important to note that the proposed use would be likely to result in an improved impact in terms of noise and disturbance when compared to the previous and potential uses on the site and in terms of the way that existing buildings impact on neighbours. The neighbouring properties that would be affected in terms of bulk of building and overlooking are 26 North Close, 2 Keel Gardens, 92 to 106 (even nos) Gosport Street, Lindale North Close, Len-Dor North Close, Missenden North Close and properties opposite the site in North Close. While other properties would be able to see the proposed development these would not experience direct impacts.
- 14.7 26 North Close and 2 Keel Gardens are 2/3 storey dwellings located immediately to the north-east of the site. The site access and car park would be located along the common boundary with a landscaped strip between these houses and the building would be located a sufficient distance away from these properties such that no adverse impact would result. First floor windows facing these properties would be at least 28 metres from the common boundary. This would be an acceptable relationship with no adverse implications in terms of overlooking, loss of light or overdominance.
- 14.8 Residential properties at nos. 92 - 106 (even nos) Gosport Street are to the south-east of the site and would view the rear elevations of the proposed building. The rear projecting wing would be three storeys dropping down to two stories high at a minimum distance of 6.5 metres from the rear boundary. One first floor window serving a kitchen would face the rear of 98 Gosport Street at a distance of about 29 metres from the rear elevation of this property. This would be reasonable in a central location such as this. Other first floor windows in the rear elevation of the main part of the building would be a minimum of 23 metres from the common boundary which would maintain a reasonable level of privacy. The relationship of the bulk of the building to these properties would be within acceptable limits. The rear projecting wing would be likely to have most impact on nos 96 and 98 Gosport Street, however, there is an existing substantial building in a similar location which is closer to the boundary and of a greater height. As a result an improved relationship would result with a better designed building. On balance the impact on these properties would be within acceptable limits.

- 14.9 Lindale North Close is a bungalow which is located to the rear of other properties fronting the southern section of North Close. Windows at first floor level would face its garden at a distance of about 14 metres. While this impact would be significant when compared to the existing situation the relationship is not unusual in a central location such as this and would be within acceptable limits. Similarly the bulk of the building would be such that no overbearing impact would result.
- 14.10 Len-Dor is a bungalow and its rear garden faces the side of the proposed building at a minimum distance of 22 metres. This distance is sufficient to ensure that no overbearing impact would result. Windows in the building would either have oblique views or be at least 28.5 metres from the common boundary which would be within acceptable limits.
- 14.11 Missenden is a detached bungalow immediately to the south-west of the site which has its detached garage between it and the site. The proposed building would be two storeys high adjacent to the common boundary with no first floor windows facing this property. It would also be at a lower level than the bungalow. As a result an acceptable relationship would result which would be typical in a built up area such as this.
- 14.12 With regard to the properties opposite the site in North Close, these are set well back in their plots at a higher level than the application site. While the outlook from these properties would change it is considered that no adverse impact would arise which would justify a refusal of planning permission.
- 14.13 In terms of access and parking issues the Highways Engineer has raised no objection to the proposals and finds the access arrangements to be acceptable. The previous use of the site would result in an estimated daily trip generation of 172 vehicle movements per day and the proposed development would result in a daily trip generation of 60 vehicle movements resulting in 112 less vehicle movements per day. The Transport statement submitted with the application provides the results of parking demand for 8 similar developments which concludes that the average demand for parking would be met by provision of 0.26 spaces per apartment. On this basis the provision of 17 spaces (0.41 spaces per unit) would be appropriate.
- 14.14 The Ecologist raises no objection to the application subject to a condition to ensure that vegetation is cleared and opportunities for wildlife provided in accordance with the recommendations in the Ecological Report that was submitted in support of the application.
- 14.15 There is a significant Plane tree on the opposite side of North Close which overhangs part of the site. This is an important amenity feature in the street and its protection is important. The Tree Officer has commented that the proposals would allow for the safe retention of this tree subject to conditions. The proposed tree planting along the road frontage will help soften the new development, some of the species suggested may be too large for this location. This detail along with landscaping for the site as a whole can be resolved by condition.
- 14.16 With regard to drainage, Hampshire County Council Flood Water Management Team have advised that the proposals for surface water drainage meet current standards/best practice. Southern Water have confirmed that disposal of foul water can be resolved by conditions.

- 14.17 Having regard to the historic use of the site the Environmental Health Officer has recommended that conditions are attached to ensure that any contamination is dealt with appropriately.
- 14.18 In accordance with the Habitat Regulations 2010 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.
- 14.19 This proposal generates the need to make a contribution toward affordable housing in accordance with policy CS15 of the Core Strategy. In this case the requirement would normally be 50% of the number of units to be provided on site. However, having regard to the difficulties associated with managing a mixed flats development an off site contribution is appropriate in this case and this is the established approach adopted in respect of sheltered housing developments elsewhere in the District. The required contribution would be £393,638.44 this figure takes into account the vacant building credit which has included a discount of 55.86% based on the proposed floorspace with the existing floorspace discounted.
- 14.20 Other concerns raised which are not referred to above include disturbance from construction and associated traffic which are not matters for consideration as part of this application. Policy DM10 of the Local Plan supports the provision of accommodation for older people on sites appropriate for residential development. It would not be appropriate to refuse this application on the grounds of no need for such accommodation. The level of development proposed would be unlikely to have a significant impact on health care in the area given the relatively low number of units proposed. With regard to light pollution, this would be unlikely to give rise to such a level of harm to justify a refusal of planning permission in a built up area such as this. The refuse store would be located within the main building at its north-east end close to the access to the site. This would be appropriate for this development and preferable to an external store. The request for a wall along the rear boundary is noted, however, this level of detail is not included as part of the application and could be considered further pursuant to conditions.
- 14.21 In conclusion, it is considered that, while there are some reservations about the size of the building, on balance, the scheme has merit worthy of support and would have an acceptable relationship to neighbouring properties. The proposals would have no adverse highway implications with an acceptable level of car parking provision. Other issues such as ecology, trees, landscaping contamination and drainage can be resolved by condition.
- 14.22 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£393,638.44	£393,638.44	0
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	3475	1512	1963	1963	£80/sqm	£163,684.00 *

Subtotal:	£163,684.00
Relief:	£0.00
Total Payable:	£163,684.00

* 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:

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

15. RECOMMENDATION

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

- i) the completion, by 31st January 2017, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure an affordable housing contribution of £393,638.44.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st January 2017, the Executive Head of Economy, Housing and Planning be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Conditions to be attached to any consent:

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

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

2. The development hereby approved shall be constructed in accordance with the materials specified in the application unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The development permitted shall be carried out in accordance with the following approved plans: 10086 LY - PA01 Rev. B, 07 Rev. A, 08 Rev. B, 09 Rev. B, 10 Rev. B, 02 Rev. A, 03 Rev. A, 04 Rev. A, 05 Rev. A, 06 Rev. A, 13, 12, and 11.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Assessment & Method Statement (ref 16041 - AA3 - MW) and Tree Protection Plan (ref 16041-BT4) and the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS 2 of the Core Strategy for the New Forest District outside the National Park.

6. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology by ECOSA Ltd Ref: 2011.F1 dated 22nd June 2016 submitted with this planning application unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

7. The development hereby permitted shall not be occupied until the spaces shown on plan 10086LY - PA Rev. 01 for the parking of motor vehicles and cycles have been provided. The spaces shown on plan 10086LY - PA Rev. 01 for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking 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).

8. Before use of the development is commenced the existing accesses from the site to North Close shall be permanently stopped up and effectively closed with the footway provided , in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy CS 24 of the Core Strategy for the New Forest District outside the National Park.

9. Development shall not commence until a drainage strategy detailing the proposed means of foul sewer disposal and a implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: In order to ensure that foul sewer disposal is dealt with in an appropriate manner in accordance with Policy CS 8 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

Reason: In order to ensure that foul sewer and surface water disposal is dealt with in an appropriate manner in accordance with Policy CS 8 of the Core Strategy for the New Forest District outside the National Park.

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 13 to 16 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 16 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

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

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case following negotiation with the applicant amended plans have been submitted which have enable a recommendation to grant permission to be made.

2. In discharging condition No. 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 01190) or www.southernwater.co.uk in order to progress the required infrastructure.
4. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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
Lymington
SO43 7PA

**Planning Development
Control Committee
December 2016**

Item No: 3c
Solent Works
North Close
Lymington
16/10886
SZ3295

Scale 1:1250
**N.B. If printing this plan from
the internet, it will not be to
scale.**

