

**Application Number: 18/11018** Full Planning Permission

**Site:** LAND OF UNITS A B D AND E, BROKENFORD LANE, TOTTON  
SO40 9DX

**Development:** 24 Dwellings comprised 18 houses; 1 block of 6 flats; associated parking; access; landscaping

**Applicant:** Fresh Developments (UK) Ltd

**Target Date:** 26/10/2018

<b>RECOMMENDATION:</b> Service Man Planning Grant
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<b>Case Officer:</b> Stephen Belli
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**1 REASON FOR COMMITTEE CONSIDERATION**

Shortfall in affordable housing provision

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Housing  
Town Centre Boundary  
Built up area  
Flood Zone  
Cycleway improvements

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

1. Housing
3. Climate change
4. Character of towns and villages
5. Healthy towns and villages
6. Contributing to PUSH strategy
9. Biodiversity
10. Transport
12. Infrastructure and local services
13. Leisure and recreation

Policies

- CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS9: Settlement hierarchy  
CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments  
CS25: Developers contributions

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM3: Mitigation of impacts on European nature conservation sites  
DM5: Contaminated land  
TOT6: Land east of Brokenford Lane

### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework 2018

### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD housing design guidance  
SPD Totton town centre urban design framework  
SPD Habitat Mitigation

### **6 RELEVANT PLANNING HISTORY**

- 6.1 **17/11557** – 24 dwellings comprised 18 houses and 6 flats; open space; parking and access – Outline application not yet determined
- 6.2 **17/11740** – 21 dwellings - permission in outline form has now been granted for the land to the east which is part of the same Local plan allocation. The decision notice and background officer report relating to that application is now lodged on line for public viewing. Application approved 8/08/2018
- 6.3 **13/10035** - Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping (Extension to time limit of Planning Permission 10/95182). Granted: 11 July 2013 - Expired
- 6.4 **10/95182** - Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping. Granted: 14 May 2010 - Expired

### **7 PARISH / TOWN COUNCIL COMMENTS**

**Totton & Eling Town Council:** the Town Council are pleased to see that the layout of the site has been scrutinised and much improved over the past few months. The buildings are set back from the road with a good sense of space provided within the centre of the development. Adequate parking is provided as well as good individual and communal amenity space. Overall it is felt that the development strikes a good balance between the need for more housing on brownfield land and the desire for a good quality layout and open space provision on new housing sites. There is however significant disappointment about the lack of affordable housing provided on the site.

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

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

### **9.1 Hampshire County Council Highway Engineer:**

- Access/internal layout – road into the site needs widening to 6m. Tracking for emergency vehicles needs to be shown. Trees along road near parking spaces block sightlines for pedestrians
- Parking/cycles – scheme has a shortfall in parking. 40 spaces required for unallocated spaces, shortfall will lead to on street parking adding to current problems in the area. Spaces shown directly outside the houses will become allocated which increases the shortfall. Also a significant shortfall in cycle spaces. Whilst there are shortfalls consideration will need to be taken of proximity of sites to public transport and local amenities.
- Trip rates – accepted that the net impact in comparison to previous industrial use is not expected to have a significant impact on the local network.
- Recommendation – the Highway Authority require further information before making a recommendation

### **9.2 Hampshire County Council Flood Risk Team**

Land drainage consent required along with Ordinary Watercourse Consent. Further clarification required regarding surface water details. Long term maintenance and responsibility for any Sustainable Drainage System is agreed before permission is granted.

### **9.3 Hampshire County Council Children's Services**

Given the size of the development and its expected pupil yield the County Council will not be seeking any contributions towards education infrastructure in the area.

### **9.4 Environmental Health Contaminated Land Team**

The land does suffer from contamination in connection with previous heavy industrial uses. Remedial action is required to remove any contaminated material. Contamination in this case may result in sub surface soil as well as in groundwater. Recommend standard contaminated land conditions.

### **9.5 Landscape and Open Space Officer**

Policy CS7, this part of the allocated site would usually have an on-site requirement of 0.2ha of play and 2.05ha of Informal POS per 1000 population. The remainder of the CS7 required 3.5ha/1000 pop. is to provide for Formal Sports provision, and this element is now covered as part of the CIL calculations.

Some POS is to be provided on-site but there is a shortfall requiring off site provision.

Off-site provision rate = 27,747.13 m<sup>2</sup>

The commuted sum for future maintenance that will go with the on-site transfer, will be based on the minimum POS amount that we charge which is £2,250

#### 9.6 Urban Design

Overall, the scheme appears positive and recommends approval. The latest plans have followed my advice to provide a strong street frontage. Pressure for car parking leads to a hard surfaced option but with good surface detailing and materials this will be acceptable. Consider that some amendments can be made to overcome highway issues and some further attention needed for this and general planting plans. Some other detailed layout and boundary treatment matters can be covered by a condition.

#### 9.7 Ecologist

No objection subject to securing the development to be carried out in accordance with the details for mitigation, compensation and enhancement outlined in the ecology report (although see following comment). I note that the report does not specify location of the various artificial bird and bat features required to meet policy requirements. I would accept the case officer's opinion as to whether the current report and application details contain sufficient detail for the Council to secure delivery and if not a suitable condition could be used to agree final details of the locations.

I welcome the appropriate assessment that has been completed and that appears suitable. Subject to securing relevant contributions to strategic mitigation, I am minded adverse effects can be avoided.

#### 9.8 Network Rail

Any properties alongside railway should be protected by an acoustic fence. Also refer to standard advice regarding no encroachment onto the railway during or after construction. Drainage arrangements should not prejudice the railway. Other comments made regarding the need to take into account the proximity of the railway to living conditions. Advice given to developer to confirm an Asset Protection Agreement prior to work commencing on site.

#### 9.8 NHS Foundation Trust Southampton

Detailed impact assessment submitted to demonstrate the impact of the development on existing and future capacity within the local health service. Consider that the developer should be required to fund infrastructure improvements. Considers this a piecemeal development which has not been planned for. They refer to Policy CS8 which states that the Authority will work with infrastructure providers to ensure development does not harmfully impact on local services. National guidance also supports this view. The NHS Foundation Trust therefore seek a contribution of £22,914.00 to meet the specific impact of this development.

#### 9.9 Strategic Gas Network

There may be gas services within or close to the site and advice is given to the developer to take this into account.

#### 9.10 Southern Water

Some water mains in the vicinity of the site which need to be safeguarded. The desk study of the impact from additional foul sewerage flows indicates a need to phase the development to align with SWW's capital programme of improvements. Request a condition to be imposed. Also request a condition relating to surface water to be agreed in consultation with both SWW and HCC flood authority. Any SUDs scheme will require long term maintenance.

#### 9.11 District Valuer

Has already confirmed that this scheme would not be able to support any affordable housing provision.

### 10 REPRESENTATIONS RECEIVED

One letter from nearest neighbour to site:

- What precautions will be taken regarding removal of asbestos
- Can overhanging trees in my garden be cut back
- Concerned about drainage and change in levels between site and my property
- Concerned about traffic congestion in the area.

### 11 CRIME & DISORDER IMPLICATIONS

Consideration given to site layout and secure by design principles

### 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings = 21 x £1224 = £25704.00) 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 £171,899.60.

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

### 13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council 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 the above apply and as the application was acceptable as submitted no specific further actions were required.

## 14 ASSESSMENT

### 14.1 Site Description and Proposals

- 14.1.1 The application relates to a triangular shaped parcel of land some 0.36 ha in area fronting onto Brokenford Lane and seeks detailed planning permission for the erection of 24 dwellings together with provision of public open space, parking and access.

The residential units will comprise the following mix

- 3 x 1 bed flats
- 3 x 2 bed flats
- 6 x 3 bed houses
- 12 x 2 bed houses

- 14.1.2 The application site is currently vacant having previously provided for an industrial building that has been demolished. The application site forms the western parcel of a larger area which previously accommodated industrial uses. The application site is adjoined by the Waterloo - Weymouth railway line to the north and this separates the site from the town centre. However, there is a pedestrian footbridge over the railway at this point and Brokenford Lane is a well-used pedestrian route through to the town centre. Asda superstore lies just across the railway from the site and is accessed via a crossing point near the mini roundabout to the north albeit a more direct desire line crossing point has been created near the base of the railway footbridge.

- 14.1.3 To the east of the site lies another former complex of industrial buildings which are now vacant and the subject of permission under 17/11470 noted above. To the south of this lies an access road to a residential estate known as Jackie Wigg Gardens. South of this access road lies the remainder of the allocated housing site which is currently still in an active industrial use.
- 14.1.4 There are no heritage assets such as Listed Buildings or Conservation Area within or near to the site. Neither are any of the trees on or adjoining the site covered by a TPO.
- 14.1.5 The key considerations for this new application are
- Principle of development
  - Design and layout,
  - Neighbours privacy and general amenity,
  - Highway access and parking arrangements,
  - Contributions towards public open space
  - Ecology and habitat mitigation
  - Contaminated land
  - Flood risk
  - Viability in assessing the lack of affordable housing

#### 14.2 Principle of Development

- 14.2.1 This site, combined with land to the south either side of Jackie Wigg Gardens, is allocated for residential development under Policy TOT6 of the Local Plan Part 2. To this end, there is a history of planning permissions for residential development on this site with the most recent planning permission granted in July 2013. That planning permission has now lapsed but is a material planning consideration in the assessment of the current scheme. The application differed to that now submitted and also related to land to the south.
- 14.2.2 The principle of residential development on the land is however now well established. This new application may well supplant the earlier outline application. That application is being held in abeyance pending the outcome of this new detailed application.
- 14.2.3 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.
- 14.2.4 The site comprises previously developed land within the settlement boundary and which enjoys a current housing allocation. The site lies within walking distance of the town centre and its facilities

#### 14.3 Design and Layout

- 14.3.1 Policy CS2 and the SPDs set out the design requirements for new residential development taking into account local context and ensuring that the dwellings are appropriate in terms of their mass, materials and layout. In this case the site has a history of approval for a high density development. This current application is arranged in two distinct terraced blocks and a separate three unit block and two unit block. The one terrace adjoins Brokenford Lane

providing a new street running up to the base of the railway bridge, with the other terrace within the site and backing onto the adjoining site which also has an approval for residential development. The two smaller joined blocks complete the Brokenford Lane street scene.

- 14.3.2 The dwellings proposed are all, except for the block in the north western corner, two storey in height. The taller block is of 3 storey construction to accommodate the 6 flatted units. The dwellings will be faced in a mixture of red clay brick, and off white coloured render walls under plain tiles and slated roofs with traditional style casement windows.
- 14.3.3 A single point of vehicular access is provided onto Brokenford Lane which then leads into a central car parking area and public open space area. The new street onto Brokenford Lane allows the provision of parking spaces interspersed with planted areas in a front courtyard area between the road and the new dwellings.
- 14.3.4 The applicant has worked with the Council's Urban Designer and produced a Design and Access Statement to support their application. He confirms that, overall, the scheme is positive and recommends approval subject to conditions and resolving the minor layout concerns that need resolving. It is pleasing to note the support of the Town Council in matters relating to design and layout. Overall subject to detailed approval of material samples and the resolution of the detailed layout concerns, the design of the units is acceptable and in line with policy requirements. The design and layout set out will complement the adjoining development which has a detailed approval

#### 14.4 Local Amenity

- 14.4.1 Local amenity in this context falls into two broad categories i.e. impact on nearest neighbours from matters such as overlooking, loss of privacy, and noise during development, to the wider amenity of those who use this part of town to get to the town centre.
- 14.4.2 With regard to the first element the proposed layout has no major impact on adjoining dwellings. There are in fact only a small number of dwellings nearest to the site situated on Brokenford Lane which will be overlooked by the new houses. In particular the rear garden of Nos. 54 and 52 Brokenford Lane will be overlooked by the new south facing terrace of units. The new terrace is sideways on to Nos. 54 and 52 at a distance of 10m and 19m from their respective rear garden boundaries. This relationship given the limited number of first floor windows involved is acceptable. Similarly there is no significant loss of sunlight or daylight to the adjoining properties.
- 14.4.3 With regard to wider amenity the area together with the adjoining site has a run-down appearance. The application site has now been cleared and this taken in context with the adjoining site represents an opportunity to provide much needed housing and also to provide a significant townscape improvement in the local area.

#### 14.5 Highway Safety

- 14.5.1 The Highway Authority have raised a number of issues regarding the current layout which has been the subject of considerable discussion with the Planning Department through the lifetime of the current outline application. These discussions have culminated with the current detailed submission. The comments raised have been considered by the Urban Designer and case officer and there may be opportunities to resolve some of the issues raised. That said increasing the number of parking spaces will put at risk the design



concept now set out and will potentially lead to a loss of units which would make the scheme unviable. The shortfall in parking is noted but with at least one space being in reality allocated to each unit and 9 other unallocated spaces in a location close to the town centre this is considered a reasonable compromise. While the Highway Authority have raised issues with the current layout it is pleasing to note the Town Council have no objections to the design and layout as shown.

#### 14.6 Public Open Space

- 14.6.1 The site layout shows an element of public open space within the site along with tree planting areas. While there is no formal play space within the site contributions are to be made to open space provision off site as was the case with the allied residential permission on the other half of this allocated housing site. The off-site contribution of £27,747 can be secured by Section 106 Agreement along with a further on-site maintenance contribution of £2,250. The off-site contribution can be earmarked for public open space improvements along the strip of land connecting the site with the Eling recreation ground or within the recreation ground itself.

#### 14.7 Ecology and Trees

- 14.7.1 In accordance with the Conservation of Habitats and Species Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.7.2 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.
- 14.7.3 In this case the developer has agreed to pay the required amounts for habitat mitigation and this will be covered in the Section 106 Agreement.

#### 14.8 Contaminated Land

- 14.8.1 The Environmental Health Officer's comments are noted above. There is a requirement on this occasion to impose a standard suite of conditions to deal with a remediation strategy and to provide a method statement for dealing with contaminants as well as future monitoring arrangements to safeguard against future contamination arising.

#### 14.9 Flood Risk and Drainage

14.9.1 A flood risk assessment has been carried out in connection with the development and submitted with the allied outline application submitted previously. In addition the applicant has submitted a sustainable drainage scheme showing three large areas within the site to be used as attenuation type structures linked into an underground tank forming a 'hydrobrake' the purpose of which is to ensure that surface water flows leaving the site are at greenfield rates of run off so as to ensure there is no local flooding in the area. A detailed response from the agent to the comments of Hampshire Flood Risk team has been submitted which satisfies the points they make and officers agree that a condition can cover this matter. Southern Water have asked for a phasing condition to be applied. The agent has again responded stating that it would be unreasonable to require the applicant to carry out works not under his control and that phasing of the development in the way suggested would be unacceptable. The Case Officer agrees with this position.

#### 14.10 Affordable Housing and Viability

14.10.1 The normal policy requirement for affordable housing for this scale of development is set out in Core Strategy policy CS15. In Totton the target is 40% (9.6 rounded up to 10 units). The policy goes on to say that 25% of the affordable housing should be for social rent and 15% of the total number dwellings will be for intermediate housing.

14.10.2 The Core Strategy policy has however been superseded by the latest government policy set out in the NPPF 2018. In this document affordable housing is now defined as

- Affordable housing for (social or affordable rent)
- Starter homes
- Discounted market sales housing
- Other affordable routes to home ownership such as shared equity
- Low cost market homes (20% below open market value)

14.10.3 The applicants in their outline application 17/11557 submitted a viability appraisal that indicated the development was not viable with any affordable housing because of other abnormal costs. The applicant's original viability appraisal submitted in December last year has been recently updated in June this year.

14.10.4 The District Valuer has assessed the viability appraisal and has concluded that the scheme would not be able to support any affordable housing provision. The view of officers is the development is not viable with any affordable housing. Government policy now is quite robust in saying that LPA's should not stand in the way of housing delivery if the scheme is shown to be non-viable with affordable housing costs added.

#### 14.11 Other Matters

14.11.1 Throughout the preparation of our Local Plan Review 2016-2036 Part One: Planning Strategy we have not received any indication from the Southampton NHS Trust of a requirement for increased service delivery based on the proposed housing delivery within the plan area. As the proposals do not meet the definition for infrastructure then any contribution would need to be secured via a S106 agreement.

For a contribution to be legally secured it would need to meet the tests of Regulation 122 of the CIL Regulations 2010 (as amended) namely:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

Their request states it to be required for service delivery but it is not clear how this would be achieved in relation to this specific development. The contribution requested does not appear to meet the test of Regulation 122 as:

1. There is no evidence to suggest that the medical needs of the occupiers of these new retirement homes are not already being met by the NHS in the current system.
2. There is no local evidence to suggest that the assumption of 2 people per flat is correct.

#### 14.12 Conclusions

14.12.1 The site is allocated for residential development and is an excellent opportunity to provide new housing in a sustainable location close to public transport and local amenities. While there are issues in relation to normal highway standards it is considered that in this case the overriding principles of good design and the sustainable location of the development outweigh those standards. There are no overriding matters or environmental harm caused by the development and subject to appropriate conditions and revised plans, the development is considered to be acceptable. While it is regrettable that the development because of abnormal costs will not be able to deliver affordable housing the scheme does deliver a range of unit sizes some of which will be of low market value. The site has lain vacant for many years and this proposal represents a good opportunity to create a quality townscape in this part of Totton.

14.12.2 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
<b>Affordable Housing</b>			
No. of Affordable dwellings	10 (rounded up from 9.6 units 40%)	0	10
Financial Contribution	n/a	n/a	n/a
<b>Habitats Mitigation</b>			
Financial Contribution	£20,994	£20,994	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	1784.9	0	1784.9	1784.9	£80/ sqm	£171,899.60 *
Subtotal:	£171,899.60					
Relief:	£0.00					
Total Payable:	£171,899.60					

\* 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:

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

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 2018 this value is 1.2

## 15. RECOMMENDATION

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

- A. The applicant entering into an agreement under Section 106 of the Town and Country Planning Act (as amended) to secure the following:
  1. A financial contribution towards off-site public open space improvements of the sum of £27,747.13
  2. A financial contribution towards the future maintenance of the on-site public open space of the sum of £2,250.00; and
- B. The resolution of the layout concerns that have been raised by the Urban Design Officer.

### 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:

- FB4610/100 SITE PLAN
- FB4610/201 BLOCK AND LOCATION PLAN
- FB4610/203 ELEVATIONS BLOCK A
- FB4610/202 FLOOR PLANS BLOCK A
- FB4610/204 FLOOR PLANS/ELEVATIONS BLOCK B
- FB4610/205 FLOOR PLANS/ELEVATIONS BLOCK C
- FB4610/206 FLOOR PLANS/ELEVATIONS BLOCK D
- FB4610/207 STREET SCENE AND ELEVATIONS
- FB4610/209 SITE SECTIONS
- FB4610/208 SUDS PLAN
- GH1756 TREE CONSTRAINTS PLAN
- GH1756B TREE PROTECTION PLAN

Reason: To ensure satisfactory provision of the development.

3. Before any construction of the dwellings hereby permitted takes place above slab level a schedule of all materials of the facing, roofing materials, hard surfaced areas, and means of enclosure 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 buildings and site in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

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

5. Prior to any windows being fitted into the dwellings hereby approved, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
- a) Typical joinery details including window/doors, eaves, verge, bargeboards, depth of reveal and cill details, and means of openings for all windows.
  - b) Materials and colours to be used in the finish of all new windows and doors.

Development shall only take place in accordance with those details which have been approved.

Reason: In the interests of the appearance and character of the development in accordance with policy CS2 of the Core Strategy.

6. Before development commences, details of the means of disposal of foul and 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 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.

7. 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 8 to 10 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

9. Where a remediation scheme has been approved in accordance with condition 8, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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

11. 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.

12. Prior to the occupation of any of the dwellings hereby approved details of the exact on site ecological mitigation measures to be installed shall be submitted to and agreed in writing with the Authority. Such details as may be agreed shall be fully installed on site prior to the occupation of the final dwelling.

Reason: To comply with policy CS3 of the Core Strategy.

#### **Notes for inclusion on certificate:**

1. In discharging condition No. 11 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>



2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

3. The developers intention is drawn to the comments made by Network Rail and the need to safeguard all railway infrastructure. All fencing alongside the railway shall be dealt with as part of the planning conditions set out above.

**Further Information:**

Stephen Belli

Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

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

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

## Planning Development Control Committee

October 2018

Item No: 3d

Land of  
Units ABCD & E  
Brokenford Lane Totton  
18/11018

Scale 1:1250

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

