

Application Number: 16/11586 Full Planning Permission

Site: GLENDALYN, FERNHILL LANE, NEW MILTON BH25 5SX

Development: Three-storey 57 bed care home; landscaping; parking; demolition of existing

Applicant: Redland Care Group

Target Date: 03/03/2017

Extension Date: 16/03/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Deferred by this Committee on 10th January 2018 at the Applicants request.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

TPO no. 19/98/1

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS5: Safe and healthy communities

CS6: Flood risk

CS8: Community services and infrastructure

CS10: The spatial strategy

CS13: Housing types, sizes and tenure

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Plan Management Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM4: Renewable and low carbon energy generation

DM10: Residential accommodation for older people

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Housing Design, Density and Character

New Milton Local Distinctiveness Document

Parking Standards Supplementary Planning Document (SPD)

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

ENQ/15/21825/LDNF – a pre-application enquiry for a 60 bed care home facility concluded that while it is likely that the site can hold a significant building, the Council was not in a position to support a structure of the mass and scale proposed due to its harmful character impacts and uncertain tree impacts. The applicant was requested to identify the importance of retaining and bolstering trees in the landscape, accepting the removal of some specimens, balanced against the importance of locating this building for the best townscape quality and efficient use of land.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object for the following reasons:

- (1) Lack of on-site parking, in an area commonly used by commuter parking for the rail station 300yds away.
- (2) Highway safety. When travelling northbound on Fernhill Lane there is a dip and bend on the approach to the junction with Barrs Avenue. This increases the risk for those egressing Barrs Avenue, which will be higher in number due to the development.
- (3) The three storey nature of the development is a) a privacy issue for the nearby residents of Barrs Avenue and Ballard Close, with perceived or direct overlooking; and b) sees the northward migration of intensive urbanisation
- (4) The loss of a good quality tree numbered 10 (Wellingtonia) and 2 moderate quality trees (Beech, Cedar or Wellingtonia) which form part of the Tree Preservation Order 19/98.
- (5) The loss of a large lawned area and its negative affect on character, as per Local Distinctiveness Study page 39 'Green Infrastructure'
- (6) Loss of an Edwardian design building in large grounds, one of the few left in New Milton and so important to the towns heritage.
- (7) Potential negative affect to residents to the east from the siting of the kitchen, plant and waste disposal.
- (8) Negative impact to summer roosting bats.

8 COUNCILLOR COMMENTS

Cllr J Cleary: raises concern that contractors will want to park close by, i.e. all the surrounding roads during this development, which needs to be addressed.

9 CONSULTEE COMMENTS

- 9.1 Environmental Design Team (Urban Design): subject to conditions to secure final landscaping arrangements, building details (including window reveals and eaves) and materials (including rainwater goods), the design would result in a development which is in accordance with Policy CS2.
- 9.2 Environmental Health Section (Pollution): no objection subject to a condition to ensure the kitchen extraction system is installed, operated and maintained in accordance with the submitted document.
- 9.3 Environmental Health Section (Contaminated Land): recommended that conditions are imposed.
- 9.4 Tree Officer: acceptable subject to conditions. The amended Arboriculture Report provides all the relevant details and processes to be undertaken with regards to the retention of existing trees on site. There are several trees marked to be removed and while the loss of these trees is regrettable, if a well-designed building and landscaping can be achieved and mitigating tree planting is carried out this may be acceptable. Given the nature of the site, and the scale of the development there is a high possibility of damage to retained trees, however if the submitted Arboricultural Report is adhered to for the duration of the development, the proposed scheme would be acceptable, subject to tree protection conditions.
- 9.5 Hampshire County Council Highway Engineer: no objection subject to conditions. The applicant has resubmitted plans for car parking provision, which now shows 24 spaces. The Highway Authority would be satisfied with this quantum. The application form states that a total of 34 cycle spaces would be provided at the site however the plans indicate 10, the applicant should therefore provide further information to ensure that a suitable number of cycle parking spaces are provided. A Construction Method Statement is required for the development to ensure no detrimental impact on the local road network. As the proposals include the modification of the existing access onto the highway the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority. The plans also indicate that a new length of footway would be provided linking the site with the existing footway on the northern side of Barrs Lane in order to improve pedestrian access to the site in line with the aims of the Travel Plan Statement.
- 9.6 Hampshire County Council Drainage: consider that insufficient information is provided on surface water discharge from the site to make comment.
- 9.7 Southern Water: no objections, subject to a surface water discharge condition and informatives.

9.8 Ecologist: holding objection pending clarification of the status of the submitted ecology reports from the applicant to demonstrate accordance with policy.

9.9 Southern Gas Networks: no objections, but give informatives.

10 REPRESENTATIONS RECEIVED

Thirty representations have been received to the proposal. One in support; five making comments only and twenty three objecting. The following concerns are raised by notified parties:

- Proximity of car parking area to dwellings on Ballard Close and Barrs Avenue, which should be screened;
- Insufficient off-street parking availability will lead to on-street parking;
- It is not clear where the access from Barrs Avenue will be in relation to Lakeside Pines;
- Access from Barrs Avenue is unacceptable;
- Increased vehicle movements in the locality;
- There is no indication of where deliveries will be taken;
- Over-intensification of site use for commercial activity;
- The bin store location will cause disruption;
- The building is too large and too close to adjoining properties;
- Overlooking;
- Loss of trees;
- Disruption caused by construction traffic and activity;
- Inadequate drainage;
- The kitchen will cause noise and odour;
- The proposal will require an emergency generator, which will cause noise;
- The building should be retained as a children's home;
- Air pollution caused by traffic;
- A traffic regulation order is required to control parking on Barrs Avenue.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

No CIL will be payable in respect of this proposal as it does not provide self contained accommodation.

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 the applicant sought the Council's pre-application advice on a similar form of development to that proposed. While the form of the proposal originally submitted was not considered to be acceptable, the subsequent submission of documents and amended plans has overcome the initial concerns.

14 ASSESSMENT

Introduction

This application was deferred by this Committee on 10th January 2018 at the request of the applicant to enable them to make further changes to be negotiated that would meet the operational requirements of the end user. The changes include very modest alterations to the footprint of the proposed building, minor fenestration alterations, slight changes to roofing arrangement, alterations to paths and footways around the building and internal alterations to facilitate the addition of 3 rooms (totalling 57).

14.1 The Site and Proposal

- 14.1.1 The current site of Glendalyn, Fernhill Lane, New Milton has a single large building with several extensions and minor outbuildings to the east. It was formerly used as a children's home, though is currently vacant. The surrounding grounds are extensive and consist of open lawn, hard surfacing to the north and west of the building and heavy tree cover throughout. Much of the site's western boundary is occupied by protected trees, separating the site from Fernhill Lane. The site is within the Built-up Area of New Milton and is bound by a two storey dwelling to the north, bungalows to the east and Lakeside Pines (a block of flats up to 3 storeys high) to the south, across Barrs Avenue.
- 14.1.2 The proposal was initially for the demolition of the existing building and erection of a new 60 bedroom care home. However the scale, design, footprint, car parking and tree impacts of the proposal have been altered extensively during the course of negotiations, including a reduction in the number of bedrooms to 57. It is proposed to provide care home accommodation for the elderly in a building of three storeys

in height and of an Arts and Crafts style design, over and beyond the footprint currently occupied by Glendalyn. The proposed accommodation would fall within Use Class C2 (residential institution). A new access would be formed onto Barrs Avenue and the existing vehicular and pedestrian accesses onto Fernhill Lane would be stopped up. Off-street parking for 24 cars would be provided from the new Barrs Avenue access. The application is supported by a suite of documents including design and access statement, planning statement, tree survey, transport statement and ecological survey.

- 14.1.3 The site is within the Built-up Area of New Milton where a presumption in favour of development exists, subject to other material planning considerations, including access, amenity impacts, tree constraints, ecological impacts and visual impact.
- 14.1.4 The form, scale and mass of building proposed is still significant and it needs to be considered whether the applicant has balanced the level of tree removal proposed, character impacts, highway impacts, residential amenity impacts and visual impacts against the importance of locating this building for the proposed use and making the most efficient use of available land.

14.2 Design and Character Considerations

- 14.2.1 Policy CS2 of the Core Strategy states that new development will be required to be well designed to respect the character, identity and context of the area's towns. The New Milton Local Distinctiveness Document requires proposals for development to contribute positively to local distinctiveness and character of the area. Specifically the Distinctiveness Document picks up on the importance of the tree group all along Fernhill Lane, which has been a fundamental issue in drawing up the scheme now proposed. However, some lesser trees might be better removed and possibly replaced in order to achieve better all round health of the more significant trees, a more appropriate form of development and more efficient use of land.
- 14.2.2 The applicant has engaged in negotiations with the Council resulting in the form of the current proposal. The applicant has adopted much of what has been asked for by the Council, but there is a tendency for the roof form of the bulkier elements of the building to appear as too similar in height, losing something of the distinct character that such a large building might bring to the area. The applicant has therefore amended the southern most wing in terms of omitting the trough between the double pile roof so that the ridge appears higher and a hierarchy of forms is then created relieving the skyline somewhat. A fairly attractive building (and at least one large tree), would be lost and replaced by a larger new building, but one which, subject to good quality details, materials and planting, would offer a large scale building in a suitably grand setting. It is acknowledged that the existing building has some visual merit, however it is not listed and the form, appearance and detailing of the replacement structure is considered to be acceptable. Scale and mass are now reasonable in the setting of the large forest scale trees and reasonably wide spaces between buildings. The building is large and grand and with good detailing should offer a strong sense of style to add character to the area. A proper landscape design/framework is needed to be certain that the site can accommodate this building.

- 14.2.3 Subject to conditions to secure final landscaping arrangements, building details and materials, the design would result in a development which makes efficient use of available land and complies with the character provisions of Policy CS2 and the New Milton Local Distinctiveness Document.

14.3 Highway Impacts

- 14.3.1 A significant level of objection has been received to the proposed point of access to the site, parking and related highway concerns. The Highway Engineer raises no objections to the proposed point of access from Barrs Avenue and it is the view of your officers that an access via a distributor route such as Barrs Avenue is preferable and safer to an access from an arterial route like Fernhill Lane. It has not been suggested that a traffic regulation order is required to control parking on Barrs Avenue.
- 14.3.2 The Highway Engineer considers that on site parking provision of 24 spaces for a 57 bed care home would be acceptable and amended plans have been submitted showing that level of provision. Concern is raised over the level of cycle parking proposed and the Highway Engineer has been requested to comment on whether this matter should be addressed by condition or by an updated Travel Plan. It should be noted that a rudimentary Travel Plan has been submitted by the applicant outlining how they intend to reduce reliance upon the private motor car by staff accessing the site. This plan needs to be extended to visitor, delivery and other service vehicle movements, so a condition should be imposed requiring a full Travel Plan to be prepared for the proposal.
- 14.3.3 No objections are raised by the Highway Authority, subject to conditions to ensure access, parking and turning is provided in accordance with the approved plans, to ensure closure of the existing access with Fernhill Lane, to ensure details of a construction method statement are submitted and details of measures to prevent surface water discharging onto the highway are provided

14.4 Site Drainage

- 14.4.1 Southern Water and the County Drainage Authority raise issues over the potential for the proposal to exacerbate existing flooding problems in the locality. Given the amount of land available to the applicant, a comprehensive approach to dealing with water on site could be achieved, meeting the requirements of Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. Conditions are proposed requiring the applicant to provide full details of a sustainable foul and surface water drainage strategy for the site and to ensure its future maintenance.

14.5 Residential Amenity Impacts

- 14.5.1 Policy CS2 requires the Planning Authority to consider the impact of development proposals upon adjoining amenity and upon the amenity of future occupiers of the new units.
- 14.5.2 In respect of the physical impacts of the building upon the amenity of adjoining occupiers, although the form of structure proposed here is admittedly large, it is set within a very generous curtilage, with mature

vegetation towards its boundaries. The closest element of the proposed structure to the bungalows on Ballard Close is in fact the lowest element of the proposal at 10m to the ridge. The highest windows here are at 8m above ground level and the degree of separation (19m to the boundary and 34m to windows) is well above the accepted rule of thumb of 21m. There is also an opportunity to bolster existing planting on the eastern boundary of the site with extra heavy standards, to ensure that intervisibility between the proposal and dwellings on Ballard Close is limited further. This may be ensured by the suggested landscape condition. The highest element of the scheme is 29m away from the boundary with dwellings in Ballard Close. Consequently, the proposed development would have no adverse impacts upon the amenity of adjoining occupiers in terms of loss of privacy or overbearing impacts.

- 14.5.3 The planning application shows a large kitchen within the third floor roofspace to serve three dining rooms and a cafe on the ground, first and second floors. This indicates that significant cooking operations will be undertaken on the site. A kitchen of such scale will require an extraction system to remove heat and moisture during the cooking process. The applicant has submitted a document which identifies how the kitchen extract system will be installed, operated and maintained in respect of noise and odours. The Environmental Health Officer is satisfied that the document addresses noise and odour emissions from the kitchen, subject to a condition being applied to ensure the system is installed and operated in accordance with the agreed scheme.
- 14.5.4 Deliveries will be taken from the only point of access to the site, via Barrs Avenue, following the stopping-up of the existing Fernhill Lane access. It should be noted that the location of deliveries and the bin store have been moved to the western side of the site away from existing dwellings, to limit disturbance. While it is accepted that use of the site will be more intensive than the existing use, the main use of the site will remain residential and it is not anticipated that disturbance would be such as to constitute any significant loss of residential amenity.
- 14.5.5 Concern has been raised that car parking would cause noise and disturbance to neighbours. The closest car parking to dwellings on Ballard Close and Barrs Avenue would be 6.5m to the boundary and 11.5m from the gable of no. 9 Barrs Avenue, which is an acceptable degree of separation. Appropriate screen planting between the two would be ensured by the landscaping condition.
- 14.5.6 Subject to conditions to ensure appropriate boundary planting is implemented and to control noise and odour emissions from the kitchen, the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

14.6 Tree Impacts

- 14.6.1 The proposal is constrained by protected trees within the site and the design has evolved around these tree constraints, to maximise the built form of the development, while avoiding root protection areas. The Council's Tree Officer offers specific comments on tree impacts above and accepts that some specimens may be removed, to free up space to facilitate a more appropriately sited and acceptable form of development. Importantly the large Wellingtonia, originally earmarked

for removal is retained under the amended scheme. The Tree Officer has commented in relation to the premature removal of a tree as informed by the Town Council on 9th February 2018, the tree was located on the highway verge and was removed as the result of the County Council carrying out highway works.

14.7 Ecology Impacts

- 14.7.1 The Council's Ecologist raises a holding objection pending clarification of the status of the submitted ecology reports. A revised Ecology Report has been provided, which the Council's Ecologist has been requested to comment on.
- 14.7.2 In terms of the species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994 and the three "derogation tests", subject to receipt of satisfactory clarification of the ecology reports, the Ecologist comments that the favourable conservation status of protected species will be maintained, subject to the suggested condition. Officers are satisfied that there is no satisfactory alternative to the form of development proposed, considering the requirement to meet the accommodation needs of the elderly in accordance with the provisions of Policies CS8, CS13 and DM10. Finally Officers are satisfied that the activity to be licensed is for imperative reasons, in light of the poor condition of the existing building and the need for its replacement with a viable new development. The development complies with the nature conservation provisions of Policy CS3 of the Core Strategy and Policy DM2 of the Local Plan Part 2.

14.8 Other material considerations

- 14.8.1 The proposed development needs to be balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10. While it is recognised that provision of suitable accommodation for older people needs to be made, those needs must, again, be balanced against other material considerations. The proposal is supported by a statement from Hampshire County Council (HCC) explaining why the former facility closed and why the site is now surplus to HCC requirements. Furthermore, 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.

While this Town Council have raised concerns over parking, highway safety, privacy, tree loss, character impacts, loss of the existing building, impacts of the commercial kitchen and ecology, these matters have been addressed by the applicant as outlined above.

14.8.2 With regard to concerns raised by notified parties and consultees which are not addressed above, disruption caused by construction traffic and activity often arises as a consequence of new development and cannot be used as a reason for refusal in isolation. However, it will be a condition of any approval that a construction management plan is submitted, which will detail the access, parking and hours of operation arrangements for construction vehicles and workers and ensure that disruption to neighbours is minimised.

14.8.3 It is suggested that the proposal will require an emergency generator, which will cause noise. No details are submitted of any such equipment, although it is pointed out that as a residential institution falling under Class C2, the development would not benefit from any permitted development rights, so if such equipment is proposed in future, it may need to be the subject of a separate planning application, which would be notified to neighbours.

14.9 Contributions Required as a Result of Development Proposed

14.9.1 As a proposal for extra care housing for the elderly, the proposed development is considered to be a residential institution falling under Class C2 of the Use Classes Order, for which there is no Community Infrastructure Levy, Habitats Mitigation or affordable housing liability.

14.10 Conclusion

14.10.1 The proposed development has satisfied concerns raised over design, highways, drainage, residential amenity, trees and ecology, following the receipt of amended plans and additional information to satisfy the concerns of consultees and notified parties. Consequently the application is recommended for approval, subject to the imposition of conditions.

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.

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: 1:200 Site Survey Drawing, 15-31/00A- Location Plan, 15-31/01A -Existing Site Plan Block Plan, 15-31/202A - Proposed Site Plan, 15-31/203B - Ground Floor Plan, 15-31/204A - First Floor Plan, 15-31/205A - Second Floor Plan, 15-31/206 - Third Floor Plan, 15-31/208C - East Elevation, 15-31/209C - West Elevation, 15-31/210B - South Elevation, 15-31/211A - North Elevation, 15-31/212A - East Elevations over the Boundary, 15-31/213A - West Elevations from Fernhill Ln, 15-31/214B - South elevation from Barrs Ave, 15-31/215A - North Elevation over the Boundary, 15-31/216A - East Elevation with Height Overlay, 15-31/217A - West Elevation with Height Overlay, 15-31/220A - Streetscape Montage, Arboricultural Report (JS Tree Services - Nov 2017), Headline Market Analysis (Carterwood - May 2016), Phase 1 and 2 Geo-Environmental Site Assessment (e3P - June 2016), Great Crested Newt and Bat Survey Report (Wildwood Ecology - Jan 2017), Planning Statement (Hunter Page - Sept 2016), Design and Access Statement (glg Lang Architects - Nov 2016), Transport Statement and Appendices (Highgate Transportation Nov 2016), Travel Plan (Highgate Transportation Nov 2016), Kitchen Extract Noise and Odour Assessment (Acoustic Air - Mar 2017) and Kitchen Extract Statement (Harniss - Nov 2017).

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing materials, roofing materials, fenestration materials, rainwater goods, window reveals and eaves details to be used or incorporated into the development 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. Notwithstanding the external works suggested in submitted layout drawings and before development commences, the details and final designs for 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 footpaths, car parking and other hard surfacing and the materials to be used;
- (d) boundary treatments and other means of enclosure;

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

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

5. 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 (including signage) 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).

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 7 to 9 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition no. 9 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).

7. 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).

8. Where a remediation scheme has been approved in accordance with condition no. 7, 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).

9. 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 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 7, 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.

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. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

11. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

12. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

13. Before use of the development is commenced the existing access from the site to Fernhill Lane shall be permanently stopped up and effectively closed with the verge reinstated, in accordance with details which have been submitted to and approved by the Planning Authority.

Reason: In the interests of highway safety in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

14. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

15. No development shall start on site until details of a scheme to prevent surface water from the site discharging on to the adjacent highway have been submitted to and approved in writing by the Planning Authority. The development works shall be carried out in accordance with the approved details before any part of the development is occupied and shall be retained thereafter.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park.

16. 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 Local Plan for the New Forest District outside the National Park (Core Strategy).

17. Before development commences details of the means of disposal of foul and surface water from the site and an implementation timetable 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 CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

18. Before development commences details of the means of the future maintenance of the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the development.

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.

19. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works of any kind in accordance with the measures set out in the submitted John Shutler Arboricultural Report dated 10/11/2017 and in accordance with the recommendations as set out in BS5837:2012.

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

20. Prior to the commencement of the removal of any trees on site 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a site meeting and agree those trees to be removed as specified within page 12 of the John Shutler Arboricultural Report dated 10/11/2017

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

21. Prior to the installation of the new surfacing, hardstanding and parking bays within the areas marked as no dig construction, 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend site supervision of the installation of a cellular confinement system as detailed within Section 3.3.2, 3.3.3 and 3.3.4 of the John Shutler Arboricultural Report dated 10/11/2017

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

22. No development, demolition or site clearance of any kind shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

1. Detailed engineers drawings and specifications for the construction of the no dig construction surfacing (Cellular confinement based system is required for all construction within root protection areas) Drawings are to include the method of edge retention for such a system and a construction method statement for its installation
2. Samples of the exact cellular confinement to be used for the above mentioned no dig construction
3. Location of contractors parking area within the site (Should be situated outside of all root protection areas)

Development shall only take place in accordance with these approved details.

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

23. The kitchen extraction system shall be installed, operated and maintained in accordance with the document entitled 'New Milton – Kitchen Extract Statement' carried out by Harniss Building Services Solutions (November 2017) unless the prior written approval of the Local Planning Authority is forthcoming.

Reason: To protect the amenities of the surrounding residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

24. Prior to the commencement of development, details of biodiversity mitigation and enhancement, in respect of bats, nesting birds, amphibians, invertebrates, lighting and measures for any boundary treatments that might otherwise impede wildlife movement, shall be carried out by an appropriately qualified consultant and submitted to and approved in writing by the Local Planning Authority. The approved measures of mitigation and enhancement shall be implemented in accordance with an approved programme of works.

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

25. No development hereby permitted shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be implemented in accordance with the agreed details.

Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access and in the interests of highway safety, in accordance with Policy CS24 of the Core Strategy for the New Forest District outside 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 applicant sought the Council's pre-application advice on a similar form of development to that proposed. While the form of the proposal originally submitted was not considered to be acceptable, the subsequent submission of documents and amended plans were considered to be acceptable.

2. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

3. The County Highway Authority advise that as the proposals include the modification of the existing access onto the highway and a new length of footway linking with the northern side of Barrs Avenue that the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority.
4. Southern Water advise that a formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, in order to progress the required infrastructure.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

1. Adequate soakaway or infiltration system
2. Water course
3. Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

Further Information:

Jim Bennett

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

March 2018

Item No: 3a

Glendalyn
Fernhill Lane
New Milton
16/11586
SZ2495

Scale 1:1250

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

