NEW FOREST DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (General Development Procedure) Order 1995

Mr Ryan Johnson
Turley Associates
Brunswick House
8-13 Brunswick Place
Southampton
SO15 2AP

Application Number: 09/95023

Applicant: Solent Industrial Estates Limited

Date of Application: 18 December 2009

THE NEW FOREST DISTRICT COUNCIL as the Local Planning Authority GRANTS OUTLINE PLANNING PERMISSION for the following development:

Development: 54 dwellings; 10,191 square metres of B1 Use; 6,430 square metres of B2 use (Outline Application with details only of access)

Site Address: Land east of CAIRD AVENUE & south of CARRICK WAY, NEW MILTON BH25 5QA

Subject to the following Conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission.
   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Approval of the details of the layout, scale, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.
   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.
   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. 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 by the Local Planning Authority.
Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. No development shall take place until full details of the improvements to the Tesco roundabout as shown in principle on drawing 14437-GE-201 have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details prior to the occupation of the development.

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

6. No development shall take place until full details of the new priority junction into the site as shown in principle on drawing 14437-GE-200 have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details prior to the occupation of the development.

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

7. No more than 5540m² of the employment use hereby approved shall be occupied until full details of the improvement works to the junction of Caird Avenue/Ashley Road as shown in principle on drawing 144637-GE-625 have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans, prior to the occupation of the employment use.

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

8. No part of the employment use hereby approved shall be occupied until full details of the improvement works to the roundabout at the junction of Caird Avenue/Lymington Road as shown in principle on drawing 144637-GE-626 have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans, prior to the occupation of the employment use.

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

9. No residential or commercial unit shall be occupied until their respective cycle and vehicle parking has been provided. The parking areas shall remain for such purposes at all times.
Reason: To ensure adequate car parking provision within the site in accordance with the adopted standards of the Local Authority and to encourage sustainable travel in accordance with policy CS24 of the Core Strategy for the New Forest District outside the National Park.

10. Any garage/car port which faces onto the highway shall be set back at least 6m from the highway boundary.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, any residential garages shall not be converted into habitable living accommodation unless express planning permission has been granted.

Reason: To ensure adequate parking provision is retained on the site in the interests of highway safety and in accordance with policy CS24 of the Core Strategy for the New Forest District outside the National Park.

12. No development shall take place until a more robust, deliverable and over-arching ecological management plan to pull together the mitigation and enhancement proposals for the site has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any of the mitigation proposals that would need to be completed before development starts. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the enhancement of biodiversity in accordance with policy CS3 of the Core Strategy for the New Forest District outside the National Park.

13. No development shall take place until a scheme to ensure the following has been submitted to and approved in writing by the Local Planning Authority:

1) finished floor levels are set no lower than 29.2m above Ordnance Datum (AOD), and
2) surface water runoff generated by the development is no greater than that from the site in its current state.

The development shall be fully implemented and maintained in accordance with the timing or phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site and to protect controlled waters from contamination in accordance with policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.
14. 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 15 to 19 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 18 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

15. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination (sources, pathways and receptors) from all previous uses;
(ii) an assessment of the potential risks to:
  • human health,
  • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  • adjoining land,
  • groundwaters and surface waters,
  • ecological systems,
  • archaeological sites and ancient monuments;
(iii) the results of the assessment/investigation and an appraisal of remedial options, and proposal of the preferred option(s), and
(iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.
16. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

17. 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

18. 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

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

19. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period of years stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

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

20. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written permission from the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To protect controlled waters from contamination by preventing the creation of potential contaminant pathways in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

21. The collective maximum sound level from the employment allocation shall not exceed a maximum SPL of 54 dB from 0700 to 2300 and 42 dB between 2300 and 0700 measured within 6 m of any neighbouring residential property.

Reason: In the interests of residential amenity and in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

22. The works hereby approved shall be undertaken in full accordance with the provisions of the Barrell Arboricultural Method Statement contained within report reference 8205-AIA-PB dated 08.12.2009. At least 3 working days notice shall be given to the Local Planning Authority that the tree protection measures have been installed prior to commencement of any other site operations.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DW-E8 of the New Forest District Local Plan First Alteration.

Reason: To ensure satisfactory provision of the development.

Reason(s) for granting permission:

The proposed development is in accordance with Policies CS1, CS2, CS3, CS5, CS6, CS7, CS10, CS15, CS17, CS24 and CS25 of the Core Strategy for the New Forest District outside the National Park and Policies DW-T14, DW-E8, NM-9, NM-11, NM-17 of the adopted New Forest District Local Plan First Alteration.

The proposal would allow the principle of implementing the land allocation on this site together with the provision of affordable housing and improvements to the highway network.

A full copy of the officer's report explaining in more detail the reason(s) for the grant of this permission is available for inspection in the planning office.

Notes to applicant

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.

2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, Orders or Regulations made under such Acts.

3. If this permission leads to the creation of any new properties you should contact the Council's Address Management Section on 02380 592222 or e-mail address.management@nfdc.gov.uk regarding the registration of the development.

Date: 20 October 2010

Heads of Planning and Transportation
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