

Application Number: 17/10961 Full Planning Permission

Site: Land at FLAXFIELDS END, FORDINGBRIDGE SP6 1RT

Development: 2 pairs of link-attached houses; bike stores; associated parking

Applicant: Vivera Property Ventures Ltd

Target Date: 31/08/2017

Extension Date: 13/10/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Flood Zone 1

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS6: Flood risk
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Fordingbridge Town Design Statement

6 RELEVANT PLANNING HISTORY

- 6.1 16/10681: Two pairs of semi-detached houses, bike stores and associated parking; refused August 2016, due to concerns over character impacts, amenity impacts, highway impacts and flood risk. Subsequent appeal dismissed only on grounds of the failure to provide satisfactory information on flood risk.
- 6.2 16/10111: Two pairs of semi-detached houses, bike store and associated parking; refused March 2016, due to concerns regarding overdevelopment, adjoining amenity, lack of affordable housing contribution and highway safety. Appeal dismissed on grounds that it would result in harm to the character and appearance of the area and would be harmful to the living conditions of the occupiers of 15 Flaxfields End, and to those of intended occupiers. It also failed to provide satisfactory information on flood risk.
- 6.3 12/99301; One pair of semi-detached houses; 1 detached house (affordable housing) (Outline Application with details only of access) - approved September 2013

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend refusal due to concerns over flooding, access (including the loss of existing parking spaces) and the adverse impact on the amenity of existing neighbouring properties.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage: Having viewed the Surface Water Drainage Study (SWDS), prepared by Ambiental Technical Solutions dated May 2017, the following comments are offered on the proposals:-
- The stated discharge rate of no more than 1.0 l/s, in all storm events, is acceptable in principal
 - All the onsite SUDS + drainage are to be privately maintained and a schedule has been suggested. This is also acceptable and should be strictly adhered to.
 - The flow exceedance route away to the west, predominantly taking water away from both proposed and existing property, is acceptable.
 - The EA have declined to comment on the basis of the Development Management Procedure Order (DMPO) and also that the site lies almost exclusively within flood zone 1. Furthermore, HCC Surface Water Management team have also declined to comment based on the fact that the development is for fewer than 10 dwellings. My view on this is that neither authority has any major concern with the proposals for surface water discharge.

- Whilst flood zones may take on a slightly different guise in the near future leading from the submission of the Strategic Flood Risk Assessment (SFRA), it has been made clear that the existing EA flood zones are those that must be currently referred to. Hence, the proposed site is considered at low risk of significant flooding.
 - Essentially, I am largely satisfied that the applicant has given due consideration to the disposal of surface water from the site in a manner which does not significantly increase flood risk in the immediate vicinity.
- 9.2 Environment Agency: advise that the flood risk information that is coming out of NFDC's local plan review and SFRA information should not be used as this information still has to be verified by them.
- 9.3 Hampshire County Council Drainage: as this application relates to a development of fewer than 10 dwellings, there is no need for us to comment on it at this time. However, the applicant should be directed to their website for further information on recommended surface water drainage techniques.
- 9.4 Hampshire County Council Highway Engineer: given that the application is for less than 5 dwellings with no direct vehicular access onto the highway, the proposals in respect of the internal layout may be evaluated by the Local Planning Authority in accordance with guidance contained within the standing advice adopted in April 2017. The Highway Authority would have no objections to the proposed new vehicular access which would be via an existing private parking area. This parking area has an existing access onto the highway in Flaxfields which would remain unchanged and would be considered adequate to accommodate any additional vehicular traffic associated with the proposed development.
- 9.5 Environmental Health (Land Contamination): no objection subject to conditions.
- 9.6 Natural England: no objection subject to habitat mitigation contribution.

10 REPRESENTATIONS RECEIVED

Three representations and a petition bearing the names of 36 individuals have been submitted objecting to the proposal on the following grounds:

- Trees belonging to homeowners in Reeder Close were removed which has opened up the back of these properties to overlooking.
- The houses would be built close to adjoining boundaries and block out light
- Increased traffic generation
- Lack of parking
- Car parking adjoining the fence will cause extra noise.
- Increased risk of flooding
- Disturbance caused by building operations

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £4896 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £29,656.00.

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 requests for clarification of drainage arrangements and receipt of amended plans to address the impact of the development on adjoining occupiers, the proposal was considered to be acceptable.

14 ASSESSMENT

14.1 The Site

- 14.1.1 The site is rectangular in shape and has recently been cleared of vegetation. It occupies some 0.064 hectares that used to be associated with no. 24 West Street, but was always physically remote from that property, being connected only by a narrow track that runs for some distance to the rear of development in Flaxfields End. The existing land lies at a lower ground level than the neighbouring sites, forming a depression in the local topography, which is reportedly subject to localised flooding. Rear gardens of the neighbouring residential properties back onto the application site, although the site directly fronts onto an area of green open space and car parking courtyard.
- 14.1.2 The site is accessed through Flaxfields End and lies within the built up area boundary of Fordingbridge. The context of the area is residential, which predominately comprises terraced two storey dwellings, although there are some residential flats in the area and semi-detached dwellings. The surrounding residential area is a planned development of closely knit dwellings positioned around short cul-de-sacs with intervening parking spaces, courtyards, gardens and landscaping. Property types are fairly uniform in their design, style and use of materials.

14.2 The Proposal

- 14.2.1 This planning application proposes four two-storey link-attached dwellings on the site, of similar design and appearance to those at Flaxfields End and Reeder Close. Access into the site would be gained through an existing car parking courtyard. The proposed layout of the site, shows that the dwellings would be provided to the east and west flanks of the site, at right angles to existing dwellings to the north and south site. Off street parking for eight vehicles would be provided to the centre of the site, with small areas of landscaping.
- 14.2.2 A fundamental difference between the current application and one refused and dismissed at appeal under ref. 16/10681 is that the land level will be raised by approximately 1m in order to lift the proposed dwellings above the level of suggested localised flood risk - the only reason the previous appeal was dismissed for. The plans have also changed in that the hipped roofs are now proposed rather than gable ends.

14.3 The Principle of Development

- 14.3.1 In terms of the principle of development for residential use, given that the site lies within the built up area and is situated within a predominately residential area, there is no objection. However, the main issues to consider are flood risk, whether the proposal would impinge upon the character of the area, whether the development could be achieved without compromising the living conditions of the adjoining neighbouring properties and future occupiers and matters of public highway safety.

14.4 Character Impacts

- 14.4.1 Consideration needs to be given to the impact of the proposed development on the character and appearance of the area, in line with Policy CS2 and the Fordingbridge Town Design Statement.
- 14.4.2 It is material to consideration of the current application that the Planning Inspector raised no concerns over the character impacts of ref. 16/10681, which was only refused on flood risk grounds. The current proposal is exactly the same in terms of form and layout as the proposal refused under 16/10681, save for the level of the site being raised by 1m. The design, materials, layout and two storey form, with articulated roof was considered by the Inspector to be acceptable in relation to the character of the area. Concerns were raised in determining the application and appeal under ref. 16/10111 that the central courtyard would be harmful to the character of the area as it was devoid of any landscaping. Amendments were made to the subsequent application (16/10681) to alter the parking arrangements, allowing more space for landscaping within the central courtyard, which the Inspector was satisfied with. The landscaping arrangements for the courtyard are replicated in the current submission. Consequently it is not considered that a reason for refusal can be substantiated on the basis of harmful character impacts.
- 14.4.3 Full details in respect of landscaping, materials, finishes and boundary treatments will be important in determining the current submission. Should permission be forthcoming on this site, it would be prudent to attach a landscaping and boundary treatment condition.

14.5 Impact Upon Residential Amenity

- 14.5.1 With regard to residential amenity, windows are arranged within the buildings without compromising the privacy of the adjoining neighbouring properties. The first floor windows to the rear of Plot 4 are bathroom windows, which would be obscure glazed and so would not directly overlook the rear curtilage of no. 15 Flaxfields End, which was previously a concern. Their obscure glazing and fixing shut other than top quarter lights would be a condition of any approval.
- 14.5.2 In terms of the physical relationship of the proposed buildings, they would be close to the rear gardens of dwellings of both Reeder Close and Flaxfields End and the impact upon the outlook of these properties needs to be considered, under the provisions of Policy CS2. The Inspector previously considered that this relationship was acceptable, as the distance between the gables of the development and surrounding properties was acceptable. However, it should be noted that the proposed change in ground level raises the height of the facing gables by 1m in comparison with previously refused schemes, so the matter needs to be re-visited. In light of the raised ground level, the applicant has hipped the roofs of the dwellings to diminish any overbearing impact the development may have on adjoining occupiers to the north and south.
- 14.5.3 The private open space arrangements for future occupiers of the proposed development are of limited depth (4.5m), but reasonably wide (7.5m). While the gardens cannot be described as generous, they are wider than the dwellings themselves and are the same size as those

considered adequate by the Inspector in determining 16/10681 and similar to the indicative garden sizes previously approved by the Council under outline ref.12/99301. The private open space arrangements for future occupiers of the development are therefore considered to be appropriate.

14.6 Flood Risk

14.6.1 While the site is within Flood Zone 1 (considered to be at low risk of flooding), it became apparent during the course of determination of the most recent application and appeal (16/10681) that the site may be subject to a degree of flood risk from other more localised sources. In determining the appeal, the Inspector concluded that residential development could not be allowed due to the failure to provide satisfactory information on flood risk. The current submission is accompanied by a Flood Risk Assessment (FRA) and a Surface Water Drainage Study (SWDS), which seek to address flood risk and drainage concerns in two main ways:

- by raising the ground level so that water can continue to percolate and be infiltrated into the ground, and
- to incorporate swales to attenuate the effects of any extreme condition occurring during the lifetime of the development.

14.6.2 Having reviewed the FRA and SWDS, the Council's Drainage Section consider the stated discharge rate to be acceptable and the flow exceedance route away to the west, predominantly taking water away from both proposed and existing properties, is acceptable. They have confirmed that there is no reason to believe that this development will have a significant detrimental effect on the flood risk in the immediate vicinity.

14.6.3 The flood risk information emerging from the Local Plan Review including a Strategic Flood Risk Assessment (SFRA) indicates that the site lies within Flood Zones 2 and 3. However the Environment Agency advise that the flood risk information has yet to be verified by them and should not be used in determining this application. While the flood risk status of the site may change in future, the EA advise the Council to continue using the current flood risk maps for assessing planning applications. On this basis the application must be assessed on the basis that the site itself is within defined Flood Zone 1 and at low risk of flooding. The proposal site, like much of Fordingbridge, is only accessible by vehicle through Flood Zone 2 and to this end the applicant states that this can be managed in the future by residents signing up for the Environment Agency's flood warning scheme, where they will be notified when the local highways are affected by surface water flooding. This may be addressed by an informative applied to any consent. It should be noted that evacuation of the site could be undertaken on foot, without passing through Flood Zone 2. In this instance, in light of the information submitted in support of the application, that the site is not within Flood Zones 2 or 3, that it may be evacuated on foot without passing through Flood Zone 2 and does not have critical drainage problems, it is not considered necessary to apply the Sequential Test.

14.6.4 The EA and HCC Surface Water Management team have declined to comment specifically on the scheme. The Council's Drainage Section conclude that the applicant has given due consideration to the disposal of surface water from the site in a manner which does not significantly increase flood risk in the immediate vicinity. Consequently, provided the drainage measures are implemented and maintained appropriately, it is not considered that either existing or proposed developments would be at risk of flooding.

14.7 Highway Impacts

14.7.1 The Highway Authority raises no objections to the proposed new vehicular access which would be via an existing private parking area. This parking area has an existing access onto the highway in Flaxfields which would remain unchanged and is adequate to accommodate any additional vehicular traffic associated with the proposed development. Given that the application is for less than 5 dwellings with no direct vehicular access onto the highway, the Highway Authority consider that the proposals in respect of the internal layout may be evaluated by the Local Planning Authority. In this respect the proposal provides 8 no. parking spaces for 4 no. two bed dwellings, where the Council's adopted parking standards seek 2 no. off street parking spaces for each dwelling. The adopted Parking Standards are therefore met. Adequate turning provision is made for the proposed parking arrangements. The proposal is therefore considered to provide adequate access and parking arrangements.

14.8 Other material considerations

14.8.1 With regard to the representations of notified parties, which are not addressed above, it is not anticipated that the location of 4 no. car parking spaces adjoining the rear fences of Reeder Close would cause significant additional noise, although the details of the final landscaping and boundary treatment scheme in this location will need to be carefully assessed during the discharge of the landscaping condition. Disturbance caused by building operations is an unfortunate consequence of new development but cannot reasonably be used as a reason to refuse planning permission, given that disturbance will be relatively short lived.

14.8.2 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

14.9 Contributions

14.9.1 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.

14.9.2 The proposed development would require contributions towards CIL and habitat mitigation as outlined in the tables below. Being a residential development of under ten dwellings, there is no longer a requirement for an affordable housing contribution.

14.10 Conclusion

14.10.1 The application has addressed the main considerations, being flood risk, character impacts, the living conditions of adjoining properties and future occupiers and matters of public highway safety. Consequently it is recommended for approval.

14.10.2 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
Habitats Mitigation			
Financial Contribution	£2200 if CIL paid in full	£2200 if CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	337		337	337	£80/sqm	£29,656.00 *
Subtotal:	£29,656.00					
Relief:	£0.00					
Total Payable:	£29,656.00					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

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

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

15. RECOMMENDATION

Grant Subject to Conditions

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: 15-T2394/105A, 15-T2394/101A, 15-T2394/102B, 15-T2394/103D and 15-T2394/104C

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing 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 CS2 of the Core Strategy for the New Forest District outside the National Park.

4. The development shall only take place in accordance with the approved details for the means of disposal of surface water from the site as outlined in the Surface Water Drainage Study prepared by Ambiental Technical Solutions and dated May 2017.

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

5. The development shall take place in accordance with the future maintenance arrangements for the sustainable urban drainage scheme as outlined in the Surface Water Drainage Study prepared by Ambiental Technical Solutions and dated May 2017. The drainage maintenance arrangements must be confirmed to and agreed in writing by the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

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

6. No other first floor windows other than those hereby approved shall be inserted into any dwelling unless express planning permission has first been granted.

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

7. The first floor windows in the eastern elevation of Plot 4 shall at all times be glazed with obscure glass and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

8. 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.

9. The development hereby permitted shall not be occupied until the spaces shown on plan 15-T2394/104C for the parking of motor vehicles and cycles have been provided. Thereafter the spaces shown on plan 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).

10. 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).

11. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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. 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 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. Where a remediation scheme has been approved in accordance with condition no. 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 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 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 15.

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).

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 requests for clarification of drainage arrangements and receipt of amended plans to address the impact of the development on adjoining occupiers, the proposal was considered to be acceptable.

2. Hampshire County Council Drainage Section advise the applicant to visit their website:

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

for further information on recommended surface water drainage techniques.

3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
4. In discharging condition no. 8 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/>
5. The applicant is reminded that the site is only accessible by vehicle through Flood Zone 2 and to this end the applicant is advised that they must notify future residents of the development to sign up for the Environment Agency's flood warning scheme, where they will be notified when the local highways are affected by surface water flooding.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

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

Planning Development Control Committee

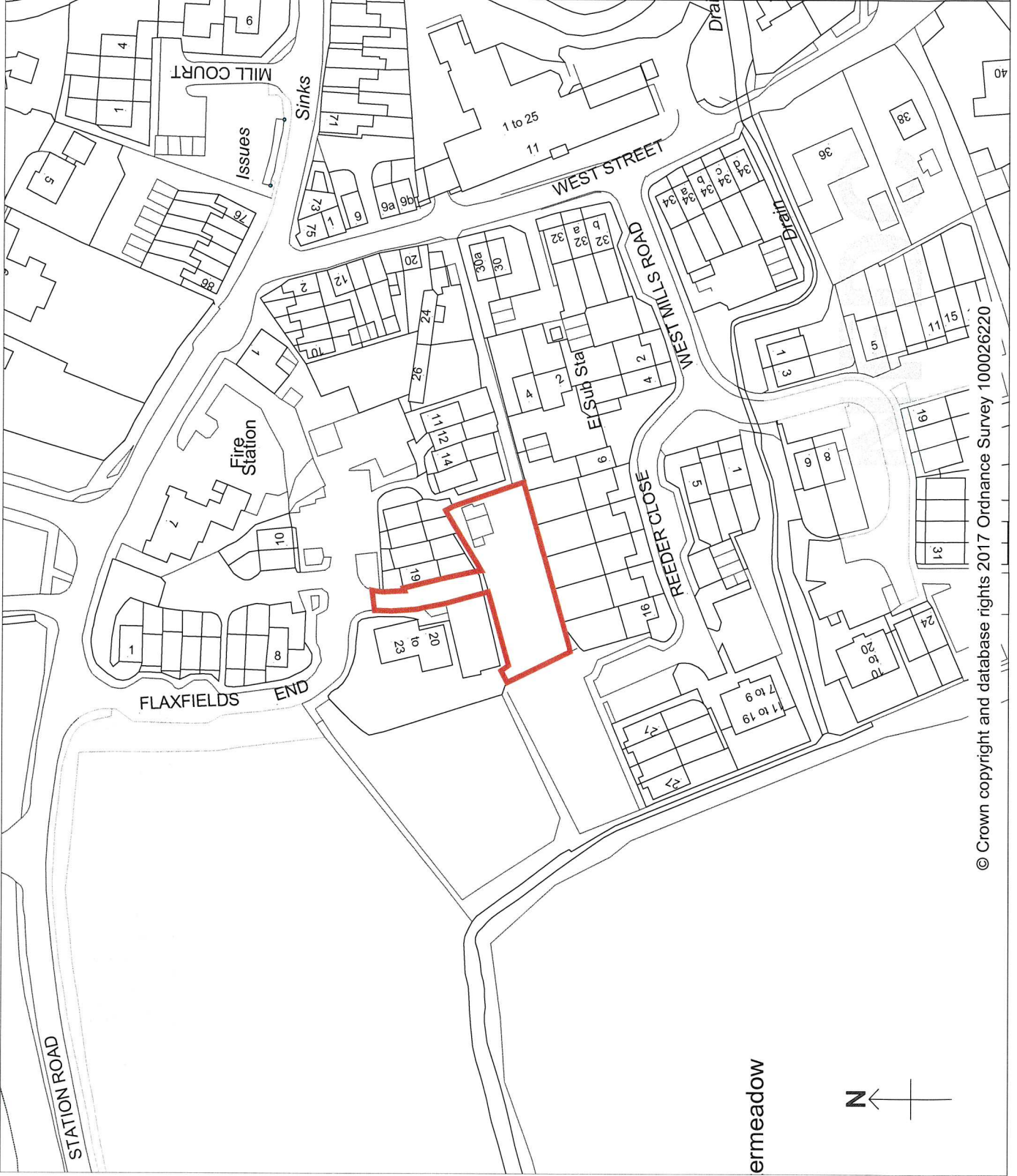
October 2017

Item No: 3e

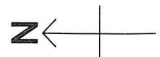
Land at
Flaxfields End
Fordingbridge
17/10961
SU1414

Scale 1:1250

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



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