

Application Number: 15/10290 Full Planning Permission

Site: PINETOPS NURSERIES, RAMLEY ROAD, PENNINGTON,
LYMINGTON SO41 8GY

Development: Development of 47 dwellings comprised: 1 terrace of 3 houses; 12 pairs of semi-detached houses; 1 terrace of 4 bungalows; 13 detached houses; 3 detached bungalows; single & double garages; associated parking; access roads; footpaths; open space; landscaping; demolition of existing

Applicant: Pennyfarthing Homes Ltd.

Target Date: 12/06/2015

1 REASON FOR COMMITTEE CONSIDERATION

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
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- LYM1: Pinetops Nurseries

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Lymington Local Distinctiveness
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 Residential Development (03/78699) - refused 10/9/04
- 6.2 Residential Development (05/84022) - refused 11/5/05
- 6.3 80 Dwellings; demolition of existing (07/90876) - withdrawn 11/12/07
- 6.4 Residential Development of 45 dwellings; access road; footpaths; open space; landscaping; demolition of existing (13/11561) – Outline permission granted 15/7/14
- 6.5 Development of 45 dwellings comprised; 1 terraces of 3 houses; 11 pairs of semi-detached houses; 2 pairs of semi-detached bungalows; 13 detached houses; 3 detached bungalows; access road; footpaths; open space; landscaping; demolition of existing (Details of appearance, landscaping and scale) (14/11341rm) - granted 18/3/15

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Views awaited

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- Views awaited
- 9.2 Land Drainage:- No objection subject to conditions
- 9.3 Environmental Health (contaminated land):- No objection subject to conditions (14a - 14e)
- 9.4 New Forest Access for all: - access to houses should be flat, level and allow for easy entry of wheelchairs / scooters.
- 9.5 NFDC Waste & Recycling Manager:- queries refuse collection for plots 39 & 40; accessways must be constructed to an adoptable standard and hammerheads must be designed to enable safe turning of refuse vehicles; more detail on type and construction of bin stores is needed
- 9.6 Tree Officer:- No objection subject to conditions
- 9.7 Building Control: - Careful consideration of B5 issues is required.
- 9.8 Environment Agency:- No comment

- 9.9 Environmental Design (Urban Design):- Final views awaited
- 9.10 Estates & Valuation: - the reduction in the amount of affordable housing sought is considered reasonable.
- 9.11 Housing Development Manager:- views awaited
- 9.12 Hampshire County Council(Education):- requests an education contribution of £289,238.
- 9.13 Ecologist:- No objection subject to conditions
- 9.14 Southern Water: - No objection; requests informative & condition; advises that there is currently inadequate capacity on the local network to service the proposed development. However, the applicant should enter into a formal agreement with Southern Water to provide the necessary infrastructure required to service this development.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

See Assessment Report below

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £54,144 in each of the following six years from the dwellings' completion, and as a result, a total of £324,864 in government grant under the New Homes Bonus will be received.

From the 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 £354,649.60.

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, all of the above apply. The application proposals have been the subject of lengthy discussions and negotiations and amended plans have been submitted to address some initial design concerns which has enabled a positive recommendation to be made.

14 ASSESSMENT

Introduction

- 14.1 Pinetops Nurseries is an extensive area of glasshouses that lies on the north side of Pinetops Close and to the east side of Ramley Road. The application site, which extends to 1.91 hectares, is almost entirely covered with glass houses / horticultural structures. The site is relatively flat. On its northern side, the site is bounded by open countryside that has a scrublike character. To the south of the site, the existing residential properties fronting onto Pinetops Close are mainly single-storey residential bungalows with open and unenclosed front gardens. On its eastern side, the site is bounded by detached residential properties in Yarrell Mead and Yaldhurst Lane, whilst to its west side, the site is bounded by detached residential dwellings fronting onto Ramley Road as well as the site offices of the Pinetops Nurseries site. The neighbouring dwelling at 73 Ramley Road is a Grade II Listed building.
- 14.2 The application site is allocated for development under policy LYM1 of the Local Plan Part 2. In July 2014, outline planning permission was granted for a residential development of 45 dwellings, including access roads, footpaths, open space and landscaping. Both the means of access to the site and the layout of the development were formally approved. The approved scheme was subject to a Section 106 legal agreement that secured 31 of the 45 dwellings (69%) as affordable housing units. Subsequently, in March 2015, the outstanding reserved matters of scale, appearance and landscaping were all approved.
- 14.3 The application that has now been submitted is a full planning application for 47 dwellings (i.e. 2 more dwellings than the recently approved scheme). The layout and design is broadly similar to the recently approved scheme, although there have been material amendments to the layout where the 2 additional dwellings are proposed, which had a

knock-on effect on some of the immediately adjacent dwellings. In addition, this latest scheme includes a number of additional garages, and carports, and there have also been some alterations to the footprints of individual units.

Design Considerations

- 14.4 It is considered that the 2 additional dwellings and the associated design changes that have been made have not undermined the design quality of the approved development. The dwellings would have an appropriate spatial setting and the slightly increased density would remain appropriate to the site's rural-edge context. Development along the site's northern boundary would still have a sufficiently soft edge, and the open spaces within the development would help to give the layout an appropriate sense of spaciousness. Gaps between individual buildings, as well as the rear garden sizes, would be reasonable. The layout would allow for reasonable levels of planting / soft landscaping to be secured, and thereby enable the development to integrate successfully into its rural edge context.
- 14.5 Dwellings would address Pinetops Close in an appropriate manner and the large open space on the frontage of the site has the potential to be an attractive open feature within the Pinetops Close streetscene. The 2-storey scale of development at the western end of the site would be appropriate and would relate acceptably to adjacent development in Ramley Road. At the eastern most end of the site, 7 bungalows are still proposed and these would relate acceptably to adjacent bungalows. The proportions of the proposed dwellings would be sympathetic. There would be an appropriate consistency in the architectural detailing and roof forms of the closely related building groups, but at the same time there would be sufficient variety within the development as a whole to give the development appropriate visual interest. The dwellings would include traditional details such as arched window heads and feature courses between ground and first floors, which would help the development to respond positively to its rural edge context. The dwellings would address the streets and public spaces of the site in an appropriate manner and corner properties would have adequate visual interest on their exposed side elevations. Individually and collectively, it is considered that the dwellings would be of an acceptable appearance.
- 14.6 Although the number of dwellings proposed would marginally exceed the 40-45 dwelling guideline set out in policy, this is only a guide. Given that the layout and design is one that would still integrate successfully into its particular context, the additional dwellings proposed and the design changes that have been made are considered to be reasonable and acceptable.

Affordable Housing Considerations

- 14.7 Aside from the design changes discussed above, this application proposes one very significant change, namely in the proportion of affordable housing units that would be secured.
- 14.8 Policy LYM1 allocates the Pinetops Nurseries sites for residential

development specifically to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy. The policy indicates that 70% of the dwellings provided will be affordable housing. The recently approved scheme secures 31 affordable housing units (69% of units), and therefore largely meets the requirements of policy. The scheme that has now been submitted proposes only 23 affordable housing units, which would be 49% of the overall number of units proposed. This would constitute a significant shortfall of affordable housing that would not meet the aims and objectives of policy.

- 14.9 The applicant's reason for reducing the proportion of affordable housing units is because they feel that the scheme would not be financially viable if it were required to secure a greater proportion of affordable housing than the 49% level of provision that is now proposed. They have submitted a detailed viability appraisal to support their position.
- 14.10 In considering the applicant's arguments on viability, it is first important to recognise changes in Central Government Planning advice since the Council's Core Strategy was adopted in October 2009. In particular, the National Planning Policy Framework (NPPF), which was adopted in 2012, makes it clear that Plans should be deliverable. Therefore Paragraph 173 of the NPPF makes it clear that *"the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to the development, such as requirements for affordable housing ... should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*
- 14.11 National Planning Practice Guidance adopted in 2014 provides more detailed guidance on viability. With reference to brownfield sites, it is indicated that to incentivise the bringing back into use of brownfield sites, local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable. The Guidance indicates that *"Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability."*
- 14.12 Even though the Pinetops Nurseries site was only allocated for residential development (and brought into the built-up area) on the basis that it would secure 70% affordable housing, it is clear from recent national planning policy advice that it is not reasonable to apply Core Strategy Policies CS12 and CS15 in a rigid and inflexible manner. These policies must be applied with an appropriate degree of flexibility, having regard to the particular viability considerations being put forward by the applicant.
- 14.13 The Council's Senior Valuer has given detailed consideration to the applicant's viability appraisal. In considering viability in this case, it is important to recognise that the existing landowner should receive a sufficient incentive to motivate a sale, taking into account the costs of

relocating to an alternative horticultural site. Having regard to all relevant costs, the Council's Senior Valuer considers that a scheme that secures 70% affordable housing would not be viable because the Development Value of the land would fall significantly below the benchmark Site Value (by over £600,000). The Council's Senior Valuer therefore considers that a reduction in the affordable housing contribution would be justified. If the proportion of affordable housing is reduced to 49% of units, then the development land value and the Threshold Site Value will be approximately in balance, and accordingly the Council's Senior Valuer considers that a reduction in the proportion of affordable housing units to 49% of units is reasonable.

- 14.14 It should be noted that the applicants are specifically proposing 51% private housing, 32% intermediate affordable housing and just 17% Social Rented housing. This compares to a policy requirement of 30% private housing, 30% intermediate affordable housing and 40% social rented housing. Therefore, it is the social rented element of the affordable housing requirement that is being sacrificed on viability grounds. This is of course regrettable. However, given the applicant's arguments on viability, which have been broadly accepted by the Council's Senior Valuer, it is felt that the reduction in both the proportion of social rented housing and the overall proportion of affordable housing is reasonable and justified. In reaching this conclusion, it is important to have regard to the fact that the application site is a brownfield site where development costs are inevitably much higher than on greenfield sites. It is also important to recognise the environmental benefits associated with the development of a large brownfield site. However, perhaps most fundamentally of all, because the applicant's arguments on viability are accepted, it is felt that granting permission for a lower proportion of affordable housing would be consistent with National Planning Policies and Guidance.

Other Considerations

- 14.15 Two of the bungalows at the eastern end of the site have slightly larger footprints than on the approved scheme, and car ports have been added. However, it is not felt that this change would materially affect the development's relationship to neighbouring bungalows. Nor is it felt that changes in the north-west corner of the site would materially affect the development's relationship to neighbouring dwellings in Ramley Road. Overall, it is felt the development would still adequately respect the light, outlook, privacy and general amenities of neighbouring residential properties.
- 14.16 Since the previous application for 45 dwellings was implemented, the Council has adopted CIL. This means that a contribution to formal public open space off-site will no longer be required as this will be covered by CIL. However, on-site public open space (0.29 hectares) and maintenance contributions (£49,280) still need to be secured through a Section 106 legal agreement in accordance with the requirements of Core Strategy Policy CS7.
- 14.17 Transportation Contributions that were previously agreed would now be covered by CIL. The habitat mitigation contribution would also now be met by CIL for the 24 private dwellings. However, the 23 affordable dwellings would be subject to relief from CIL requirements, and as a consequence this means that the impact of the 23 affordable dwellings on designated European sites would still need to be mitigated within a

Section 106 legal agreement. In addition, a visitor management and monitoring contribution is required for all dwellings and this too would need to be secured within a Section 106 legal agreement. The overall habitat mitigation contribution (including visitor management and monitoring requirements) that will need to be secured within a Section 106 legal agreement is a contribution of £101,550.

- 14.18 At the time of writing, the affordable housing has yet to be secured within a completed Section 106 legal agreement.
- 14.19 Hampshire County Council (Education) have requested a significant education contribution. However, they did not request any such contribution with the extant 45 dwelling scheme. They have also not clearly set out how this money would be spent. In these circumstances, it is not felt an education contribution would be justified.
- 14.20 The development would not harm the setting of the Listed Building at 73 Ramley Road and, as with the previous application, concerns relating to trees, ecology, contamination and drainage could all be dealt with by condition. The application is not accompanied by detailed landscaping proposals, but again it is felt the matter could be satisfactorily addressed by means of condition. The views of the Highway Authority are still awaited, although it is not anticipated that the design changes that have been made would have material implications for highway safety.
- 14.21 The previously approved scheme was subject to a condition that the dwellings meet level 4 of the Code for Sustainable Homes in accordance with Policy CS4 of the Core Strategy for New Forest District outside of the National Park. However, recently, the government has scrapped the Code for Sustainable Homes. Therefore, such a condition is no longer deemed necessary.
- 14.22 There have been some relatively small-scale changes to the design of the scheme since it was first submitted, but these changes are still sufficiently material as to require readvertising. The readvertisement period for these amended plans will not expire until after May Committee. Therefore, any resolution should be subject to no further representations being submitted raising substantive new issues.

Conclusion

- 14.23 Overall, it is recognised that this proposal would be contrary to Core Strategy Policies CS12 and CS15 and Local Plan Policy Part 2 Policy LYM1, in that the proportion of affordable housing being provided (specifically the social rented element) would fall well below policy expectations. However, it is felt that a lower 49% rate of affordable housing provision would be justified in this instance on viability grounds, having regard to Central Government policy and the particular costs and benefits associated with the development of this brownfield site. The proposed development would be well designed and would be sympathetic to the character and appearance of the area. The development would not ham residential amenities or the wider environment. As such, subject to the conditions and the completion of a Section 106 legal agreement, the application is recommended for permission.
- 14.24 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	33	23	-10
Financial Contribution	0	0	0
Public Open Space			
On site provision by area	0.29	0.29	0
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£101,550	£101,550	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	4433.12	0	4433.12	£354,649.60
			0	£0.00

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

i) the completion, by 12th June 2015, 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 appropriate provision towards public open space and affordable housing and to ensure the development's impact on designated European sites is adequately mitigated.

ii) the receipt of no substantive new material objections to the scheme from third parties by 22nd May 2015.

iii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 12th June 2015, the Head

of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.
2. The proposed development would fail to adequately secure the provision and management of public open space on the site to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
3. 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.

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 permitted shall be carried out in accordance with the following approved plans: 5096/PL/001, 5096-PI-010, 5096-PL-011, 5096-PL-012, 5096-PL-013, 5096-PL-014 rev A, 5096-PL-015, 5096-PL-016 rev A, 5096-PL-017 rev A, 5096-PL-018 rev A, 5096-PL-19 rev A, 5096-PL-021, 5096-PL-022, 5096-PI-024 rev A, 5096-PL-025, 5096-PL-026, 5096-PL-027, 5096-PI-030, 5096/PL/002 rev B, 5096/PI/004, 31772-01 rev D, 001/pen/01/A, 5096-PL-003 rev B, 13277-BT4.

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 CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

4. Before the development is first occupied details of the future maintenance of the drainage system to be approved under condition 6 shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before development commences, details of the means of foul sewerage disposal 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 sewerage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

6. Development shall take place fully in accordance with the protected species mitigation measures set out in Sections 5 of the Lindsay Carrington Ecological Services Ltd Ecological Appraisal dated February 2015.

Reason: To safeguard ecological and biodiversity interests in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

7. Before the commencement of development details of the biodiversity enhancement measures that are to be incorporated into 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.

Reason: To safeguard ecological and biodiversity interests in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

8. The development hereby permitted shall not be occupied until cycle parking facilities have been provided on the site in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning

Authority. These approved parking spaces shall thereafter be retained and kept available for their intended purposes at all times.

Reason: To ensure adequate cycle parking facilities are provided, to promote sustainable travel and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. The development hereby permitted shall not be occupied until the approved arrangements for the turning of vehicles on site have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

10. Before development commences, 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 Core Strategy for the New Forest District outside the National Park.

11. 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 12 to 14 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 15 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 Core Strategy for the New Forest District outside the National Park.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems,

and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

15. 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.

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.

16. Before development commences, the following details shall be submitted to and approved in writing by the Local Planning Authority.

- a) samples or exact details of the facing and roofing materials to be used;
- b) details of the solar panel design.

The development shall only be implemented in accordance with the approved details.

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

17. 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) the treatment of the boundaries of the site other means of enclosure;
- (e) details of all garden sheds / bin storage areas
- (f) 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 Core Strategy for the New Forest District outside the National Park.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the New Forest District outside the National Park Core Strategy.

19. The first floor (bedroom) window on the south-west side elevation of the approved dwelling at Plot 11 shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

20. 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 B or C of Part 1 of Schedule 2 to the Order, shall be erected or carried out on Plots 38, 39, 40 or 41 without express planning permission first having been granted.

Reason: In view of the physical characteristics of these plots, the Local Planning Authority would wish to ensure that any future roof alterations do not adversely affect the privacy of neighbouring properties, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

21. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 13277-AIA3-DC and Plan Ref:13277 BT4 dated 20.02.15 shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed before any other works are undertaken.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

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, the application proposals have been the subject of lengthy discussions and negotiations and amended plans have been submitted to address some initial design concerns which has enabled a positive recommendation to be made.

Further Information:

Major Team

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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
May 2015**

Item No: 3(I)
Pinetops Nurseries
67-69 Ramley Road
Pennington
App No 15/10290
SZ3095

Scale 1:1250

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

