

# NEW FOREST DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI: 2000/1625) as amended.

Appeal by Churchill Retirement Living Ltd against the decision of New Forest District Council to refuse permission to demolish existing building and erect 32no. Retirement Apartments including communal facilities, access, car parking and landscaping at:

**SITE OF THE FORMER POLICE STATION, SOUTHAMPTON ROAD, LYMINGTON  
SO41 9GH**

## **Suggested Conditions**

PINS Ref: APP/B1740/W/21/3289313  
LPA Ref: 21/10938

1) Standard 3yr commencement.

2) List of approved Plans.

3) No development shall take place, (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved CMS shall include scaled drawings illustrating the provision for:

- 1) The parking of site operatives' and visitors' vehicles;
- 2) Loading and unloading of plant and materials;
- 3) Management of construction traffic and access routes;
- 4) Details of construction access and construction vehicle tracking;
- 5) Storage of plant and materials used in constructing the development;
- 6) Details of the method of cleaning wheels and chassis of all HGVs, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction.

The agreed CMS shall then be adhered to for the duration of construction of the development hereby permitted.

Reason: In the interests of amenity and Highway safety, in accordance with the provisions of local plan policy ENV3.

4) The works hereby approved shall be undertaken in full accordance with the tree protective and construction measures recommended by the Barrell Tree Consultancy Arboricultural Assessment and Method Statement (reference: 18327AAJB dated 28 May 2021) and the Tree Protection Plan (reference: 18327-3).

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase and to incorporate the specialist foundation design and in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5) Before development (other than demolition) commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing, furniture and the materials and products to be used;
- (d) other means of enclosure, including boundaries;
- (e) a method and programme for implementation and the means to provide for its future maintenance.

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

The approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6) Prior to occupation of the development hereby approved the parking spaces, access(es), manoeuvring space, visibility splays, bin store and cycle/motorised scooter store (with electric charging points) shown on the approved plans shall be provided. The parking spaces shall be retained and kept available for the parking of residents and their visitors only.

Reason: In the interests of amenity and Highway safety, in accordance with policies ENV3 and IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

7) The first floor and second floor windows serving internal corridors on the south and west facing elevations of the approved building shall, in the first instance, be glazed with obscured glass and thereafter retained.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8) The flats hereby permitted shall be occupied only by:

- (i) A person aged 60 years or over;
- (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or

A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.

Reason: To ensure that occupancy is in accordance with the approved details and identified need and to ensure that the parking provision is sufficient to meet the demand of this type of use thereby complying with the Parking Standards SPD and Policy HOU3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9) Before development commences, a detailed scheme of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of its future maintenance, ownership and protection arrangements for the surface water drainage system

Prior to first occupation the approved drainage scheme shall be operational and the agreed maintenance and protection measures shall be implemented thereafter in accordance with the approved details, schedules and timescales.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10) Prior to first residential occupation the Solar PV shown on the approved plans shall be installed and operational. Thereafter it shall be maintained in accordance with the manufacturer's instructions and retained.

Reason: Due to the Council declared Climate Emergency and in the interests of delivering a sustainable development contributing to reducing the effect of development on climate change and in accordance with the NPPF 2021.

11) No construction works above damp proof course level shall take place until a Biodiversity Net Gain (BNG) Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The management plan should include:

- 1) Methods and timetable for delivering BNG;
- 2) Responsibilities for delivering BNG – during and after construction;
- 3) Description of the habitats to be managed;
- 4) Clear timed and measurable objectives in the short, medium, and long-term for BNG - Detail objectives for all habitats (target condition);
- 5) A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- 6) Details for a formal review process when objectives are not fully reached / roles and responsibilities;

The agreed BNG and management plan shall be implemented and maintained in accordance with the agreed timescales and schedules unless otherwise agreed in writing with the local planning authority.

Reason: To ensure biodiversity net gain for the development, in accordance with local plan policy ENV1, saved local plan policy DM2 and the aims and objectives of the NPPF.

12) No vegetation clearance (e.g. trees, shrubs and scrub) or building demolition, that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation/building for active birds' nests immediately before the vegetation is cleared or works commence and provided written confirmation that no birds will be harmed and/or that

there are appropriate measures in place to protect nesting bird interest(s) on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

13) Prior to the commencement of construction, a scheme shall be submitted to and approved in writing by the LPA for the inclusion of integral Swift Bricks within the building. The scheme shall show the number, specification of the Swift Bricks and where they will be located, together with a timetable for implementation and commitment to being installed. The agreed details shall then be implemented.

Reason: In the interests of nature conservation and in accordance with policy DM2 of the New Forest Local Plan Part 2: Sites and Development Management 2014.

14) Prior to first occupation of the scheme hereby approved, electric vehicle charging points shall be installed in accordance with a scheme that shall have been submitted to and approved in writing by the LPA. The approved scheme shall be maintained in accordance with the manufacturers instructions and thereafter retained.

Reason: To ensure suitable provision is made for Electric vehicle charging, in accordance with the requirements of Policy IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

15) Prior to the first occupation of the scheme hereby approved, the mitigation measures set out within chapter 5 of the noise assessment (ref: R9201-1 Rev 0, 24 Acoustics Ltd dated 27 August 2021) shall be implemented in full and maintained for the life of the approved development.

Reason: In the interests of amenity, in accordance with the provisions of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.

16) The development hereby permitted shall not be occupied until:

A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected

European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

17) Before development (other than demolition) commences, scale drawn details (plans and elevations) of the proposed refuse/bin store and the proposed mobility scooter and cycle store buildings, together with samples or exact details of the facing and roofing materials to be used for these buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details thereby approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

18) Prior to their use, details of the materials to be used on the external elevations of the building shall be submitted to and approved in writing by the LPA. The agreed details shall then be used in its construction.

Reason: In the interests of delivering an appropriate appearance and to preserve the character and appearance of the area, including the Conservation Area and in accordance with policies ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM1 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

19) Notwithstanding the submitted plans, plans indicating the provision of a path and access gate to serve the site from Southampton Road, in the south east corner of the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details

shall then be implemented prior to first residential occupation and thereafter retained for the benefit of residents and their visitors.

Reason: In the interest of providing attractive and direct access for residents to access the town centre and visitors to access the site, reducing reliance on the private car and in accordance with policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.