

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 11 AUGUST 2021, AT 9.00 AM*

Place: COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

Enquiries to: Email: karen.wardle@nfdc.gov.uk
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PUBLIC PARTICIPATION:

Members of the public may listen to this meeting live on the Council's website at the following link:-

<https://democracy.newforest.gov.uk/ieListDocuments.aspx?CId=504&MId=7253>

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk

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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

NOTE: The Planning Committee will break for lunch around 1.00 p.m.

Apologies

1. MINUTES

To confirm the minutes of the meetings held on 9 June and 14 July 2021 as correct records.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **93-95 Commercial Road, Totton (Application 21/10106) (Pages 5 - 18)**

Two-storey building to contain 11 flats; associated parking and stores; demolition of existing buildings (Outline application with details of access, appearance, layout and scale)

RECOMMENDED:

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 and the imposition of conditions.

(b) **2 Winton Way, New Milton (Application 21/10788) (Pages 19 - 24)**

Front porch extension; single storey rear extension; single storey side extension; loft conversion including raising the ridge by 900mm

RECOMMENDED:

Grant Subject to Conditions

(c) **Testwood Club, 110 Salisbury Road, Totton (Application 21/10693) (Pages 25 - 42)**

12 affordable dwellings; associated access, parking and works; demolition of existing building

RECOMMENDED:

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to a Section 106 agreement and the imposition of conditions.

(d) **Hurley Farm, Marl Lane, Sandleheath (Application 21/10834) (Pages 43 - 50)**

Re-cladding existing barn + roof and roller shutter doors; increase stone covered equipment storage area and parking

RECOMMENDED:

Grant Subject to Conditions

- (e) **14 Eling Lane, Eling, Totton (Application 20/11441) (Pages 51 - 62)**
Conversion of existing roof space to create an additional residential flat, with construction of 2 no. dormer windows on rear elevation and roof lights on front elevation; amendment to Application Reference 20/10523, to reduce consented 3-bed flat into a 2-bed flat and provide access to the proposed additional flat in roof; refuse and cycle store
- RECOMMENDED:**
- Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement / a Unilateral Undertaking and the imposition of conditions.
- (f) **The Old Cinema, Junction Road, Totton (Application 21/10486) (Pages 63 - 74)**
Removal of part of existing roof structure and addition of a second floor extension to create 6 additional one-bedroom apartments; external staircase; fenestration alterations
- RECOMMENDED:**
- Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) and the imposition of conditions.
- (g) **Land rear of Fulwood, Park Lane, Milford-on-Sea (Application 21/10703) (Pages 75 - 86)**
Two detached houses; associated parking; carport; access & Landscaping
- RECOMMENDED:**
- That the Executive Head of Planning, Regeneration and Economy be **AUTHORISED TO GRANT PERMISSION** subject to the completion of a S.106 Agreement or unilateral undertaking and the imposition of conditions.
- (h) **12 The Furlong, Ringwood (Application 21/10694) (Pages 87 - 92)**
Installation of new fascia signage, projection sign and menu board (Application for Advertisement Consent)
- RECOMMENDED:**
- Grant Advertisement Consent
- (i) **Beachcomber Cafe, Marine Drive, Barton-on-Sea (Application 21/10467) (Pages 93 - 100)**
Creation of two patio areas and a fence; siting of two pop-up gazebos within the grounds of the cafe for up to 150 days per calendar year (Retrospective)

RECOMMENDED:

Grant Subject to Conditions

Please note that the planning applications listed above may be considered in a different order at the meeting.

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Please note that all planning applications give due consideration to the following matters:

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To: Councillors:

Christine Ward (Chairman)
Christine Hopkins (Vice-Chairman)
Ann Bellows
Sue Bennison
Hilary Brand
Rebecca Clark
Anne Corbridge
Kate Crisell
Arthur Davis
Barry Dunning

Councillors:

Allan Glass
David Hawkins
Maureen Holding
Mahmoud Kangarani
Joe Reilly
Barry Rickman
Tony Ring
Ann Sevier
Beverley Thorne
Malcolm Wade

Application Number: 21/10106 Outline Planning Permission

Site: 93 - 95 COMMERCIAL ROAD, TOTTON SO40 3AF
(NB: PROPOSED LEGAL AGREEMENT)

Development: Two-storey building to contain 11 flats; associated parking and stores; demolition of existing buildings (Outline application with details of access, appearance, layout and scale)

Applicant: 220230 Limited

Agent: Concept Design & Planning

Target Date: 28/04/2021

Case Officer: James Gilfillan

Extension Date: 31/08/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Access and parking

This application is to be considered by Committee because the scheme is a departure from the development plan.

2 SITE DESCRIPTION

The site is on the north side of Commercial Road, the A36, in Totton town centre. It is occupied by a semi-detached house, 2 flats (in the other half of the semi-detached pair) and commercial premises. There is a large advert hoarding attached to the commercial building.

There is a wide variety of uses surrounding the site. Residential properties to the rear, a former British Legion club to the west, open storage to the east, enclosed by further advert hoardings and retail warehouses and car sales to the south.

The site is close to the retail centre of Totton, with its shops and services. The train station is opposite the site.

Due to the proximity to the River Test, Commercial Road, in front of the site is at risk of fluvial flooding.

The site, with adjoining sites along Commercial Road, is allocated by the Development Plan for retail, office or entertainment purposes.

3 PROPOSED DEVELOPMENT

The scheme proposes to demolish the existing buildings and erect a block of 11 1-bed flats, with vehicle access and parking.

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR8: Community services, Infrastructure and facilities

Policy ENV1: Mitigating the impacts of development on International Nature

Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM3: Mitigation of impacts on European nature conservation sites

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

TOT15: Totton town centre opportunity sites

Supplementary Planning Guidance And Documents

SPG - Totton Town Centre - Urban Design Framework

SPD - Parking Standards

SPD - Housing Design, Density and Character

Relevant Advice

NPPF

Constraints

SSSI IRZ Water Supply

SSSI IRZ Waste

SSSI IRZ Residential

NFSFRA Fluvial

Meteorological Safeguarding

Aerodrome Safeguarding Zone

Article 4 Direction

Plan Area

Plan Policy Designations

Town Centre Boundary

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The proposal is for eleven one bedroom flats which would meet housing need. Good transport links out of town, easy access to the train station and walking distance to the town centre. There will be 12 parking spaces to the rear and a cycle store.

The design has been well thought out with landscaping to the front and amenity area to the rear which would enhance the local area.

Planning Policy TOT15.5 designates this area for retail/office/entertainment, however, the existing buildings on the site are residential.

It was agreed this scheme is an improvement to the existing.

RECOMMENDATION: PERMISSION but would accept the decision reached by the District Council's Officers under their delegated powers

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Urban Design: Objects to the failure of the scheme to take opportunities to create an attractive and distinctive scheme to contribute to this important approach to Totton town centre.

NFDC Ecologist: Objects to the lack of ecology survey, acknowledges the need to secure appropriate Bio-diversity net gain and mitigation for the impacts of the development on protected habitats.

Waste Collection NFDC: Supports the scheme for provision of accessible bin refuse storage.

Open Spaces NFDC: No objection subject to landscape condition.

HCC Surface Water: Object to the lack of surface water drainage strategy.

HCC Countryside Services: No objection

HCC Highways: Query proposed revisions to dropped kerbs to align with new access.

HCC Education Services: No objection, no impact arising from 1-bed flats.

Natural England: No objection subject to securing mitigation for impacts on protected New Forest and Solent habitats, air quality monitoring and CEMP.

Hampshire Fire and Rescue: No objection and raise matters relating to construction and the building regulations.

SGN: No objection

SSE: Comment only

Southern Water: No objection subject to relocation of existing foul sewers on site.

9 REPRESENTATIONS RECEIVED

The following is a summary of the 2 letters of representation received.

- Concern regarding overshadowing
- Concern regarding boundary treatment

10 PLANNING ASSESSMENT

The application proposes to demolish the existing buildings and erect a block of 11, 1-bed flats. It is in outline form, in addition to the principle of the demolition and erection of a block of 11 1-bed flats, the matters under consideration by this application are:

Access: Widened dropped kerb access on to Commercial Road, from the existing access, laying a drive into the site along the east boundary to parking at the rear of the site. 5m wide at the point of access.

Appearance: Simple contemporary style with a vertical emphasis. Access door on the front elevation with canopy.

Layout: Largely on the footprint of the existing buildings, positioned at the front of the site. Access drive along the east edge of the site, serving parking at the rear of the site. Communal gardens and private terraces to the rear and space for landscape along the front. Integral bin and bike stores provided at the front of the building.

Scale: 2 storey pitched roof building containing 11x1-bed flats. 12 parking spaces provided.

Details of the remaining matter, the Landscape of the scheme, is reserved for consideration by a future application.

Amended plans have been received to respond to the representation of the Urban Design Officer.

Principle of Development

The existing buildings are of limited architectural merit, the principle of their demolition would not be resisted. The commercial building is largely hidden behind the advert hoarding, the loss of which would also not be resisted.

Whilst the loss of the house, flats and commercial floorspace reduces the availability of such accommodation in a sustainable location, the existing accommodation is of poor quality, and would therefore not weigh against the proposed scheme.

Policy DM16 seeks to limit use of town centre sites outside the Primary Shopping areas and other Secondary Shopping frontages, such as this site, for retail and identified non-retail uses. The list of alternative non-retail uses identified by the plan does not include residential. The policy would allow residential on upper floors of a building or where it would not result in the loss of a site capable of delivering retail, appropriate non-retail or other commercial uses appropriate to a town centre.

Policy TOT15 identifies the site as appropriate to provide retail/office/entertainment (appropriate non-retail uses) uses, which this entirely residential scheme does not deliver. However it has to be recognised that the policy applies to the sites of 81-97 Commercial Road and the site of the former Red Lion Pub and not just the site subject to this application.

The scheme proposes solely residential development. It has not demonstrated that any of the other identified uses would be unviable, however the age of the policy, adopted in 2014, has to be considered in light of the subsequent changes to national planning guidance and the Prior Approval parts of the Permitted Development Order (GPDO) that support the principle of conversion of such commercial floor space to residential accommodation

The failure to provide such commercial uses does fail to deliver economic and social benefits of delivering employment opportunities on site with likely use of local supply chains, as well as the social benefits of leisure and entertainment uses in a readily accessible location

Whilst the proposal would conflict with adopted policies, it does still deliver benefits and is compliant with other development plan policies.

It directs development to accessible locations and will help sustain the vitality and viability of the town, in accordance with STR3. It uses land in Totton, identified by STR4 as one of the most sustainable locations in the District. As such it complies with STR2 by protecting the special character and qualities of the New Forest National Park and Cranborne Chase ANOB. Similarly it would comply with ENV2 by preserving the permanence and openness of the Green Belt.

It would have minor economic benefits during construction and benefits for existing commercial premises and businesses in Totton from increased footfall arising from additional residents living in the town centre.

The provision of 11 new residential flats would make a contribution to housing supply. The existing buildings do not contribute particularly positively to the appearance of the area, along with replacement of the commercial building and advert hoarding, the proposed building would have environmental benefits. There is scope to make more efficient use of land in the urban area. Furthermore the sustainability of the location, in the town centre well served by public transport infrastructure, social and community services, shops, recreational and leisure services and employment opportunities would significantly reduce reliance on the private car for many trips.

The NPPF at Para.69 encourages great weight is given to the benefits of small and medium sized windfall sites within existing settlements. At para.86(f) it indicates that planning policies should recognise the important role that residential development makes in ensuring the vitality and viability of town centres.

The proximity to services and infrastructure would have social benefits for residents of the scheme. Provision of 11 small, potentially starter units, would contribute to overall housing supply and home ownership.

In addition to balancing the benefits of the principle against this policy, at the time of consideration the Council cannot demonstrate a five-year supply of deliverable housing land. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing.

Policy TOT15.5 is over 6 years old now and the only significant development brought forward on this parcel is the restaurant and drive thru on the site of the former public house. There is a clear drive nationally to deliver more housing, adoption of the Local Plan Pat 1: Planning Strategy in 2020 significantly elevated the numbers of residential units to be delivered across the District. Whilst 60% of the identified need is expected to come from Strategic Allocations, there would still need to be increased delivery, especially of sites in sustainable urban areas.

NPPF para.122 requires planning decisions reflect changes in demand for land. Applications for alternative uses on allocated land should be supported where the proposed use would contribute to meeting an unmet need for development in the area.

It is considered that in principle the benefits of the delivery of housing on this site would outweigh the loss of the opportunity to deliver the types of uses advocated by either TOT15.5 or DM16, especially given the significant increase in the Objectively Assessed Need (OAN) for housing since those two policies were adopted and the application of the 'Tilted Balance' in favour of sustainable development.

Design, site layout and impact on local character and appearance of area

Demolition of the existing buildings would remove the less attractive features from this prominent site on a main route in the town. There is a variety of styles and forms surrounding the site, reflecting the mix of uses and its town centre location.

The siting of the building, close to the front of the site, its design, with an active frontage, vertical emphasis and rhythm across its frontage, proposed roof form would positively engage with the streetscene, enhance the appearance of the site and contribute positively to the character of the area.

The porch canopy, glazing, door and contrasting materials highlight the entrance in to the building ensuring legibility. By wrapping these details around the corner, the design succeeds in reducing the perceived scale of this view.

Whilst positively addressing the street, the scheme does include front boundary enclosure, to define the site frontage and provide privacy for the ground floor frontage flats.

Access directly in to the integral bin store would be possible from in front of the site. This does result in a large door on the frontage but this would be outweighed by the benefit of being able to store refuse within the building avoiding the need for external stores or bins being left on the pavement.

Parking is laid out at the rear of the site, largely hidden from view. Historically vehicles have been driven in to the rear garden of No.93. When coupled with the extent of commercial activities across neighbouring sites, it would be difficult to demonstrate that such rear parking is out of character with the prevailing pattern of development. Furthermore, the occupier of the existing commercial unit appears to have regularly parked on the site frontage; a negative feature of the site that would be removed.

The site layout preserves sufficient space for communal gardens for residents. Ground floor rear facing flats would benefit from private courtyards, a positive addition to meet their amenity needs.

Highway safety, access and parking

The scheme removes the existing accesses, both of which are likely to incur awkward and potentially unsafe manoeuvres across Commercial Road. It proposes to align the existing east dropped kerb to the 5m width of the proposed drive. This would provide appropriate visibility and allow vehicles to exit and enter simultaneously.

Sufficient on site manoeuvring would be provided to ensure vehicles could enter and exit in a forward gear. Whilst the drive is sufficient width to be safely shared between pedestrians and vehicles, a dedicated pedestrian route along the drive is proposed.

Adopted parking standards require 15.4 spaces for this development. 12 spaces are proposed. A cycle store is proposed inside the building. The site is in a highly sustainable location, in Totton town centre, in easy reach of a wide range of services

and facilities required by residents. Totton train station is opposite the site and there are bus stops close to the site. Furthermore significant improvements have been made to cycling infrastructure along routes towards Southampton city centre.

Conditions could be imposed to reinstate the pavement and kerb across the site frontage to enhance pedestrian safety.

Given the improvements in highway safety arising from closure of the existing accesses and the sustainability of the location the identified shortfall is not considered to be unacceptable or likely to prejudice highway safety.

Residential amenity

The submitted plans fail to accurately represent the footprint of the semi-detached houses, No's 71 and 72 Causeway Crescent that back on to the site. Whilst they both have single storey rear extensions almost to the common boundary, that does mean that there is very little amenity space adjacent to the rear boundary. The proposed building would be 18m from the rear boundary at its closest point, rising to 27m at its greatest. Such distances would preserve the amenity and privacy of the neighbours, avoid shading and maintain outlook.

Similarly such distances would preserve the amenity of residents of the scheme. Whilst north facing single aspect flats would not enjoy good levels of direct sunlight, the ground floor units would benefit from enclosed outdoor space and first floor flats, good outlook and Juliet balconies. South facing flats would have extensive passive solar gain for lighting and heating.

Parking at the rear of the site would introduce the noise of manoeuvring vehicles, revving of engines and doors closing, in close proximity to the rear gardens of the neighbours. Space is afforded in the layout for landscape along the rear boundary, however such noise would not be excessive, nor out of character for this town centre location and would not materially harm the amenity of neighbours.

Ecology

Whilst close to protected habitats along the River Test, the urban, commercial and residential nature of the site is unlikely to support extensive or high value ecology.

Landscape is a Reserved Matter, however space is afforded for a variety of forms and species to contribute to enhanced bio-diversity.

A condition could be imposed securing submission of an ecological survey of the site, with the reserved matters application, to demonstrate how the proposed landscape scheme has addressed existing ecology on the site.

A condition is warranted that any reserved matters application is supported by a Bat survey to confirm the presence of bats using the site or not, especially the commercial element of the site, due to the length of time until demolition would occur whilst the Reserved Matter application is prepared and considered.

The representation received from Natural England raises concerns about the potential impact of noisy construction on species supported by the habitats along the River Test. Largely focussed on the percussive piling for foundations. It would not be unreasonable to impose a condition requiring a Construction Environmental Management Plan, which could cover piling works.

Habitat Mitigation

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

Nitrate neutrality and impact on Solent SAC and SPAs

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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Flood Risk

The site is close to the River Test, flooding from the river would extend along Commercial Road in front of the site. The existing properties and rear gardens are not identified as being at risk. The scheme would elevate the finished floor level of the proposed ground floor accommodation above the existing ground levels and above the flood risk.

The representation from Hampshire County Council objects to the lack of a surface water drainage strategy. The scheme proposes an increase in hard surfaces across the site but could incorporate permeable surfaces and soakaways that is highly likely to reduce existing surface water run off. A condition could readily secure such details, including that of future management and maintenance.

Affordable Housing

At more than 10 new residential units, in accordance with HOU2, the scheme is required to make a contribution towards affordable Housing in the District. The applicant has submitted a Viability Assessment, which has been reviewed by consultants, on behalf of the Council. Their conclusion is that there is insufficient profitability in the scheme to allow provision of units on site or a financial contribution to be made and remain viable and deliverable.

Other Matters

Comments and issues raised by Hampshire Fire and Rescue and Southern Water are acknowledged, but are for the applicant to consider in their detailed construction design and for the Building Regulations compliance.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement:

- £24,104.00 towards mitigating the impact on New Forest Habitats
- £2,888.00 towards the Bird Aware Solent mitigation scheme
- £680.00 towards Air Quality Monitoring.

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	598	253	345	345	£80/sqm	£35,349.23 *
Subtotal:	£35,349.23					
Relief:	£0.00					
Total Payable:	£35,349.23					

11 CONCLUSION

Despite the departure from policies DM16 and TOT15.5, the scheme would deliver additional residential development in a highly sustainable location with such economic, environmental and social benefits, to outweigh the conflict. Application of the tilted balance would only add weight to the acceptability of the scheme. The application is recommended for approval.

13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure
 - £24,104.00 towards mitigating the impact on New Forest Habitats;
 - £2,888.00 towards the Bird Aware Solent mitigation scheme;
 - £680.00 towards Air Quality Monitoring.
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. Approval of the landscape proposals ("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.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. Development shall then be implemented within 2 years of approval of the Reserved Matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The Outline matters hereby approved shall be carried out in accordance with the following approved plans:

Proposed Location/Site Plan Ref:C20/086.02 rev A received 08/04/21
Proposed GF plan Ref:C20/086.03 Rev A received 08/04/21
Proposed FF plan Ref:C20/086.04 Rev A received 08/04/21

Proposed Roof Plan Ref:C20/086.05 Rev A received 08/04/21
Proposed South(Front) Elevation Ref:C20/086.06 rev A received 08/04/21
Proposed Side elevations Ref:C20/086.07 Rev A received 08/04/21
Proposed North Elevation Ref:C20/086.08 rev A received 08/04/21

Reason: To ensure satisfactory provision of the development.

4. Prior to the commencement of development details of a scheme to raise the pavement and make good the kerb, as required along the frontage of the site and details of the construction, drainage and surfacing of the access in to the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented and available for use prior to first occupation of the development hereby approved.

Reason: In the interests of highway and pedestrian safety.

5. Any application for discharge of condition 1 shall be supported by a survey, undertaken by an appropriately qualified person, of the buildings for the presence of bats. A report of the findings of the survey any mitigation required shall be submitted to and approved in writing by the Local Planning Authority. The agreed mitigation shall then be implemented prior to first occupation of the development hereby approved.

Reason: Due to the nature of the existing buildings and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

6. Any application to provide Landscape details, required by condition 1 of this permission, shall be supported by an ecological assessment of the existing site and demonstrate how the proposed landscape scheme delivers bio-diversity net gain.

Reason: In the interests of delivering bio-diversity net gain in accordance with Policy STR1 of the New Forest District Council Local Plan Part 1: Planning Strategy 2020 and the NPPF 2021

7. Prior to their use, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

8. Prior to first occupation of the flats hereby approved, the bin and bike stores, as shown on the approved plans, shall be provided and available for their respective use and thereafter retained for such purposes.

Reason: In the interests of encouraging cycling and to avoid refuse being left outside the building or on the highway and in accordance with Policies STR1, CCC2 and ENV3 of the New Forest District Council Local Plan Part 1: Planning Strategy 2020.

9. The development hereby permitted shall not be occupied until the spaces shown on the approved plan for the parking of motor vehicles have been provided.
The spaces shown on the approved plan for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. 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.

11. Prior to the commencement of development hereby approved, details of the sustainable drainage strategy of surface water, including its maintenance and management responsibilities, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented and maintained in accordance with the agreed strategy.

Reason: In order to ensure sufficient drainage is delivered and to prevent off site surface water flood risks and in accordance with Policy ENV3 of the New Forest District Council Local Plan Part 1: Planning Strategy 2020.

12. The scheme shall be implemented in accordance with the Finished Floor Levels indicated on the approved plans and in the Flood Risk Assessment (Design and Access Statement).

Reason: In the interests of protecting the development in the event of flooding and in accordance with the NPPF 2021.

Further Information:

James Gilfillan

Telephone: 02380 28 5797



New Forest DISTRICT COUNCIL

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Claire Upton-Brown
Executive Head of Planning,
Regeneration and Economy
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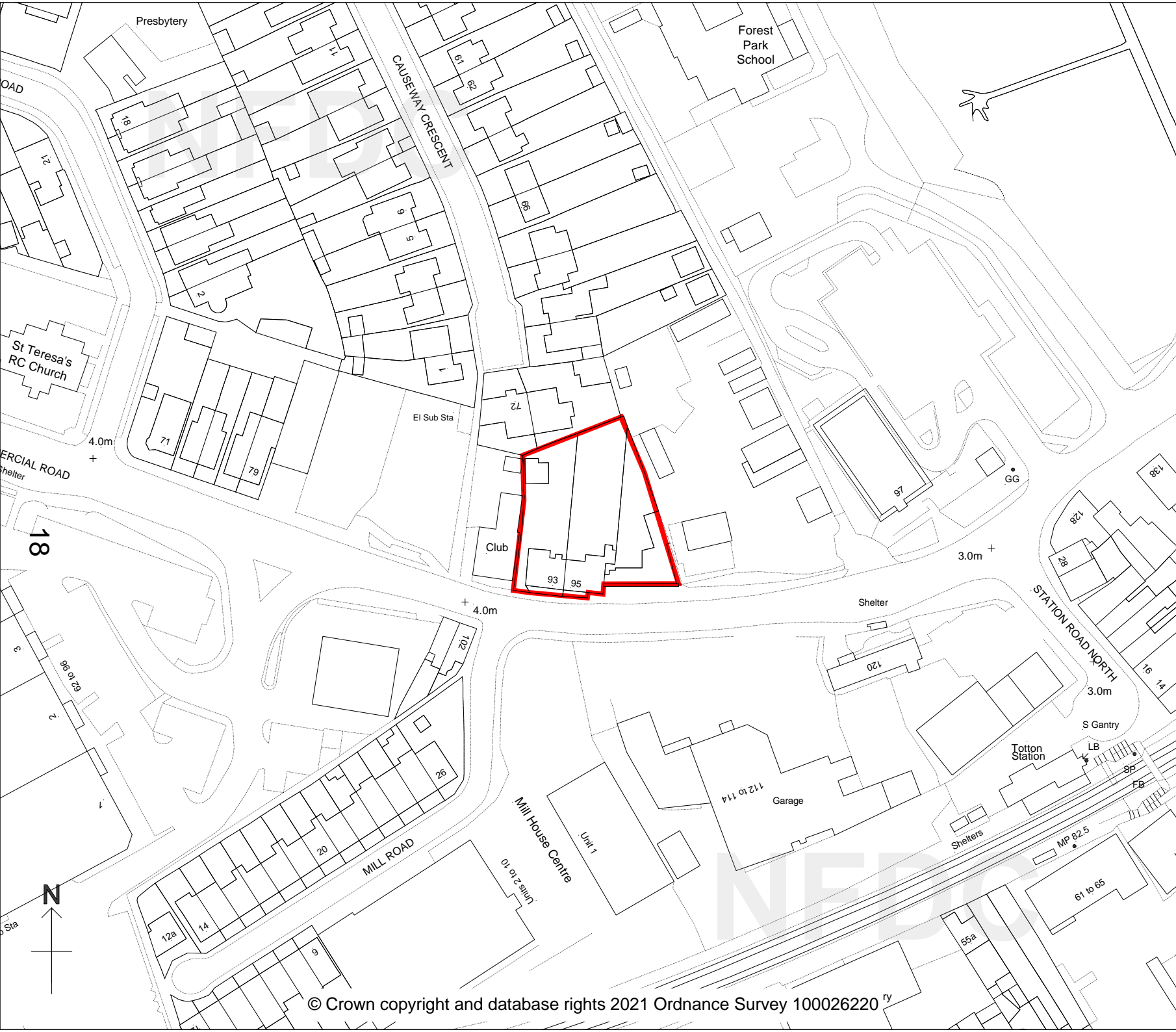
PLANNING COMMITTEE

August 2021

93 - 95 COMMERCIAL ROAD
TOTTON
SO40 3AF
21/10106

Scale 1:1250

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the internet, it will not be to
scale.



Application Number: 21/10788 Full Planning Permission

Site: 2 WINTON WAY, NEW MILTON BH25 5HX

Development: Front porch extension; single storey rear extension; single storey side extension; loft conversion including raising the ridge by 900mm

Applicant: Mr Elkins

Agent: Castlemore Ltd

Target Date: 27/07/2021

Case Officer: Kate Cattermole

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on street scene and character of the area
- 2) Neighbour amenity

This application is to be considered by Committee because there is a contrary view with New Milton Town Council

2 SITE DESCRIPTION

The application site consists of a detached bungalow, situated in an established residential area in the built up area of New Milton.

The existing dwelling is situated at the junction of Winton Way with Brook Avenue North and is a linear bungalow situated in a shallow plot with a wide frontage and a detached garage to the side of the dwelling.

3 PROPOSED DEVELOPMENT

Raising the ridge height; rear dormer and rooflights on front and rear roofslopes; single storey flat roofed rear extension with roof lantern over; single storey side extension; front porch.

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

New Milton Neighbourhood Plan

NM4 Design Quality

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

OBJECT (Non-Delegated)

The changes would be out of character, as per Local Distinctiveness Study page 39 (Building Format) due to:

- 1) roof height
- 2) use of front dormers
- 3) style of porch
- 4) roof material.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Southern Water

Comment only

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 1

- increase in height by 900mm and change of roof from tile to slate will change the character of the area

10 PLANNING ASSESSMENT

Principle of Development

This application has been the subject of three sets of amended plans, and the resulting plan has reduced the number of dormers to one on the rear elevation, removed the front dormers, reduced the size of the porch and changed the roofing material from slate to tile.

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality. The principle of the development is considered to be acceptable subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area and residential amenity.

Impact on street scene and character of the area

Winton Way has a uniform character of linear bungalows, but in the wider area most notably Brook Avenue North there is a more varied character .

Albeit that the ridge height of the dwelling would be raised, the extended dwelling would still retain the linear form of the original bungalow and the eaves height of the existing dwelling would be retained, therefore respecting the character of Winton Way. The increase in height would be also read in context with Brook Avenue North and there are two storey houses on the opposite side of this adjoining road. The removal of the front dormers from the proposal is welcomed and allows the extension to retain more uniformity with the dwellings in Winton Way. Furthermore, it is now the intention to use tile rather than slate on the main roof. A single rear dormer would be visible from public vantage points in Brook Avenue North, but by reason of its central position on the roof would not be overly intrusive.

The proposed porch was reduced in size from the first submission, and would be a proportionate addition to the extended dwelling. The single storey extensions would also be appropriate additions that would be sympathetic in design and scale to the extended dwelling. Furthermore, the plot is a reasonable size which could accommodate the proposed extensions.

The reasons put forward by New Milton Town Council in support of refusal in part have been addressed by the amended plans. As referred to earlier the front dormers have now been removed from the proposal, and the roofing material is to be tile in keeping with other properties in Winton Way. The increase in height would be under a metre and would retain the linear form of the existing dwelling and simple roof form to the front elevation. The guidance in the New Milton Local Distinctiveness Supplementary Planning Document identifies the consistency of development and states that pitch should usually be adhered to, however the change in roof pitch would not be significant. The proposed porch has been reduced in size from the first submission, however the objection from the Town Council relates to the current proposal

Neighbour amenity

To the rear of the application site is 49 Brook Avenue North, which is also a detached bungalow. By reason of its siting the rear boundary of the application site forms the side boundary with this neighbouring property. Even though the roof is increasing in height the eaves height would remain the same with the roof pitching away so it would not create a significant level of harm to their amenities in respect of loss of light or overshadowing.

The proposed window in the rear dormer is shown as obscure glazed and this can be secured by condition to be retained in perpetuity with limited opening to ensure their privacy. A rear rooflight would be a secondary window to a bedroom. Any views from this window when closed, would be skyward so there is no reason for this window to be obscure glazed, however it would be reasonable to condition that if the window is lower than 1.7m it is conditioned to be fixed shut to protect this neighbour's privacy.

First floor windows are proposed on both side elevations, however the window on the west elevation would look over Brook Avenue North so would not create any issues. In respect of the east elevation, due to the relationship with the neighbouring property 4 Winton Way any views would be directed towards the frontage of this dwelling and as such would not create issues of overlooking or loss of privacy to this neighbour.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Self Build (CIL Exempt)	204.59	83.96	120.63	120.63	£80/sqm	£12,359.94*
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Subtotal:	£12,359.94
Relief:	£12,359.94
Total Payable:	£0.00

11 CONCLUSION

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained with the National Planning Policy Framework (2019) and other Local Plan policies. Permission is therefore recommended

12 OTHER CONSIDERATIONS

None

13 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:

- 21/1675/01 Existing Plans and Elevations, Site Plan, Location Plan dated 30/3/21 as deposited with the Local Planning Authority on 27 May 2021
- 21/1675/02 F Proposed Plans and Elevations dated 30/3/21 as deposited with the Local Planning Authority on 23 July 2021

Reason: To ensure satisfactory provision of the development.

3. The first floor rear dormer window serving a shower room on the rear elevation of the approved extension shall be :
- (i) obscurely glazed, and
 - (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the window shall be retained as such in perpetuity.

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.

4. The first floor bedroom rooflight on the rear of the approved extension shall be :
- (i) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the window shall be retained as such in perpetuity.

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.

5. No other first floor windows other than those hereby approved shall be inserted into the rear (north) elevation unless express planning permission has first been granted.

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.

Further Information:

Kate Cattermole

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New Forest

DISTRICT COUNCIL

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Claire Upton-Brown
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PLANNING COMMITTEE

August 2021

2 WINTON WAY
NEW MILTON
BH25 5HX
21/10788

Scale 1:1250

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the internet, it will not be to
scale.



Application Number: 21/10693 Full Planning Permission

Site: TESTWOOD CLUB, 110 SALISBURY ROAD, TOTTON SO40 3LQ

Development: 12 affordable dwellings; associated access, parking and works; demolition of existing building

Applicant: New Forest District Council

Agent: MH Architects Limited

Target Date: 09/08/2021

Case Officer: Judith Garrity

Extension Date: 18/08/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Landscape impact and trees
- 4) Highway safety, access, and parking
- 5) Residential amenity
- 6) Ecology, including Habitat Mitigation and Nitrate neutrality.

This application is to be considered by Committee at the discretion of the Executive Head of Planning, Regeneration and Economy.

2 SITE DESCRIPTION

The application site is located on the corner of Salisbury Road and Testwood Lane. It contains a large vacant building set back from the corner which was formally used as a community club. The site is predominately comprised of the buildings and a hard standing forecourt where parking is provided.

The existing building is brick built with a pitched roof of a mix of two and single storey heights under a pitched roof. Access is provided from Salisbury Road with a secondary access from Testwood Lane. The site is level with Salisbury Road but slightly elevated above Testwood Lane.

The general pattern of development in the immediate area is predominately bungalows with some two storey development. The site is adjoined to each boundary by single storey dwellings. No 150 Testwood Lane is a bungalow set back in its plot to the north west boundary and No. 114 Salisbury Street to the south east. St Winifreds Church on Salisbury Road to the south east is 4 storey landmark building.

3 PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing vacant club building and its redevelopment for 12 residential flats for affordable housing. This would comprise 6 no 1 bed and 6 no. 2 bed units.

This would be a newly constructed 2/3 storey building of a modern design. There would be 18 unallocated parking spaces provided along with cycle parking, cycle storage, bin store, 3 electric vehicle charging points, landscaping and amenity space.

Access would be provided from both Salisbury Road and Testwood Lane. There are a number of highway trees on the verge in front of the site which will be retained as part of the scheme

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
07/90989 Smoking shelter; paving; fence; resiting of portable container	13/12/2007	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR8: Community services, Infrastructure, and facilities

Policy HOU2: Affordable housing

Local Plan Part 2: Sites and Development Management 2014

None

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

Relevant Legislation

Relevant Advice

NPPF Chap 12: Achieving well designed places

Constraints

Article 4 Direction

SSSI IRZ Air Pollution

Meteorological Safeguarding

SSSI IRZ

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The proposal is for a two storey building comprising 12 flats. Housing need will be met with a mix of 6 x 1 bed and 6 x 2 bed flats. Adjacent to the site are two bungalows, the proposed layout should avoid any direct overlooking of these properties. However, one area of concern is the layout of the larger parking area as a few parking spaces are in close proximity to residential gardens. It is requested that a brick wall be erected around the perimeter adjacent to all existing dwellings to

avoid a negative impact on existing residents. Notwithstanding that it is positive to see the site will provide 18 car parking spaces in total. Data has been submitted with the application to suggest vehicular movements on/off the development will be far reduced compared to the sites previous use.

RECOMMENDATION PERMISSION but accept the decision reached by the District Council's Officers under their delegated powers

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Surface Water: No Objection Subject to Condition(s)

Southern Water: Offer advice and comments. There is a requirement for a formal application for connection to the public sewer.

HCC Highways: No objection subject to a condition requiring a construction management plan.

Ecologist: No objection subject to condition on the installation of the ecological enhancements.

HCC Education: Comment only. No contribution towards education provision is required

NFDC Drainage: Comment only on drainage connections.

NFDC Tree Team: No Objection subject to Conditions.

Environmental Health (Pollution): No objection subject to submission of Construction Environmental Management Plan.

HCC Rights of Way: No objection

Hampshire Fire and Rescue Service: Comment only

SGN: Offer advice

SSEN: Offer advice

9 REPRESENTATIONS RECEIVED

For: 0

Against: 9 (2 comments received from the same address)

The following is a summary of the representations received:

Proposed building and layout:

- building too large, design out of character and reference made to flat roof.
- impact on existing views and open space
- overdevelopment of the site, more amenity space is required.

Parking and highways:

- insufficient parking and no provision for trade vehicles or disabled parking
- on street parking and impact on access for residents and emergency vehicles.
- additional traffic at busy junction and safety concerns for pedestrians, cyclists and school children.

Amenity issues:

- Impact on privacy and light especially in winter
- Request for brick boundary wall to be constructed.
- Impact of cycle store if used as a smoking shelter.
- Increase in noise and impact on air quality during construction

Other comments:

- area should be retained for private dwellings
- comment on process for allocation of flats and concern about increased crime and anti-social behaviour.
- previous scheme was rejected
- lack of consultation or face to face meetings

10 PLANNING ASSESSMENT

The key issues to consider are as follows:

- 1) Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Landscape impact and trees
- 4) Highway safety, access and parking
- 5) Residential amenity
- 6) Ecology, including Habitat Mitigation and Nitrate neutrality.

Introduction

The proposals for 12 new affordable homes would have a significant impact on providing affordable homes for local people which forms part of how NFDC will deliver its priorities in the Housing Strategy (December 2018).

The housing need for affordable housing in Totton in February 2021 was 208. The highest housing need identified is for 1 person and 2 bedroom properties with over 80% of applicants in Totton requiring these types of properties. The proposed development seeks to address the identified need for affordable homes in Totton and the wider district.

The proposed number of properties is 12 and therefore the provision of affordable housing is a policy requirement under Policy HOUS 2. Although this is a NFDC proposal where there is certainty of 100% affordable housing provision, the site could be sold in the future with the benefit of planning permission or after it is built. The provision the provision and retention of Affordable Housing on the site in accordance with Policy HOU2 in perpetuity will therefore be secured by way of a Section 106 agreement.

Principle of the development

The site is located in the built up area where residential development is generally acceptable. However, the proposed development would result in the loss of community use and Policy STR8: Community services, Infrastructure and facilities seeks to protect such uses. This application has been submitted with evidence of

the marketing exercise undertaken for the existing building to establish whether there is any interest in the site for community purposes and details provided of alternative provision for community facilities available in the locality of the site to meet community needs.

The applicant has submitted details of the previous use. Details are set out as follows. Testwood Working Men's Club shut down permanently in 2018 and the community activities that once took place in the building relocated to other venues at this time. The use of the Club declined materially over the last decade and significant works and expenditure would be required to bring the building into operational use. Due to this there is no realistic prospect of the continuation of any community use in the building in the future. The local community has excellent access to other facilities in the area including the comprehensive services in Totton and a number of other sites and buildings. These are being uses on a regular basis and there is no evidence that local residents are lacking in access to community facilities,

The site has previously been identified by both private and public sector organisations as being suitable for housing and when the site was put up for sale by the owners of the Club 6 of the 7 bids received were for housing redevelopment.

Given the fact that the site is currently redundant with no evidence of interest in a community use and that there is alternative provision available in the locality, the principle of residential development of the site is considered to be acceptable in accordance with Policy STR8.

Furthermore, in considering the principle of development it is relevant to note that the Council cannot demonstrate a five-year supply of deliverable housing land. The Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. This will be published around the end of September 2021 and will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a very modest level of housing provision and the harm identified above in respect of character, amenity and habitat impacts weighs against the proposal.

Design, site layout and impact on local character and appearance of area

The Design and Access statement submitted with the application set out how the design concept of the building has evolved and provides a contextual analysis of the scale of development in the surroundings.

The site has a relatively spacious character with the existing buildings set back from the frontage with hard surface in front. The scale, form and height of the proposed redevelopment needs careful consideration to ensure that the visual impact is acceptable within its context. Although of a modern design, the scale and massing of the proposals has been designed to complement the sites context whilst maximising the opportunity for development of this site. This approach to redevelopment is acceptable in principle on this site. Detailed consideration of layout and design are set out in the following sections.

(i) Layout:

The proposed building provides a strong street frontage to both Salisbury Road and Testwood Lane and is considered to be appropriate to accommodate the proposed development. Furthermore, it responds to its corner location and effectively partially enclose the parking courtyard so as to limit its visual impact within the street scene.

The proposed layout includes an area of communal amenity space which although of a limited size would meet the functional needs of residents. With the appropriate use of planting, tree planting and seating this amenity area would provide a pleasant private space for residents to use which is separated from the car parking areas. In addition, a number of the flats have private balconies and patio space which would provide an outside amenity area as well as provision being made for functional areas include bin stores, cycle storage and a communal drying area. Further communal amenity areas are provided to the front of the building which, although less private, would offer further outside space in a pleasant setting to residents behind the retained trees

The introduction of soft landscaping and tree planting to the boundaries and the frontage of the site - in place of existing hard surface - is welcomed as a visual enhancement to the street scene. The retention of the street trees would provide good screening and safeguard the character of the corner with additional soft landscaping to the front of the site which would improve the setting of the development.

Overall, the proposed layout is acceptable would ensure good quality and functional spaces are provided and that the development is acceptable within the street scene. Although relatively densely developed the layout is considered acceptable subject to full details of materials and landscaping being submitted and approved. These matters can be secured by planning condition.

(ii) Design:

The flat roof design with various heights (up to 3 storey) breaks up the mass of the built form which is set back and articulated away from the corner of the site. The variety of height, scale and articulation to both elevations of the building breaks up the mass of the building. The height of the 3 storey part would not exceed the ridge height of the existing club building on the site- although it would extend across a wider part of the site. The proposals would address and turn the corner of the site - where a higher element is justified and appropriate within its setting - as well as respecting the context of the surrounding street scene.

The submitted plans show that there would be a transition to the two and three storey parts of the building, and it would have a set back from Testwood Lane. The building would step up from 1.5 storeys where it is close to the boundaries with the bungalow at 114 Salisbury Road. The highest part of the building would be set away from existing sensitive boundaries to Testwood Lane and Salisbury Road.

Good quality contrasting materials with a variety of textures and colours will be used with brick and render with copper coloured seamed cladding for the setback areas to help to provide additional articulation. Areas of detail will be defined in a palette of brick detailing and feature cladding with final details and samples to be agreed by condition.

Although the context of the site is predominately single and two storey development, the elevational details show that the proposals would be of an acceptable scale and massing and would not be out of keeping with this area as the

three storey element has a reduced mass and scale being limited to the corner of the building. It is therefore concluded to be appropriate to the character of the area within the street scene.

Landscape impact and trees

There are no trees within this site that are considered a constraint to development. However, there is a group of mature trees, mainly consisting of Hornbeam trees, growing at the south western corner within the highway verge immediately adjacent to the site. These trees are important in the street scene and have public amenity value and are shown to be retained as part of these proposals.

The tree protection measures set out in the submitted documents shows that these trees can be adequately protection and retained throughout construction of this development.

The frontage of the flats is quite close to these trees but the relationship to front windows and balconies does not raise specific concerns about future over dominant impact of the trees on residents.

Overall, this proposal is unlikely to have a significant impact on the trees. An arboricultural impact assessment and outline tree protection scheme have been submitted with the planning application which includes a method statement for tree protection and removal of hard surfacing. This is acceptable and works in accordance with these details can be secured by condition.

In addition to retaining these existing trees, the proposals provide a good opportunity to plant new landscaping and more trees in area of Totton that has overall low tree cover. The new landscaping on the site will include native species appropriate to its setting. A low hedge will be planted to the Salisbury Road and Testwood Lane frontages. New planting within the parking areas and around the proposed building and site boundaries will soften the appearance of the site and provide a positive visual outlook to and from the site. The landscaping proposed to site boundaries and within the site would ensure good quality and functional spaces are provided and that the development is acceptable within the street scene. Some indicative details have been submitted which demonstrate that meaningful landscaping areas can be provided within the proposed layout but a detailed landscape and tree planting specification including details of hard surfaces and boundary treatments will be agreed by planning condition.

Highway safety, access and parking

There no changes proposed to access arrangements and the submitted trip generation analysis shows a reduction of two way movements from the access. Visibility splays are shown, and a swept path analysis have been submitted, which demonstrates adequate access to the site for emergency vehicles. This is acceptable to HCC Highways.

The applicant has submitted additional PIA and traffic accident information for a 5 year period between 2015-2020 at the request of HCC. This information reflects the assessment within the submitted Transport Statement and confirms that highways safety concerns would not be exacerbated by the current proposals. HCC Highways are satisfied with this information and raise no objection in this respect.

The site is within easy walking distance of Totton train station and the town centre, there are bus stops immediately adjacent to the site and a well-marked cycle. Given the proximity of the site to the town centre and the availability of public transport the site is considered to be in a sustainable location.

Parking standards are 1.4 - 1.5 communal spaces per unit for 1 or 2 bedroom flats which gives a requirement of 18 parking spaces. A total of eighteen parking spaces are indicated on the plans with 11 within the rear parking area and 7 on the front with access from Salisbury Road. This would meet current standards for unallocated spaces. The provision of the parking shown allows for delivery vehicles and visitors to the site and this is acceptable.

Cycle parking requirements are 1 space per 1 bed unit and 2 space per 2 bed unit. This gives a total requirement of 19 spaces. Cycle parking facilities and storage for 18 bikes is indicated within the rear car parking area. This provision would meet the needs of residents and visitors.

In accordance with Policy IMPL1 electric vehicles charging points are required to be provided as part of this development. Three EVC points are shown on the submitted plans and are located within front parking area and this is acceptable.

In response to the objections made the following comments are made. Provision is made on site for car parking that meets current parking standards and access for emergency vehicles has been demonstrated. On street parking and any impact on access for residents and emergency vehicles is therefore unlikely to result. Potential safety impacts on pedestrians, cyclists and school children close to the site have been considered. It is noted that there is a pedestrian crossing adjacent to the site on Salisbury Road and marked cycle path that crosses the frontage. A Transport Statement and Accident information has been submitted which considers potential safety concerns at the junction and conclude that trip generation will be reduced and therefore there are no safety concerns.

Overall, the proposals are acceptable in highway and parking respects.

Residential amenity

The boundaries of the site are adjoined by 114 Salisbury Road and 148 and 150 Testwood Lane which are all bungalows. These are the properties most directly affected by the current proposals.

The new building would be located to the east of No 114 Salisbury Road, closer than the existing Club building but it would still be set away from the boundary by 3m such that the visual relationship would be acceptable

The new building would be closer to this neighbour than the existing building on the site and it would be set back slightly relative to it. At this point the proposed building would be approx. 7.5m deep and 6.5 metres high with the first floor accommodated in a recessive pitched roof design. There would be a rearward single storey projection which would have a flat roof at a limited height of 3.8m. The existing hedge along this boundary would be retained. Given the relative relationships, separation and height any direct impact in terms of loss of light or dominance would be limited to an acceptable degree.

There are only ground floor side facing windows proposed on the building closest to No 114 Salisbury Road. There would however be 2 first floor rear windows serving Flat 1. Whilst some oblique views may be possible towards the boundary with No 114, due to the separation and nature of the built up area this is acceptable.

There would be rear facing windows on first floors in the part of the block fronting Testwood Lane would be separated from the side boundary of No 114 by 21 metres. A single second floor window would serve a stairway only; it would be of secondary use and would again be separated from the boundary by 21 metres. As such overlooking would be limited and the impact on the amenity of this neighbour is acceptable

The front parking is located close to the boundary with No 114 Salisbury Road and the rear parking courtyard would also align with their side boundary as well as part of the boundary with 148 Testwood Lane. There is existing parking for the club in this location which runs along the majority of the length of the boundary as well as built form that would be removed. Furthermore, the new arrangement would increase the planting buffer to this boundary with both 114 Salisbury Road and 148 Testwood Lane to safeguard against associated noise and disturbance offering suitable mitigation

The building would be located further from the boundary with 150 Testwood Lane than the existing Club building and would be 2 storeys high at its closest point. The proposed block is located to the south east of No 150 and set forward relative to this property and the existing club building on the site. This neighbour is set back in its plot with its main garden space to the front. However, the new development would be separated from this boundary by a minimum of 8.5 metres and so there would be no unacceptable effect on light to this property or a dominant impact on it.

At present there are two parking spaces immediately abutting the front boundary fence of No 150 and the club building is close to the boundary. These would be replaced by an area of car parking adjacent to the side boundary of No 150. Whilst this could introduce a degree of noise and disturbance this parking area is separated by sufficient buffer planting so as to minimise additional impact to an acceptable level particularly in the context of existing relationships and previous use of the club.

Concern has been raised by this neighbour about the proposed cycle store given any potential use of the store as a smoking shelter. This store would be set back from Testwood Lane but located close to the boundary and front of the property at No 150. This cycle store building is single storey height and fully enclosed except for a single entrance door to provide security. However, given the degree of enclosure and the low height of the building it is unlikely to be used other than as a cycle store. Furthermore, the relative separation with a fence along the common boundary would ensue that there would not be an unacceptable impact on the amenity of this neighbour.

The relative location of fenestration and front balconies is acceptable. There would be no side facing windows above ground floor level in the building at its closest point to No 150. Rear facing windows above ground floor would be over 27m from the boundary with No 150 and views from rear windows in the frontage block to Testwood Lane would only have an oblique and angled view towards the site flank wall of No 150 at a separation distance of 25 metres. As such, generous separation distance would be maintained to ensure no overlooking should result.

The removal of the current buildings on the site would benefit the amenity of No 148 Testwood Lane where these are in close proximity to boundaries and give a greater degree of separation. The separation of the built form from this boundary would safeguard against any adverse impact on light and ensure the proposals would not result in an over dominant impact. Furthermore, there would be a separation of over 20 m from first floor windows in the frontage block to Testwood Lane. Furthermore,

rear facing windows in flats in the frontage building to Salisbury Road would be set back relative to this boundary so as not to lead to amenity impacts.

Third party comments and the Town Council have referred to boundary treatments. Full detail of proposed boundary treatments will be submitted as part of the landscaping condition.

Other third party concerns raised about the impact on privacy and light have been considered and no harmful impact would result. Concerns about noise and air quality during construction can be covered by the submission of a construction environmental management plan before development commences. Furthermore, additional noise is unlikely to result from the proposed residential use compared to the existing Testwood Club building.

On the basis of the submitted plans, the spatial characteristics of the application site and the adjacent properties, its location and positioning in relation to the common boundaries of neighbouring properties, the proposal would not cause unacceptable effects on the privacy, light or outlook of adjacent neighbours.

Ecology:

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats. Development Plan policy, Government advice and emerging legislation all require an enhancement to on site biodiversity wherever possible.

In accordance with Policy ENV1 of the Local Plan biodiversity net gain (BNG) of 10% needs to be demonstrated as part of these proposals. The planning application is supported by a ECOSA EclA and Biodiversity Metric Assessment (both dated March 2021).

There are no ecological objections subject to the mitigation and enhancement measures in the EclA being secured. The location and specifications of the bird nesting and bar roosting details need to be approved and evidence provided of their installation.

Details have subsequently been submitted along with the location of these enhancement measures that can be secured by a condition that requires installation prior to occupation.

The habitats on the site are currently poor and so as such the biodiversity net gain required of +10% has been conformably demonstrated using the Defra 2.0 metric.

Habitat mitigation:

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the required habitat mitigation contribution will be secured by a Section 106 agreement prior to planning consent being issued.

Air Quality mitigation:

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes), managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the contribution for air quality mitigation will be secured by a Section 106 agreement prior to planning consent being issued.

Nitrate neutrality and impact on the Solent SPA and SACs:

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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition would therefore be required to be attached to any planning consent

Developer Contributions

As part of the development, as this relates to a NFDC application the following direct financial contributions will be made prior to planning consent being issued:

- Habitat mitigation including Bird Aware £44,781
- Air Quality monitoring £1,020

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	915		915	915	£80/sqm	£93,752.31*
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Subtotal:	£93,752.31
Relief:	£0.00
Total Payable:	£93,752.31

11 CONCLUSION

The proposed development of the site complies with policy and is welcomed as an appropriate use for this vacant site and would make provision of much needed homes in the District. The scale, height and design of the building is acceptable within its setting, car and cycle parking is provided in accordance with current standards suitable provision is made for the functional amenity of prospective residents, and the amenity of existing adjoining residents is safeguarded.

Planning permission is therefore recommended subject to a legal agreement to secure provision of affordable housing on the site and contributions being made for habitat and air quality mitigation and conditions.

12 OTHER CONSIDERATIONS

Objections raised about impact on the character of the area, design, layout, amenity, parking and safety concerns have been considered in the above assessment. The following comments are made on matters not covered.

This planning application cannot consider the tenure of dwellings or the future allocation of flats. Potential for anti-social behaviour would be a matter for management and not a reason to reject this planning application.

A public consultation exercise was undertaken by the applicant in December 2020 prior to submission of the current planning application and comments taken on board as part of the planning application submitted.

The Planning Officer has visited the application site and its environs, 150 Testwood Lane and 114 Salisbury Road as part of the planning assessment of the current proposals.

The building will be of a sustainable design and energy efficient, well insulated and reduced running costs. Carbon emissions associated with the building will follow an energy hierarchy in accordance with the submitted energy statement.

13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to a Section 106 agreement for :

- i) the provision and retention of Affordable Housing on the site in accordance with Policy HOU2 in perpetuity
- ii) the financial contribution of £44,781 to secure recreational habitat mitigation
- iii) the financial contribution of £1,020 to secure Air Quality monitoring.

and the imposition of the conditions set out below:

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:

Site Location Plan 19-036 TSC MHA DR A 001 Rev P01
Existing sections 19-036 TSC MHA DR A 004 Rev P01
Proposed Block Plan 19-036 TSC MHA DR A 002 Rev P03
Proposed Site Plan 19-036 TSC MHA DR A 003 Rev P04
Proposed Elevations 19-036 TSC MHA DR A 006 Rev P04
Proposed Floorplans 19-036 TSC MHA DR A 010 Rev P03
Proposed Floorplans 19-036 TSC MHA DR A 011 Rev P02
Proposed Streetscenes 19-036 TSC MHA DR A 007 Rev P04
Proposed cycle store 19-036-015
Proposed bin store 19-036-016
Design and Access Statement MH Architects submitted on 11 May 2021
Transport Statement Bright Plan dated April 2021 (ref 6265)
Ecological Impact Assessment dated 15th March 2021 (Ecosa re 20.0223.0001.FO) submitted on 11 May 2021
Energy and Sustainability Statement - BM3e - Boulter Mossman
Equitable Environmental Economics Ref 5079 Dated May 2021
Arboricultural Impact Assessment dated 10 August 2020 (Hearne Arboriculture Ref JH/AIA/20/50)

Reason: To ensure satisfactory provision of the development.

3. Before any works advances above DPC level, samples or exact details of the facing and roofing materials to be used to reflect the details set out in Section 12.0 of the Design and Access Statement and shown on approved plan 19-036-TSC MHA DR A 006 Rev P04 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The development hereby permitted shall not be occupied until the spaces shown on plan 19-036-003-P04 for the parking of vehicles and cycle parking, and cycle store shown on plan 19-036-015 have been provided. The spaces shown on plan 19-036-003-P04 for the parking of vehicles shall be unallocated to specific dwellings. The approved parking, cycle parking and cycle storage provision shall be retained and kept available and the parking remain unallocated for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The trees/hedges on and adjacent to the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Hearne Arboriculture, Arboricultural Impact Assessment and Outline Tree Protection Scheme ref JH/AIA/20/50.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National park.

6. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

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

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

Reason: To ensure that the development takes place in an appropriate way and to 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.

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

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. The works hereby approved shall be undertaken in strict accordance with the ECOSA EclA and Biodiversity Metric Assessment, both dated March 2021 and the mitigation and enhancement measures detailed in the EclA should be provided in accordance with these approved details. The locations and specifications of the bird nesting and bat roosting features shall be as indicated on approved plan 19-036_006 REV P04 and evidence provided to show them installed as agreed prior to first occupation of the dwellings hereby approved unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

9. No development shall start on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority, which shall include:
- (a) Development contacts, roles and responsibilities
 - (b) Public communication strategy, including a complaints procedure.
 - (c) A programme method and phasing of demolition works
 - (d) A programme method and phasing of construction works;
 - (e) The provision of long term facilities for contractor parking;
 - (f) The arrangements for deliveries associated with all construction works;
 - (g) Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
 - (h) Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
 - (i) Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
 - (j) Details of hours of demolition and construction
 - (k) Details of parking and traffic management measures.
 - (l) Access and egress for plant and machinery;
 - (m) Measures to control light spill and glare from any floodlighting and security lighting installed.
 - (n) Protection of pedestrian routes during construction;
 - (o) Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - (p) Wheel washing facilities to be provided.

All demolition and construction work shall only take place in strict accordance with the approved Construction Environmental Management Plan.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity and highway safety and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy.

10. Prior to first occupation, the installation of 3 charging points for electric vehicles shall be made on the site in accordance with the details shown on the approved plans 19-036-003-P04 and these charging points shall thereafter provided and retained for that purpose.

Reason : To ensure suitable provision is made for Electric vehicle charging and in accordance with Policy IMPL1 of the Local Plan Part 1 2016-2036 Planning Strategy.

11. Construction of the development hereby approved shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details to include evidence that the surface water sewer asset owner has agreed to the proposed discharge rates and connection should be submitted before any connection is made and shall include schedules for each drainage feature type and ownership and details of protection measures. If necessary improvement to its condition as reparation, remediation, restitution and replacement should be undertaken.

The drainage system shall be constructed in accordance with the Drainage Strategy Report; ref: D1929/DS1.1. Surface water discharge to the surface water sewer shall be limited to 5.0l/s (2.5l/s each connection). Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations

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.

12. Before development commences details of the means of the future maintenance of the proposed sustainable urban drainage system etc shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed in writing to have been installed in accordance with the approved details with the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling on the site.

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.

13. 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.

Further Information:

Judith Garrity

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New Forest DISTRICT COUNCIL

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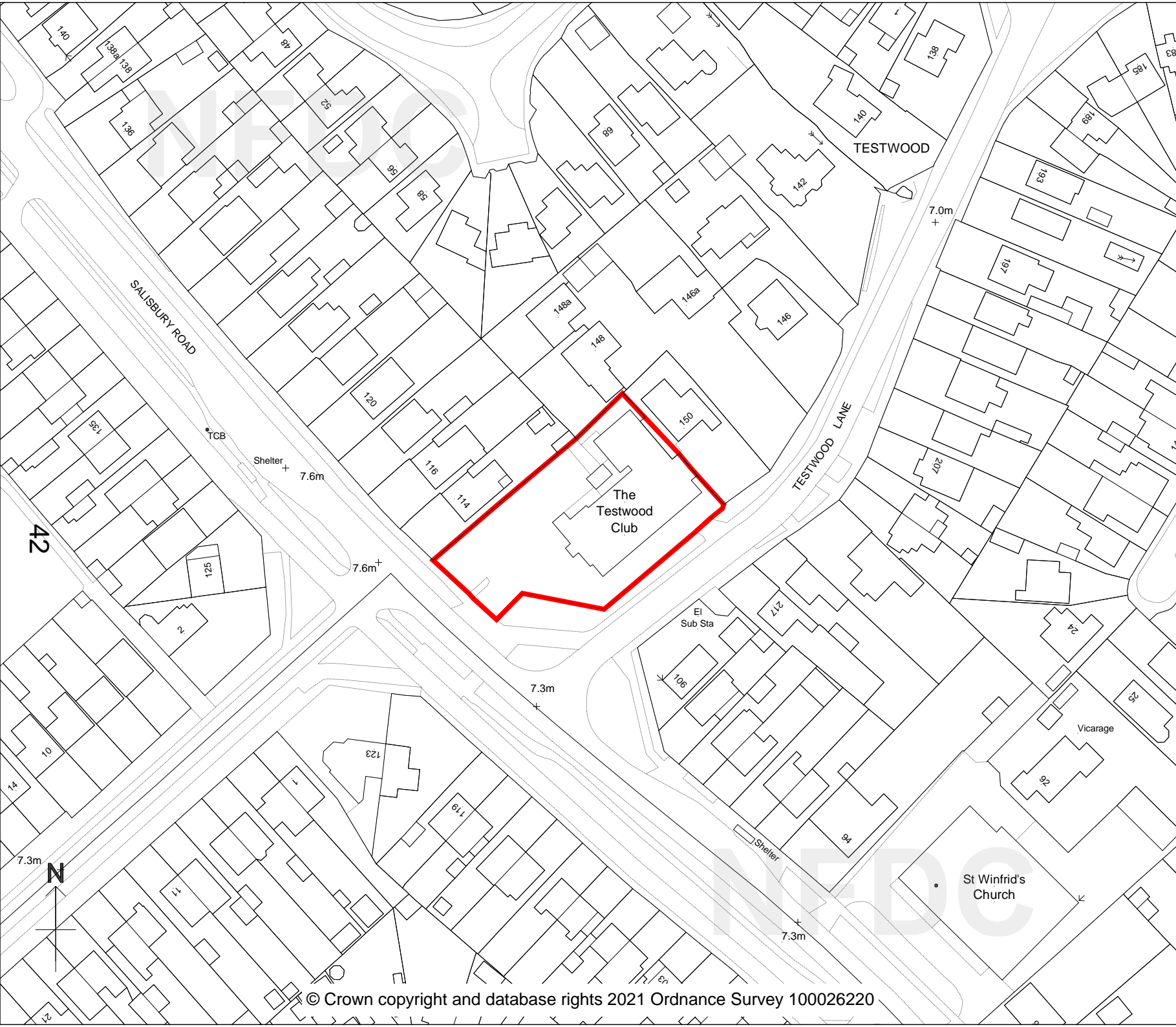
PLANNING COMMITTEE

August 2021

TESTWOOD CLUB
110 SALISBURY ROAD
TOTTON SO40 3LQ
21/10693

Scale 1:1250

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



Application Number: 21/10834 Full Planning Permission

Site: HURLEY FARM, MARL LANE, SANDLEHEATH SP6 1NY

Development: Re-cladding existing barn + roof and roller shutter doors; increase stone covered equipment storage area and parking

Applicant: Mr Melville

Agent: Wildcry Technical Services

Target Date: 03/08/2021

Case Officer: Jim Bennett

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Design, site layout and impact on local character and appearance of area, including landscape impact and trees
- 3) Highway safety, access and parking
- 4) Residential amenity
- 5) Ecology and on Site Biodiversity and protected species.

The application has been brought to committee due to a contrary Parish Council view and Councillors request.

2 SITE DESCRIPTION

The site comprises a detached dwelling set within a good sized domestic curtilage with a number of agricultural buildings and outbuildings located to the north east and south west, known as Hurley Farm. A long single access track leads up to the dwelling and agricultural buildings from Marl Lane. The surrounding area is predominantly open countryside with the nearest residential property being located about 220m away to the south east. The site is visible from the public bridleway (Marl Lane) some 180m away to the south.

3 PROPOSED DEVELOPMENT

The application is made retrospectively to clad an existing agricultural building with black cedar cladding, akin to a number of other buildings on the site, with 3 roller shutter doors inserted into the north east elevation. The submitted plan indicate its use as an equipment store.

It is also proposed to formalise the creation of a hardstanded area of approximately 525 sq.m in area, to the north east of the clad building.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/10943 House; demolition of existing (previously approved under 15/10009)	25/09/2019	Granted Subject to Conditions	Decided
15/10009 House; demolition of existing	29/07/2015	Granted Subject to Conditions	Decided
12/98755 1 detached garage block; 1 detached outbuilding (Lawful Development Certificate that permission is not required for Proposal)	25/06/2012	Was Lawful	Decided
11/98006 Use of ancillary residential accommodation as single holiday let; fenestration alterations	20/01/2012	Granted Subject to Conditions	Decided
11/96925 Replacement garage block and stores	17/05/2011	Refused	Decided
06/88123 Use as ancillary accommodation	25/10/2010	Granted Subject to Conditions	Decided
06/86919 Continued use as farm office; rest room; games room & ancillary use to farmhouse	03/03/2006	Refused	Decided
05/85647 Continued use of barn as farm office; rest room; games room	03/10/2005	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
Policy STR6: Sustainable economic growth
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
DM22: Employment development in the countryside

Core Strategy

CS21: Rural economy (saved policy)

Relevant Advice

National Planning Policy Framework (NPPF):

Chapter 11: Making effective use of land
Chapter 12 - Achieving well designed places
Chapter.15 - Conserving and enhancing the natural environment

Plan Policy Designations and Constraints

Plan Area
Avon Catchment Area
Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council - PAR4: We recommend REFUSAL, for the reasons Listed: There has been a lot of unauthorised building work, land and tree clearance and laying of hardstanding on this site. There appears to be no consideration for the wildlife habitat. We have received a lot of complaints from local residents regarding traffic along Marl Lane to and from this site. We would like the opportunity to attend or submit a report to the planning committee meeting when it is held for this application.

Fordingbridge Town Council - Note the bat report is out of date. A new bat report needs to be completed before the building is repaired.

7 COUNCILLOR COMMENTS

Cllr Ann Sevier and Cllr Annie Bellows requested Committee determination due to local interest and concern.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way - The proposed vehicular access to the site is along Sandle Heath Bridleway 780 and Fordingbridge Bridleway 80. In the interest of safety, suitable signage should be erected warning contractors and delivery drivers of the presence of walkers on the Bridleway and of the requirement to give way. Give informatives.

NFDC Ecologist - A bat survey report is submitted, but is out of date and not relevant to the building subject to the application. I do not have details as to what the barn was previously like so am unable to offer comment as to whether an offence has been caused by the works that have been carried out with respect to impacts on protected species such as birds and bats. The best approach, would be to condition the provision of a series of comprehensive ecological enhancement measures such as bat boxes, bird boxes, landscaping etc.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 4

- Detrimental visual impact to the character of the open "farm" site posed by enclosure of the previously fully open sided hay barn, plus additional ground levelling and hardstanding.
- Breaches of planning and conditions against the property over an extended period of time and unpermitted works and site changes continued whilst under enforcement could not readily proceed.
- Publicly evidenced intent to operate an events business (wedding venue) from the site requiring, change of use, suggests this retrospective planning application is made on false premise.
- Destruction of geological, ecological conditions and known habitats.
- A condition of approval for new house and demolition of existing old farmhouse noted the need to accommodate bats. The retrospective planning application suggests intent to breach these conditions.

- Substantial increased vehicular movements on the inadequate bridle paths posed by the development and the additional site changes.

10 PLANNING ASSESSMENT

Principle of Development

The proposal is made retrospectively to clad a previously open agricultural building and form a hardstanding within part of a field close to the farm curtilage, the general principle for which is acceptable. The site is within countryside, but would be for a form of development directly associated with the existing use of the site. This application is not for a wedding venue, which would need to be considered under a separate application and on its own merits. The current proposal is assessed against the considerations outlined below.

Design, site layout and impact on local character and appearance of area, including landscape impact and trees

The proposal needs to be considered in the context of design policies and policies seeking to protect the countryside. Turning to the first issue; the cladding of an existing open sided agricultural building, the cladding does serve to emphasise the massing of the structure. However, the structure relates well to existing structures around the yard area of Hurley Farm and use of cedar cladding, slate roof and roller doors are not considered to be out of keeping with the agricultural character of the area and appearance of the countryside, noting that other buildings on the site have been clad in a similar material.

It is understood that the hardstanding was laid down over improved pasture and while the retrospective nature is unfortunate, the level of hardstanding is quite modest by comparison with the existing farm yard area. Furthermore it is well related to the existing yard area and retained trees on its south eastern boundary will assist in screening it from wider views. The hardstanding has been bound by post and rail fencing on its northern and eastern boundaries and it is recommended that these boundaries are defined by native hedgerows to assist with visual integration and biodiversity net gain. Details of landscaping will be required by condition.

Overall the impact of the cladding and hardstanding on the openness and visual amenity of the area would be limited due to use of appropriate materials and its relationship to existing structures and trees. The proposal complies with the provisions of Policies ENV3 and ENV4 related to design quality, local distinctiveness and landscape character and quality.

Highway safety, access and parking

Notified parties suggest the proposal would result in substantial increased vehicular movements on inadequate bridle paths posed by the development. This might be the case were the use of the site to change, but the current application is merely for cladding of the building and formation of the hardstanding. The Planning Authority cannot resist a proposal on the basis of disturbance caused by construction or access to a site by construction vehicles, as this is an inevitable consequence of new development and short term in its impact. Furthermore, as a retrospective application, which is largely complete, it is not anticipated that granting approval of this application would result in significantly increased construction traffic to the site.

The Rights of Way Authority note that vehicular access to the site is along Sandle Heath Bridleway 780 and Fordingbridge Bridleway 80. They do not object to the proposal but suggest informatives that suitable signage should be erected warning contractors and delivery drivers of the presence of walkers on the Bridleway and of the requirement to give way. The informatives will be applied to any approval for the applicant's information, but in the knowledge that the development is largely complete, the erection of signage is not necessary.

Residential amenity

With regard to residential amenity, the use of the land would be the same as its existing use and considering the degree of separation involved, it would have no impacts in respects of overbearing impact, light loss or loss of privacy.

With regard to the potential for disturbance to adjoining residents, it is noted that concern is raised by notified parties that it is intended to operate an events business (wedding venue) from the site and that this retrospective planning application is made on a that basis. If it is the applicant's intention to utilise the building and land subject to the application in association with the use of the wider site as a commercial/wedding venue, then this will need to be determined on its own merits under a separate application for change of use.

The current application is for the cladding of an existing building and formation of a hardstanding, which is all the Local Planning Authority has been requested to assess. The application has been determined on the basis.. A future use of the site as a wedding venue and the potential impacts this would have would need to be assessed on its own merits under a specific application for change of use if this proposal came forward.

The site is well removed from adjoining occupiers and the form of development proposed would have no adverse impacts on adjoining amenity, in accordance with Policy ENV3.

Ecology and on Site Biodiversity and protected species

It is unclear why the bat survey report submitted with the application has been presented as it is both out of date and not relevant to the building subject to the application. It relates to the replacement dwelling on the site initially approved in July 2015. This issue has been noted by objecting parties. In order to clarify the position, a condition of approval for new house and demolition of the old farmhouse noted the need to accommodate bats through appropriate mitigation and this is still the case. However, the replacement dwelling is not yet complete, the old farmhouse has yet to be demolished and the condition requires the replacement dwelling to be implemented in accordance with the agreed ecological mitigation measures.

It is understood that the barn subject to this application was previously an open-sided structure, with limited scope for supporting ecological interests. The footprint of the hardstanding was previously semi-improved grassland with limited ecological value. While the hardstanding does not enhance biodiversity, it is not clear that destruction of habitat has occurred. The Council's Ecologist does not raise any objections to the proposal and considers the best approach would be to condition the provision of a series of comprehensive ecological enhancement measures such as bat boxes, bird boxes and landscaping in order to achieve biodiversity net gain. Boxes could be installed on the building or other locations within the site and landscaping could be introduced in the form of a native hedgerow around the hardstanding, details of which will be required by condition, in accordance with Policy DM2.

Other Matters

With regard to the comments of notified parties that breaches of planning have occurred and unpermitted works and site changes have been carried out, the applicant has submitted the current application seeking to formalise these breaches. The Planning Authority cannot refuse the proposals merely due to their retrospective nature, they must be assessed on the basis of the material considerations outlined above, in order to weigh the harm caused against benefits.

11 CONCLUSION

The proposal is considered to be acceptable in relation to its countryside, ecological, access and amenity impacts and is accordingly recommended for approval.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be retained in accordance with the following approved plans: drawing number Hur020 - Storage Shed and Storage Area, drawing number Hur021 - Location Plan and Design and Access Statement

Reason: To ensure satisfactory provision of the development.

2. Within 3 months of the date of this approval, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - a) the existing trees and shrubs which have been agreed to be retained;
 - b) a specification for new planting (species, size, spacing and location);
 - c) areas for hard surfacing and the materials to be used;
 - d) other means of enclosure;

Within a period of 3 months from the date of agreement in writing, the development shall be implemented in full accordance with the agreed landscaping scheme and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way and to promote biodiversity net gain, 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 and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

3. Within 3 months of the date of this approval, full details of ecological enhancement measures to be implemented on the site to achieve biodiversity net gain shall be submitted to and agreed in writing by the Local Planning Authority. The agreed enhancement measures shall be implemented in full within 3 months of their approval in writing.

Reason: To promote biodiversity net gain in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

Further Information:

Jim Bennett

Telephone: 023 8028 5443



New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

August 2021

HURLEY FARM
MARL LANE
SANDLEHEATH SP6 1NY
21/10834

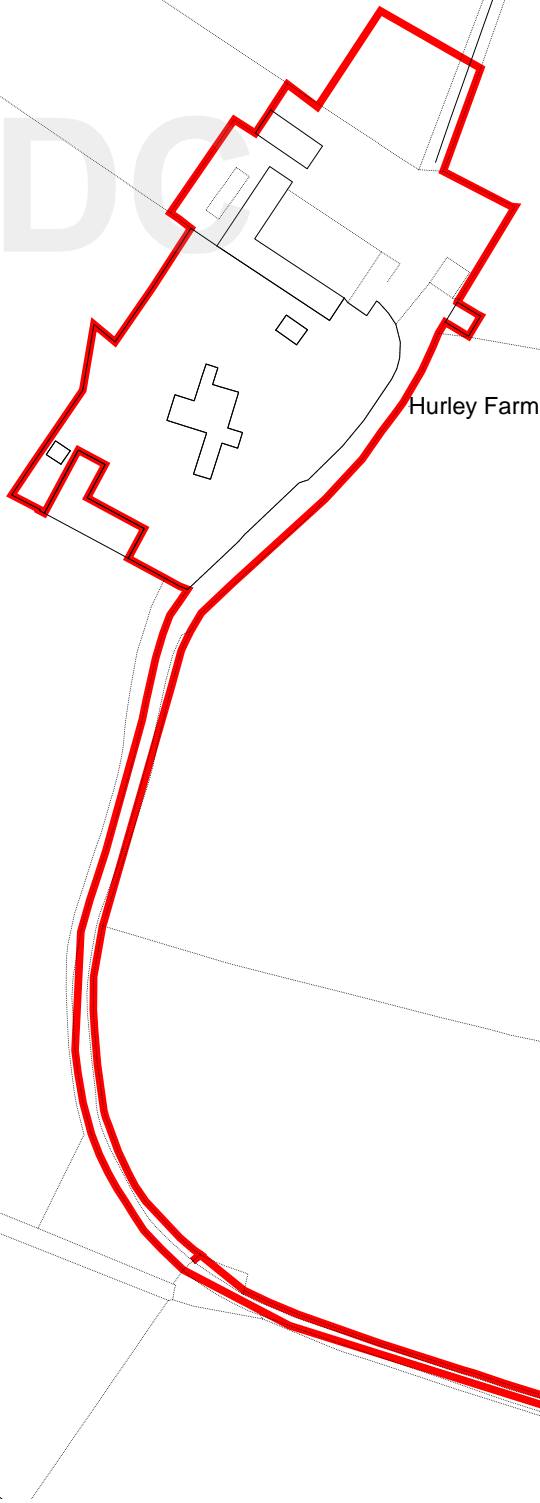
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scale.

NFDC

NFDC

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Hurley Farm

Sandle Grange

Application Number: 20/11441 Full Planning Permission

Site: 14 ELING LANE, ELING, TOTTON SO40 9GA
(NB: PROPOSED LEGAL AGREEMENT)

Development: Conversion of existing roof space to create an additional residential flat, with construction of 2 no. dormer windows on rear elevation and roof lights on front elevation; amendment to Application Reference 20/10523, to reduce consented 3-bed flat into a 2-bed flat and provide access to the proposed additional flat in roof; refuse and cycle store

Applicant: Forthhold Ltd

Agent: Gemini Planning Services Ltd

Target Date: 02/04/2021

Case Officer: Andrew Amery

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of development
- 2) Design and Layout - impact on the character and appearance of the area
- 3) Design and Layout - ability to provide an acceptable residential environment for future occupiers
- 4) Neighbour impacts including impacts on adjoining businesses within the town centre and secondary shopping frontage
- 5) Layout of the site and highway safety, parking and access issues
- 6) Impacts on designated sites of nature conservation importance

This application has been brought before Committee due to a contrary view from the Town Council.

2 SITE DESCRIPTION

This site is located within Totton Town Centre at the southern end of the terrace of commercial properties fronting Eling Lane. It is within the designated Rumbridge Street Secondary Shopping Frontage.

No.14 is a brick built, two-storey building with mainly glazed ground floor shop frontages. There is a two-storey flat roofed extension on the rear elevation.

Until recently the front part of the ground floor was occupied by two separate businesses including a Beauty Salon. The rear part of the ground floor has been occupied as two small residential units.

There were also previously two residential units at first floor level, one above each retail unit. However, the building currently appears vacant, with internal and external works being undertaken.

The area comprises a mixture of uses, with commercial uses at ground floor and residential above.

The adjacent commercial premises to the south of the site is still operated as a car sales business. The vehicular access to this side of the building is unsegregated from the car sales site, and the alignment of the cars within the cars sales site suggests overlap or shared usage of this area.

The vehicular access also serves commercial servicing and repair garages at the rear of the site. Vehicles accessing the commercial garages pass through a gate, very close to the area designated for parking for this site which comprises a small and poorly surfaced area of hardstanding with space for 3 cars to be parked.

3 PROPOSED DEVELOPMENT

The proposals seek to provide an additional one-bedroom flat within the roofspace, facilitated by the provision of dormer windows within the rear facing roofslope and a change to the layout of one of the first floor flats which formed part of previous planning permission 20/10523.

The affected flat is within the front part of the building and is known as 'Unit 3'. This flat has been approved as a 3-bedroom flat but would now form a two-bedroom flat so as to create internal space for a corridor and staircase to serve the additional proposed flat, Unit 5, within the roof.

Access to Unit 5 would now be shared with first floor units 3 and 4 (approved under Planning Permission 20/10523), with the entrance door in Eling Lane.

It should be noted that there are also two ground floor residential units being created within the same building: a one-bedroom unit at the rear of the building that forms part of planning permission 20/10523; and a two-bedroom unit at the front part of the ground floor that was approved under prior approval application 20/11103.

Whilst this application would amend the proposals approved under planning permission 20/10523, it would not directly affect the layout or access to the unit approved under prior approval application 20/11103.

Initially, the proposals sought to provide a parking space for Unit 5 as one of the three parking spaces at the rear of the site. The plans have subsequently been amended, however, to provide a cycle parking area and a refuse store, with the effect that only 1 car parking space is now proposed to serve all residential units.

The other two spaces were allocated to units 2 and 3 under planning Ref 20/10523, but the third space was not specifically allocated - although it did form part of the planning application showing 3 parking spaces for 3 flats.

The prior approval application 20/11103 did not include parking for the ground floor unit created under that application.

4 PLANNING HISTORY

4.1 Combining of two existing smaller studio units at ground floor to a one single unit; rearrangement of existing 2no. 2-bedroom residential units at first floor level; Minor external changes to fenestration. (20/10523) - Permission granted 03/12/2020.

(It should be noted that this application originally included conversion of the loft space. Following concerns raised about the visual impact of the proposed single strip dormer, and the lack of time available to address these concerns, this element was removed from the application.)

4.2 Use of retail units as 1 flat with associated external alterations (Prior Approval Application). (20/11103) -Prior Approval details approved 02/12/2020.

4.3 Application under Regulation 75 of the Conservation of Habitats and Species Regulations, in respect of Prior Approval consent ref:20/11103 for conversion of ground floor retail units to residential. (20/11250) - Under Consideration

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy ECON6: Primary, secondary and local shopping frontages

Policy ECON6: Primary, secondary and local shopping frontages

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL2: Development standards

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: RECOMMENDATION REFUSAL (of original plans) but would accept the decision reached by the District Council's Officers under their delegated powers.

This council were in favour of the previous application (20/10523 - granted permission) due to the improvement of residential living arrangements and retention of the commercial area.

Since that application, a further permission has been granted (permitted development) to convert the commercial units to residential.

This takes the total units of residential accommodation to 4 comprising: 3 x 2 bed and 1 x 3 bed.

There will be a total of 3 parking spaces for residents.

This application seeks an additional 1 bed flat in the roof and dormer windows to the rear. This will be unnecessary overdevelopment of the plot, whilst further contributing to a lack of parking.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: No objection from a habitats or protected species perspective; an Appropriate Assessment will be required.

HCC Highways: No response to consultation

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Principle of Development

The site is located in the built-up area, within Totton Town Centre and within the Rumbridge Street secondary shopping frontage. As such, the principle of creating an additional residential unit is acceptable.

Design and Layout - impact on the character and appearance of the area

Externally, the only change is to provide two subservient dormer windows in the rear facing roofscape. These windows would overlook commercial premises and do not introduce cause for concern on privacy grounds.

Whilst dormer windows are not characteristic of the general area, those proposed are subservient to the roof and appropriate in design and appearance to the property, being set well-in from the side elevations and with clearance to the eaves and ridge. The flat roof and horizontal proportions would also suit the building.

The dormers would not appear visually dominant, and given the scale and depth of the existing two-storey rear extension would appear as a relatively modest addition to the overall scale and massing of the building.

In design terms, the works required to provide the additional unit in the roof are in accordance with Policy ENV3 of the Local Plan.

Design and Layout - ability to provide an acceptable residential environment for future occupiers

Through a combination of the previous planning permission 20/10523 and the previous prior approval, 14 Eling Lane is in the process of being converted from its former use as 2 ground floor retail units and 4 self-contained flats (part ground floor/part first floor). Through these 2 previous consents, 4 flats have been approved, albeit that the flat approved through the Prior Approval process is also subject to habitats regulations requirements.

To serve these flats there is no outside space whatsoever other than 3 parking spaces, and access along the side is shared by 3 separate, car related, commercial units. The immediate residential environment is therefore less than ideal and, in fact, rather poor.

The current approved position is to provide 3 parking spaces to serve 4 flats.

The proposal is now to reduce the number of parking spaces to 1, so as to allow some external space to be provided, including for refuse storage, cycle storage and an area that could be used flexibly for pick up/ drop off, disabled parking and/or a small amount of external sitting or drying space.

In terms of the living environment of future occupiers, the provision of these facilities over parking spaces represents an improvement and removes the current conflict with surrounding commercial uses, which appears potentially difficult.

By improving the facilities and immediate residential environment for all future occupiers, it is considered that the proposals can be supported.

The additional flat has a floor area of 57sq m, significantly above the 37sq m minimum standards set at national level. The open plan kitchen/diner/living space has outlook and light from a rear facing dormer window. The bathroom relies on natural light from rooflights and has no outlook. But the room is reasonably spacious and the arrangement allows for the provision of storage which many small units do not have. On balance, it is considered that the unit has no worse a living environment than those flats already approved and is not sufficiently poor to refuse.

In coming to this balanced view, the highly accessible location of the site has been taken into account, with its access to all facilities and nearby open spaces.

Neighbour impacts including impacts on adjoining businesses within the town centre and secondary shopping frontage.

The site has an active sales use to the southern side and two car related commercial uses to the rear. The shared access area at the side of the site could potentially create difficulties for the occupiers of the flats and the operators of the commercial units. In reducing the number of parking spaces associated with the residential development, these conflicts are reduced.

Layout of the site and highway safety, parking and access issues

The proposals would reduce the amount of parking on the site from 3 to 1 but in doing so significantly improve the facilities available for future occupiers and reduce the clear conflict of car movements with adjoining uses.

The site is located in the town centre and whilst the Town Council has objected to the level of parking provision, the Highways Authority (from their non-response) appear content to leave parking to the Local Planning Authority to determine against a balance of other planning issues.

It is noted that the site is located in a "pedestrian preference zone" (para 6.22, Totton Town Centre Urban Design Framework SPG), where priority is given to pedestrians as well as creating opportunities for cyclists.

Given the location of this site, with easy access to the town centre's extensive facilities, services and public transport, and with a public car park adjacent to the site, the revised scheme showing 1 parking space to serve all 5 units is considered appropriate. The improvements to the layout to provide cycle storage facilities in this location should be supported.

Ecology

The site has no apparent biodiversity value, and meaningful improvement measures cannot be delivered through this application for one additional unit. Given the location of the site and the fact that previous decisions allow residential units here without on-site biodiversity enhancements, it would be inappropriate to require measures through what is a very modest proposal.

Habitat Mitigation

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement (or unilateral undertaking) to secure an appropriate habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed in principle to enter into a Section 106 legal agreement (or to submit a unilateral undertaking) to secure the required habitat mitigation contribution.

Managing air quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication of whether the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Accordingly, a financial contribution is required (to be secured via a Section 106 legal agreement or Unilateral Undertaking) towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

Nitrate neutrality and impact on Solent SAC and SPAs

Nitrate neutrality and impact on Solent SAC and SPAs 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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. This will be published around the end of July 2021 and will be the formal

position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a very modest level of housing provision and will not have any significant impact on housing delivery. However, the site is in a highly sustainable location and the concerns raised regarding parking and quality of living environment have been identified as not to represent harm. In this case, the ability to provide an additional dwelling in a sustainable location outweighs the concerns raised.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £2630
- Non-infrastructure contribution of £383
- Bird Aware Solent contribution of £361
- Air Quality monitoring contribution of £85

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	58	0	58	58	£80/sqm	£5,942.77 *
Subtotal:	£5,942.77					
Relief:	£0.00					
Total Payable:	£5,942.77					

11 CONCLUSION

The application site has been the subject of a number of applications over the past year or so, through which there are 4 approved dwelling units on the site.

The concerns about the provision of a fifth unit in the manner proposed have been carefully assessed. The limited on-site parking provision is considered justified in the light of the development's sustainable town centre location. Furthermore, it is not considered the proposals would cause material harm to the amenities of the wider area, and there would be clear benefits in the provision of an additional unit, noting the highly accessible and sustainable location of the site, but also the lack of a 5 year housing supply. The scheme's benefits are considered to weigh strongly in favour of granting planning permission. Moreover, the proposals are considered to be consistent with the Council's policies.

For these reasons, subject to the securing of appropriate mitigation for the identified impacts of protected habitats, the proposals for one additional unit within the building at 14 Eling Lane should be supported.

12 OTHER CONSIDERATIONS

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.

13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement / a Unilateral Undertaking to secure contributions to mitigate the development's impacts on internationally designated nature conservation sites within the New Forest and the Solent areas.
- ii) the imposition of the conditions set out below.

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:

Location Plan/Block Plan Drg No. P1043-SNUG-XX-XX-DR-A-0050 dated Dec 20 received 15.07.2021

Proposed Site Plan Drg No. P1043-SNUG-XX-XX-DR-A-2000 Rev A dated Dec 2020 received 21.12.2020

Proposed Ground and First Floor Plan P1043-SNUG-XX-XX-DR-A-2001 dated Dec 2020 received 21.12.2020 Proposed Second Floor and Roof Plan P1043-SNUG-XX-XX-DR-A-2002 dated Dec 2020 received 21.12.2020

Proposed Cycle and Refuse Store Plan P1043-SNUG-XX-XX-DR-A-2300 dated July 2021 received 15.07.2021

Proposed Section Drg No. P1043-SNUG-XX-XX-DR-A-2200 dated Dec 2020 received 21.12.2020

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until:
- a) 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;
 - b) 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
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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.

4. The development hereby permitted shall not be occupied until the parking space shown on plan P1043-SNUG-XX-XX-DR-A-2000-Rev-A has been provided. This space shall be retained and kept available for drop-off, pick-up and parking associated with the flats at 14 Eling Lane and should not at any time be specifically allocated to any one flat unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a parking space is made available in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The flat (unit 5) hereby approved shall not be occupied until such time as the refuse and cycle storage facilities shown on amended plan Drg Nos. P1043-SNUG-XX-XX-DR-A-2000-Rev A and P1043-SNUG-XX-XX-DR-A-2300 have been provided in accordance with those plans. The cycle and refuse storage facilities shall thereafter be retained and maintained for the unencumbered use of residents of all flats within 14 Eling Lane.

Reason: To ensure the occupiers of the flats are provided with and retain access to appropriate facilities in accordance with the Council's adopted standards.

6. The external facing materials for the dormer windows shall be those stated on the application form unless otherwise agreed in writing with the Local Planning Authority.

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.

Further Information:

Andrew Amery

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New Forest DISTRICT COUNCIL

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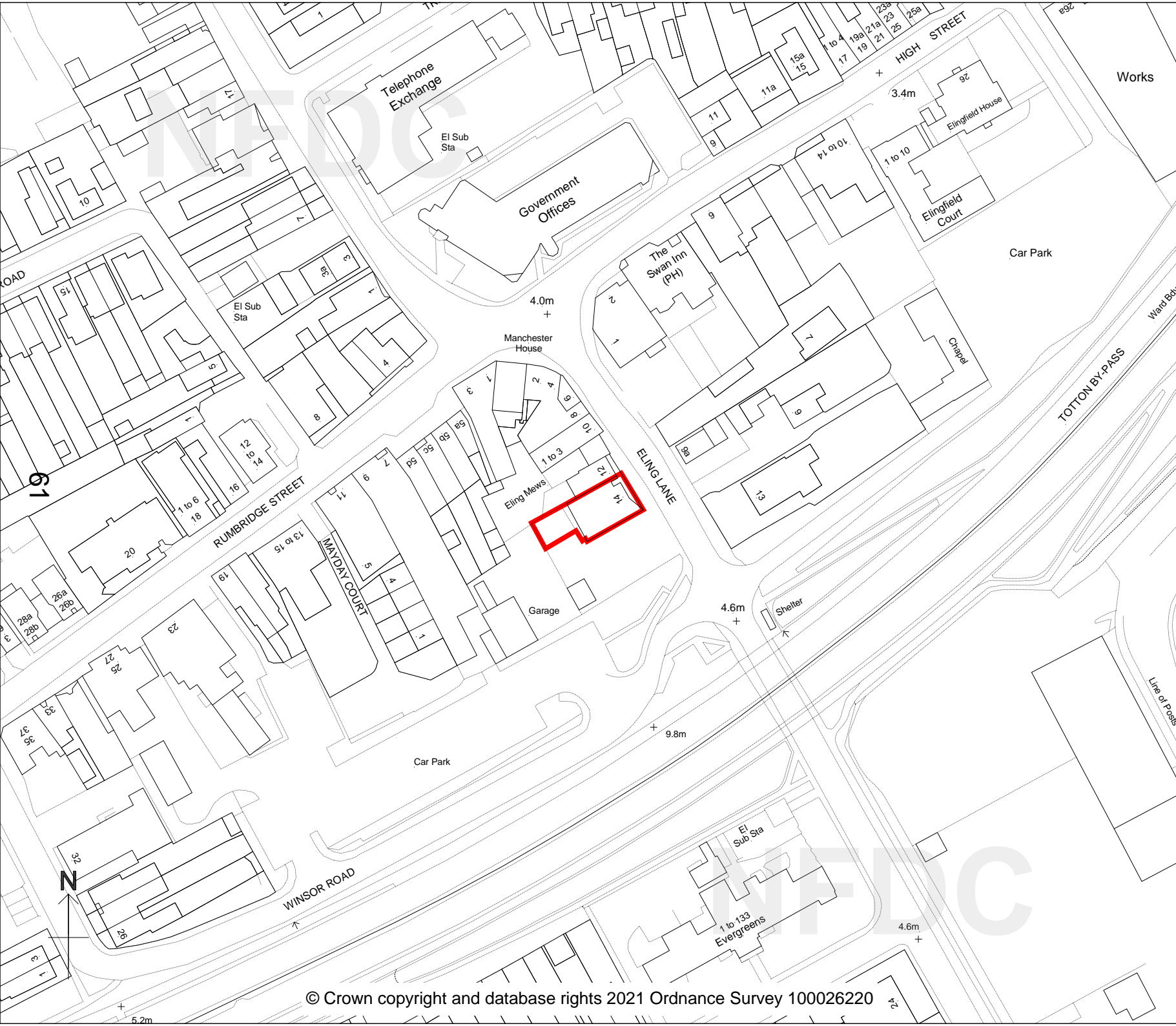
PLANNING COMMITTEE

August 2021

14 ELING LANE, ELING
TOTTON
SO40 9GA
20/11441

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scale.



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Application Number: 21/10486 Full Planning Permission

Site: THE OLD CINEMA, JUNCTION ROAD, TOTTON SO40 3BU

Development: Removal of part of existing roof structure and addition of a second floor extension to create 6 additional one-bedroom apartments; external staircase; fenestration alterations

Applicant: Mr Yeganegy

Agent: Studio Fifty Four

Target Date: 22/06/2021

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Highway safety, access and parking
- 4) Residential amenity
- 5) Ecology
- 6) Habitat Mitigation

This application is to be considered by Committee because of the concerns expressed by Totton and Eling Town Council in respect of parking provision and amenity.

2 SITE DESCRIPTION

The Old Cinema is a detached former cinema which was subsequently converted to a factory in the late 1970's. The factory use ceased in the late 1990's and the building converted to flats. The building currently consists of 21 flats over 3 floors and has vehicular access from Junction Road and a limited area of hard surfaced outside space along the northern side and to the west (rear).

To the north of the site is the back of the Asda supermarket. To the west is the supermarket rear loading bay area. To the south west is a new development of flats under construction and to the south is the Fairways school. Terraced housing exists to the east on the opposite side of Junction Road.

3 PROPOSED DEVELOPMENT

The application proposes the removal of part of existing roof structure and addition of a second floor extension to create 6 additional one-bedroom apartments, together with an external staircase and associated alterations to fenestration.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/10411 6 flats; associated hard and soft landscaping works; cycle store; window alterations to Old Cinema building	12/08/2020	Granted Subject to Conditions	Decided	
19/10302 New covered roof area over existing marshalling & service area; roller shutter doors to front and rear; remove existing security gates to yard	09/05/2019	Granted Subject to Conditions	Decided	
18/11666 Two storey building to comprise 4 flats; associated landscaping; cycle store; fenestration alterations to The Old Cinema building	03/12/2019	Granted Subject to Conditions	Decided	
18/10898 4 flats; associated landscaping; cycle store; fenestration alteration to The Old Cinema building	13/09/2018	Refused	Appeal Decided	Appeal Withdrawn
16/10533 Bin store	13/07/2016	Granted	Decided	
12/98892 1 block of 5 flats, parking alterations, bin & cycle stores	13/09/2012	Refused	Decided	
12/98417 Front extension; partial demolition of warehouse; alterations to service yard/access	05/12/2012	Granted Subject to Conditions	Decided	
09/95001 Front extension to provide increased sales area; mezzanine first floor; alterations to second entrance; first floor parking (car deck); service yard and access alterations	01/07/2011	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Parking Standards

Relevant Advice

NPPF Para.11: The presumption in favour of sustainable development.

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Constraints

Plan Area

Plan Policy Designations

Employment

Town Centre Boundary

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The existing building consists of 21 flats.

A new development of 6 flats has recently been granted planning permission (20/10411) directly to the south of the proposed site, with access onto Maynard Road, which has been approved as a car free development.

If this application is granted there is potential for 33 flats in very close proximity with limited parking.

Junction Road is mainly double yellow lines limiting on street parking.

The constant assumption that occupants will not have a car will lead to problems in the local area due to the lack of parking.

The site is in close proximity to the Asda service yard with 3 of the proposed flats directly over-looking it.

The potential over intensification of the site and lack of parking are the main areas of concern.

RECOMMENDATION REFUSAL

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Building Control

Building control have no adverse comments to make at this stage.

Environmental Health Contaminated Land, Appletree Court

No concerns with this application.

Ecologist

No objections to proposals subject to the enhancement measures detailed being secured.

HCC Highways

Due to there being no changes to the existing access the Highway Authority raises no objection over this application. A trips analysis indicated that this proposed development would result in a small increase of trips which is considered acceptable in this instance.

However, it is noted that even though parking is a matter to be consider by New Forest District Council as the Local Planning Authority, the proposed parking provision is under current standards. Should the LPA have any concerns regarding overspill parking, it is requested to contact the Highway Authority for comment.

NFDC Environmental Health (Pollution), Appletree Court

No objection, subject to conditions.

Scotia Gas Networks (SGN)

No response received

9 REPRESENTATIONS RECEIVED

No third party representations were received.

10 PLANNING ASSESSMENT

Principle of Development

The application site is located within a town centre location within the settlement of Totton, with good access to a wide range of local services and facilities and with good public transport links to the wider community.

Within the local plan policies chapter 4 (Achieving sustainable development), policies STR3 (The strategy for locating new development) and STR4 (The settlement hierarchy) identify Totton as being within the most preferable tier of settlements (Towns) being the most sustainable locations for new residential, retail, leisure, cultural and business development, to improve their self-containment and to support and consolidate their local service offer.

Consequently the proposal for 6no. new one bed dwellings within the settlement is considered accordant in principle with local plan policy and national planning policy guidance.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. This will be published around the end of September 2021 and will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years.

In such circumstances the NPPF (para 11d) indicates that the 'tilted balance' is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). Whilst the current proposal is for a very modest level of housing provision, the Council's current inability to demonstrate a five-year supply of deliverable housing remains a material consideration in the determination of the planning application.

Design, site layout and impact on local character and appearance of area

The existing building is of generally rectangular form and of three story height. The second floor of the building as it currently exists is flat-roofed at the rear and contains four flats. The central and rear (eastern) part of the building at second floor level is covered by a dual pitched roof structure at a 'kilted' angle.

The application proposes the removal of the dual pitched roof element and the addition/continuation of the second floor under a flat roof to provide 6no. additional one bed flats. A revised spiral external fire escape is proposed to replace the existing external fire escape at the rear.

It is considered the resultant design of the proposed development would rationalise the existing second floor level by the removal of the partial dual pitched roof element and the continuation of the rectangular form of the front element of the second floor, to provide additional residential space.

In these respects, taken together with the proposed alterations being located at the rear of the building, the proposal is considered accordant with the design of the existing main building and would not have adverse impact(s) on the existing character of the surrounding area.

Highway safety, access and parking

The access and parking arrangements and provision for the application site remain the same as existing - no additional parking provision is proposed, and it is accepted that no additional parking provision is possible by reason of the limited amount of outside space available within the site.

As part of the Local Development Framework for its area, New Forest District Council adopted a revised Parking Standards Supplementary Planning Document (SPD) on 3 October 2012. The adopted SPD forms part of the Local Development Framework for New Forest District (outside the National Park) and outlines the recommended provision of cycle and vehicle parking for all new developments.

The NPPF (July 2021) at Para.107 provides guidance that, if setting local parking standards for residential and non-residential development, policies should take into account matters including:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;

Whilst the proposal does not provide any additional off-street parking, the application is considered acceptable on balance nonetheless by reason of its sustainable town centre location and the benefits it would bring through the provision of additional new dwellings.

In respect of cycle parking, the applicant will accept a condition for 6 x cycle parking spaces to be provided as per the requirements of the SPD.

Residential amenity

The existing building is in residential use providing 21 flats, including 4no. 1 bed flats at second floor level. The proposed development would expand the existing residential use by the addition of 6no. 1 bed flats at second floor level in place of the existing dual pitched roof element at the rear.

The use of the second floor area for additional flats is considered a compatible and appropriate use in principle within the context of the existing use of the building and neighbouring/adjoining uses. The proposal would introduce new casement windows at second floor level within the north and south side facing elevations, and within the east facing rear elevation (facing towards the rear yard of Asda).

There are existing neighbouring dwellings to the south and the impact of new windows in terms of the potential for overlooking should be carefully considered. In this case, by reason of the existing ground, first and second floor windows serving flats within the south elevation of the Old Cinema building, it is considered the proposed additional flats would not result in an undue level of additional overlooking of those adjacent properties.

In respect of overshadowing impacts on adjoining properties, the existing dual pitched roof is significantly taller to the ridge than the proposed scheme for additional flats. Consequently it is considered the proposed development would not result in the undue overshadowing at adjacent properties.

In considering the amenity of future occupiers of the proposed flats, the Council's EHO has recommended conditions in respect of ensuring adequate noise mitigation (from the adjacent supermarket loading bay) to ensure adequate amenity safeguards.

Ecology

On Site Biodiversity and protected species:

The applicant has submitted a Preliminary Roost Appraisal (PRA) and Phase 2 Bat Emergence Survey Report for the site, in which a scheme of ecological enhancements to provide a biodiversity net gain (BNG) for the development is set out. The submitted PRA and scheme of BNG has been considered by the Council's Ecologist who raises no objection. The scheme of ecological enhancements can be made a Condition of the planning approval.

Habitats Mitigation:

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy.

In this case, the applicant would be required (prior to determination of this planning application) to enter into a Section 106 legal agreement or submit a unilateral undertaking, which secures the required habitat mitigation contributions as detailed in the section below.

Nitrate neutrality and impact on Solent SAC and SPAs

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. Natural England has now raised this with the Council and other Councils bordering the Solent catchment area and has raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation.

An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC considers that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

Managing air quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

A financial contribution is required (to be secured via a Section 106 legal agreement or unilateral undertaking) towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £15,780
- Non-infrastructure contribution of £2,298
- Bird Aware Solent contribution of £2,166
- Air Quality monitoring contribution of £510

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	351		351	351	£80/sqm	£35,964.00 *
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Subtotal:	£35,964.00
Relief:	£0.00
Total Payable:	£35,964.00

11 CONCLUSION

The proposed development constitutes a sustainable form of development, providing 6no. additional small dwellings within a town centre location with access to a good level of local services and facilities, together with good public transport links to the wider community.

The proposed development is considered acceptable in terms of access, scale and appearance. The proposal does not raise concerns in respect of impacts on the existing character of the surrounding area or upon neighbouring amenity.

Whilst the proposal does not provide any additional off-street parking, the application is considered acceptable nonetheless by reason of its sustainable town centre location and the benefits it would bring through the provision of additional new dwellings.

12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate habitats mitigation (as detailed within the Committee report), and
- ii) the imposition of the conditions set out below.

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:
- 1020 - BO1 BLOCK PLAN (dated March 2021)
 1020 L01 LOCATION PLAN (dated March 2021)
 1020 D10 REVISED PROPOSED ELEVATIONS (as submitted to the local planning authority on 6th July 2021)
 1020 D09 REVISED PROPOSED ELEVATIONS (as submitted to the local planning authority on 6th July 2021)
 1020 D08 PROPOSED SECOND FLOOR (dated March 2021)
 1020 D07 PROPOSED FIRST FLOOR (dated March 2021)
 1020 D06 PROPOSED GROUND FLOOR (dated March 2021)
 Preliminary Roost Appraisal and Phase 2 Bat Emergence Survey Report (Peach Ecology, 6th July 2021)
- Reason: To ensure satisfactory provision of the development.
3. Development shall be carried out in accordance with the enhancement measures (Mitigation and Enhancements) for biodiversity as set out in Section 5 of the submitted Preliminary Roost Appraisal and Phase 2 Bat Emergence Survey Report (Peach Ecology, 6th July 2021).
- Reason: To provide an appropriate level of biodiversity net gain for the development.
4. Prior to the commencement of the development, a noise assessment shall be submitted considering noise from the nearby delivery yard in accordance with BS4142:2014+A1:2019. This assessment shall consider the Rating Level (L_{Ar},Tr) of the noise from the delivery noise against the background (LA₉₀) level at the boundary of the nearest residential properties. Where the rating level (L_{Ar},Tr) is found to exceed the background level, appropriate mitigation measures shall be submitted to, and agreed in writing by the local planning authority. The agreed scheme shall be installed prior to the occupation of the new flats and shall be retained and maintained in accordance with the approved scheme.
- Reason: In the interests of amenity.
5. Prior to the commencement of the development, a scheme shall be submitted to ensure that internal and external noise levels for the residential accommodation shall not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The scheme shall be approved in writing by the Local Planning Authority and the approved scheme shall be implemented, maintained and retained.
- Reason: In the interests of amenity.
6. Before first occupation of any of the new dwellings, details and the design of a cycle parking facility (to provide cycle parking for 6no. cycles) to serve the new flats shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any of the flats hereby approved, the cycle parking facility shall be provided as approved and shall thereafter be retained, maintained and kept available for the occupants of the development(s) at all times.
- Reason: To promote sustainable mode of travel.

7. The development hereby permitted shall not be occupied until:
- (i) 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; and
 - (ii) 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
 - (iii) 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.

Further Information:

Warren Simmonds

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New Forest

DISTRICT COUNCIL

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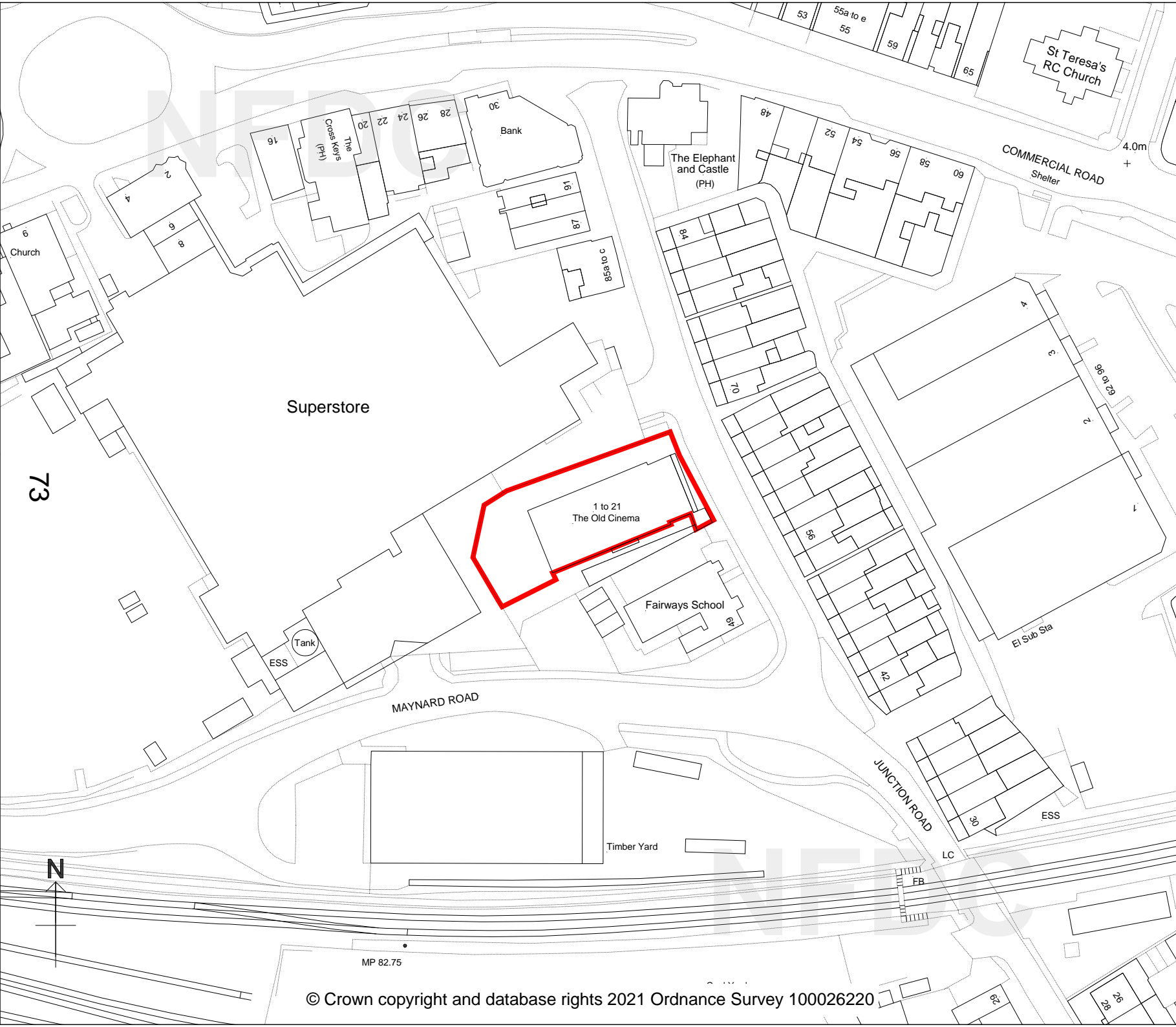
PLANNING COMMITTEE

August 2021

THE OLD CINEMA
JUNCTION ROAD
TOTTON, SO40 3BU
21/10486

Scale 1:1250

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the internet, it will not be to
scale.



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Application Number: 21/10703 Full Planning Permission

Site: Land rear of FULWOOD, PARK LANE, MILFORD-ON-SEA SO41 0PN

Development: Two detached houses; associated parking; carport; access & landscaping

Applicant: Solent Projects New Homes Ltd

Agent: Kee Design

Target Date: 16/07/2021

Case Officer: Vivienne Baxter

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the residential amenities of the area
- 3) Impact on the character and appearance of the area
- 4) Highway matters including parking/turning
- 5) Trees

This application is to be considered by Committee because there is a contrary view from the Parish Council.

2 SITE DESCRIPTION

The site lies within the built up area of Milford on Sea in a residential area. It is part of a larger site which previously accommodated the dwelling known as Fulwood. This property is now in separate ownership. There are several protected trees within the site and adjoining it.

Development is currently under way following the discharge of the relevant conditions on the original planning approval.

3 PROPOSED DEVELOPMENT

The proposal entails the erection of two detached dwellings with either an attached garage (plot 2) or detached car port (plot 1). It follows permission for a similar scheme in December 2019. The differences between the two schemes relate to elevational alterations and the removal of the approved turning head to the north of both the two dwellings and host property, Fulwood.

At ground floor level, the changes relate to additional secondary or WC windows in the side elevations and fenestration alterations to approved openings to kitchens, dining areas and the front door.

At first floor level, the changes involve additional dormer windows in place of approved roof lights, an additional roof light to the front elevation of each dwelling and the provision of gabled roof forms to all dormers. The proposed chimneys also appear slightly shorter than the approved scheme.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/10433 Construction of two houses with associated parking, access and landscaping (existing house to be retained) Alternative scheme to planning permission ref 19/10787	11/11/2020	Refused	Decided
19/10787 Two detached houses; associated parking; carport; access and landscaping	19/12/2019	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy STR1: Achieving Sustainable Development

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPG - Milford-on-Sea Village Design Statement

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 197 Trees

Town and Country Planning Act 1990

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

Constraints

NFSFRA Fluvial

NFSFRA Surface Water

Flood Zone

Article 4 Direction

Aerodrome Safeguarding Zone

Historic Land Use

Conservation Area: Milford-on-Sea Conservation Area

Tree Preservation Order: 102/02/G4

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council

PAR 4: We recommend REFUSAL.

The Parish Council are aware that this application is for additional dormer windows and not for two properties that are already under construction.

A previous application that included these paring gable dormer windows was previously refused in 2019 due to overlooking of neighbouring properties. The applicant has confirmed that the two properties have been sold (subject to contract) so the Parish Council can see no reason why the addition of dormer windows should be included at this stage.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency: No objection subject to condition

Environmental Health Contaminated Land: No concerns

Ecologist: Comment Only

HCC Highways: No objections

NFDC Tree Team: No objection subject to condition

Building Control: Offer advice

Southern Gas Networks: Offer advice

Scottish and Southern Electricity Networks: Offer advice

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 6

- proposed changes are major rather than minor in nature
- turning head should be maintained
- overlooking of Danestream Close and Lucerne Road properties and the host dwelling
- loss of native trees
- no reference to mitigate against climate change
- landscaping doesn't appear to be native
- gabled dormers add to scale of dwellings
- drive surface won't accommodate heavy vehicles

10 PLANNING ASSESSMENT

Principle of Development

The principle of the development has already been accepted following the approval of planning permission at Committee of 19/10787 for two detached houses; associated parking; carport; access and landscaping. The proposed changes to the scheme will be considered under the following headings.

Impact on the residential amenities of the area

Comparing the approved scheme with the proposed scheme, it should be noted that with regard to plot 1 (to the west) the rear elevation included a dormer window and three roof lights serving a bathroom and bedroom. The proposal maintains the dormer window and bathroom roof light and provides a dormer window in place of the two bedroom roof lights. This dormer window would be 11.8m from the rear boundary and 22.8m from the blank side elevation of 4, Danestream Close. It is not considered that this element of the proposal would have a significant impact on the amenities of the occupants of this property.

The changes to the front elevation of plot 1 involve an additional roof light serving the landing and the replacement of an en suite roof light with a dormer window. The roof light would be above head height and the proposed dormer would be in excess of 21m from the rear elevation of Fulwood and a car port would be located between the two. It is not considered that this change would adversely affect the residential amenities of the Fulwood occupants.

Moving to plot 2 (to the east, with the attached garage), the approved first floor fenestration was a bedroom dormer, bathroom roof light and 2 further roof lights for another bedroom. The bathroom roof light is to remain and due to internal alterations, the approved bedroom dormer would serve an en suite, representing an improvement. The bedroom roof lights would be changed to a dormer window which would be 11.8m from the boundary with the parking and turning area for 4, Danestream Close. It is not considered that these changes would materially affect the residential amenities of this property.

To the front of this dwelling, there would be no change to the approved dormer window and an additional roof light to serve the landing would be provided above head height. The approved roof light serving an en suite would be altered to a dormer window and would serve the main bedroom. This dormer would be some 26m from Fulwood and would enjoy views along the access drive to the new properties rather than towards the host dwelling.

The ground floor fenestration alterations would not materially impact upon the residential amenities of adjoining occupiers in view of the boundary treatment.

Concerns have been raised locally that permission was refused for residential amenity reasons when an alternative revised scheme was submitted in 2020. The concern here related to roof lights which were above additional built form over the flat roofed projection and therefore closer to the boundary of the site with 4, Danestream Close. Additional built form over the attached garage to plot 2 also indicated French Windows to the rear. This dwelling was also slightly close to the eastern boundary of the site too.

The proposal is different to the refused scheme in terms of its residential amenity impacts and as highlighted above. The current proposals are not considered to significantly increase harm to the residential amenities of the dwellings to the front or rear of the site and are acceptable in this respect..

Impact on the character and appearance of the area

In design terms, the alterations to the dwellings are in keeping with their overall design. Although plot 1 was approved with flat roofed dormers initially, the increased bulk and mass of the proposed gabled dormers is not significant and would not detract from the character of the area. The change from hipped roof to gabled dormers to plot 2 has less of an impact in terms of the character of the area.

The loss of the approved turning head will allow the front of the site to remain grassed with more space to allow the remaining trees to flourish. This is considered an improvement in terms of its impact on the character of the area.

Highway matters including parking/turning

The application has been supported with plans to indicate that the turning area to the front of the new dwellings is of an adequate size to enable large vehicles to turn in and both enter and leave the site in a forward gear without the need for the turning head. The Highway Authority has considered this revision to the scheme and has raised no objection to the proposal.

This change does not impact on Fulwood which has its own turning facility and is now a separately owned property.

Trees

The proposal has little impact on the agreed works to trees within the site and monitoring of the works implemented so far has occurred. Subject to a condition requiring continued compliance with the Arboricultural Impact Assessment and Method Statement, the Tree Officer is supportive of the proposals.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has recently entered into a Section 106 legal agreement under the previous approval for two dwellings at this site and payment has been received. In the event that the current proposals are implemented, a supplementary S.106 will need to ensure these monies are not clawed back.

Nitrate neutrality and impact on Solent SAC and SPAs

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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an

adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

Developer Contributions

As part of the development, the following financial contributions will be secured via a Section 106 agreement:

- Habitat Mitigation
- Bird Aware Scheme
- Air Quality Monitoring

The legal agreement will ensure the contributions already paid under application 19/10787 will not be clawed back in the event this revised scheme is implemented.

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	385.51	0	385.51	385.51	£80/sqm	£39,499.95 *
Subtotal:	£39,499.95					
Relief:	£0.00					
Total Payable:	£39,499.95					

11 CONCLUSION

The proposal involves relatively minor alterations to the approved scheme on site and does not include any additional accommodation. The changes would not adversely affect the character or appearance of the area nor harm highway safety or the residential amenities of those living closest to the development. Planning permission is therefore recommended.

12 OTHER CONSIDERATIONS

Drainage and flooding matters were preciously of concern at this site although subject to the imposition of conditions previously requested by the relevant bodies, these matters can be addressed.

The reference by the Parish Council to the properties being sold is not a relevant planning matter.

13 RECOMMENDATION

That the Executive Head of Planning, Regeneration and Economy be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion of a S.106 Agreement or unilateral undertaking to ensure that the financial contributions paid under application 19/10787 are not clawed back in the event that this permission is implemented, and
- ii) the imposition of the conditions set out below.

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:

Design and Access Statement
Landscape works: general specification
Arboricultural Impact Assessment and Tree Protection Scheme
JH/AIA/18/061/2
Preliminary Ecological Appraisal
Flood Risk Assessment
FW01 - site location plan
FW02A - site plan one
FW03C - site plan two
FW04 - landscape plan
FW05 - site sections
FW10 - plot 1 elevations
FW17 - plot 2 elevations
FW21 - car port
FW23 - plot 1 floor plans
FW24 - plot 2 floor plans
FW25 - site views
FW26 - block plan
0941 rev.P1 - access driveway, root protection area, construction details

Reason: To ensure satisfactory provision of the development.

3. The materials to be used in the external finish of the buildings shall be as agreed in the Council's decision notice dated 23 June 2021 under 19/10787 unless alternatives are previously agreed in writing. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the buildings in accordance with policy ENV3 of the Local Plan Part 1: Planning Strategy.

4. The slab levels shall be as agreed by the Council's decision notice dated 21 April 2021 under 19/10787.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy ENV3 of the Local Plan Part 1: Planning Strategy.

5. The landscaping of the site shall be as agreed by the Council's decision notice dated 16 June 2021 under 19/10787 unless an alternative scheme is previously approved in writing.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1: Planning Strategy.

6. 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.

7. The development hereby permitted shall not be occupied until the spaces shown on plan FW03C - site plan two for the parking of motor vehicles have been provided. The spaces shown on plan FW03C for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan Part 1: Planning Strategy.

8. The works hereby approved shall be undertaken in strict accordance with the biodiversity measures stated within the Preliminary Ecological Appraisal dated September 2019 prior to the occupation of the dwellings.

Reason: To safeguard protected species in accordance with Policy ENV3 of the Local Plan Part 1: Planning Strategy and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

9. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Hearne Arboriculture Arboricultural Impact Assessment, Method Statement (JH/AIA/18/061/2) dated 18 June 2019 and Tree Protection Plan (JH-TPP-17-6-19.1) while in accordance with the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy ENV3 of the Local Plan Part 1: Planning Strategy.

10. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

11. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref 19195, titled "Fulwood, Park Lane, Milford on Sea, Flood Risk Assessment", dated April 2021 and compiled by Godsell Arnold Partnership Ltd) and the following mitigation measures it details:

Finished floor levels shall be set no lower than as detailed below:

- o For Plot 1, the finished floor levels shall be set no lower than 4.6 metres above Ordnance Datum (AOD).
- o For Plot 2, the finished floor levels shall be set no lower than 3.775 metres above Ordnance Datum (AOD).

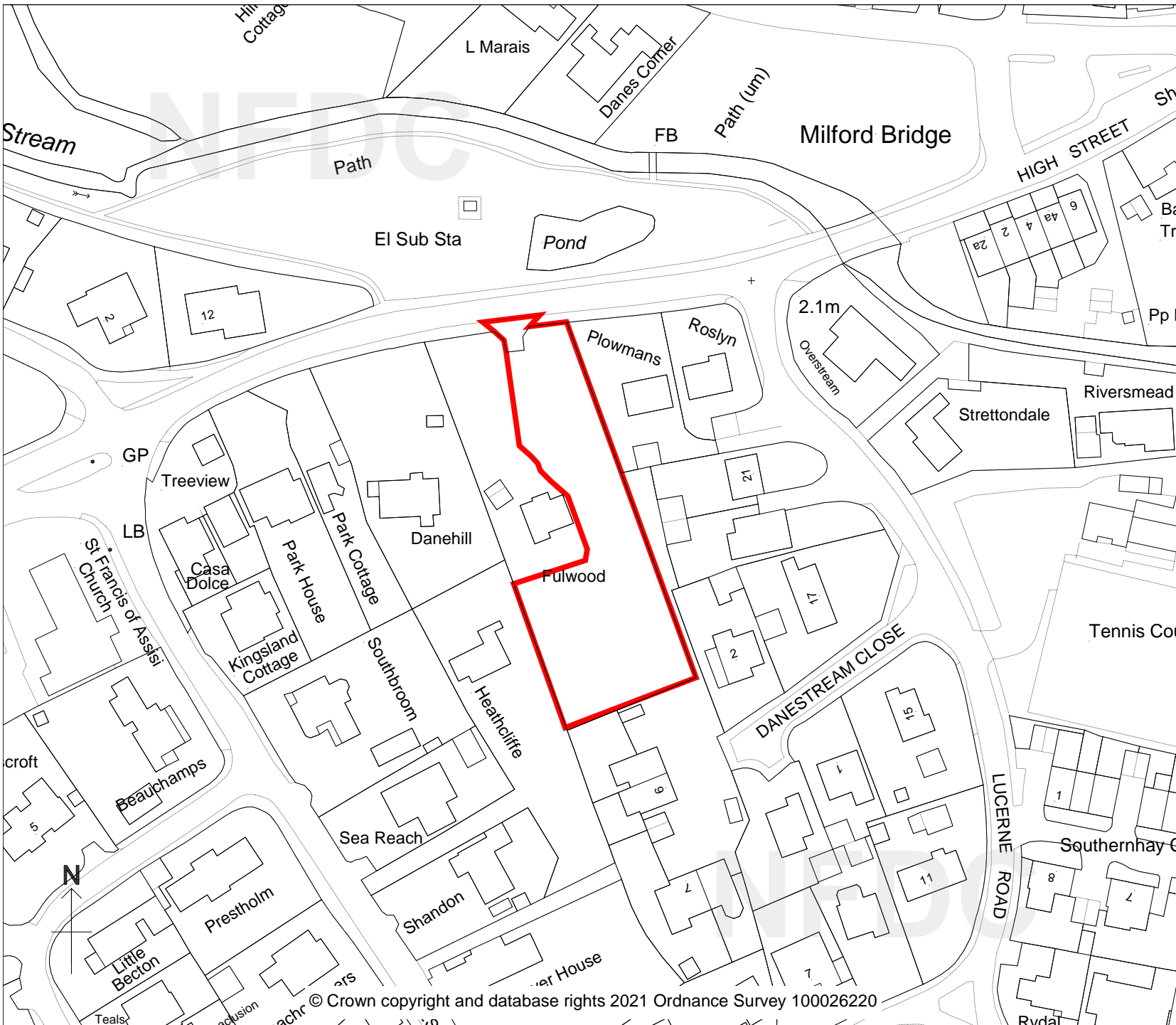
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants and to comply with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

Further Information:

Vivienne Baxter

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New Forest

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Claire Upton-Brown
 Executive Head of Planning,
 Regeneration and Economy
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

August 2021

Land rear of FULWOOD
 PARK LANE
 MILFORD-ON-SEA SO41 0PN
 21/10703

Scale 1:1250

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 the internet, it will not be to
 scale.

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Application Number: 21/10694 Advertisement Consent

Site: 12 THE FURLONG, RINGWOOD BH24 1AT
Development: Installation of new fascia signage, projection sign and menu board
(Application for Advertisement Consent)
Applicant: Louhgers UK Ltd
Agent: Richard Pedlar Architects
Target Date: 06/07/2021
Case Officer: Vivienne Baxter
Extension Date: 13/08/2021

1 SUMMARY OF THE MAIN ISSUES

The issues are:

- 1) Amenity including impact on the character and appearance of the Conservation Area
- 2) Highway safety

This application is to be considered by Committee because the Town Council has a contrary view.

2 SITE DESCRIPTION

The site lies within the built up area of Ringwood in the Town Centre and Ringwood Conservation Area. It is one of the larger units within The Furlong shopping centre and was recently in use as a furniture shop although the company have recently vacated the premises. It is a two storey corner unit with Star Lane properties to the south and smaller retail units in The Furlong to the east.

3 PROPOSED DEVELOPMENT

The proposal entails the provision of new signage in association with the future occupiers of the building - Arboro Lounge. In addition to a menu box, projecting sign and fascia lettering, illumination of the lettering and hanging sign and lights either side of the entrance are also proposed.

Amended plan has been submitted to address concerns of the Town Council. The last amended plan Rev C (received on 26th July) has not been the subject of any re-consultation.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10350 Installation of new extract/supply equipment; shop front alterations	11/05/2021	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPG - Ringwood - A Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness

SPG - Shop front Design Guide

Relevant Legislation

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

Relevant Advice

Chap 12: Achieving well designed places

NPPF Ch.16 - Conserving and enhancing the historic environment

Constraints

Aerodrome Safeguarding Zone

Historic Land Use

Avon Catchment Area

Conservation Area: Ringwood Conservation Area

Plan Policy Designations

Built-up Area

Town Centre Boundary

Primary Shopping Area

Local Shopping Frontage

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

R(4) Recommend refusal. The Committee objected in principle to the painting of the brick work as this is out of keeping with the Furlong Shopping Centre and illumination of the proposed signage is inappropriate in the Conservation Area.

Following re-consultation:

Ringwood Town Council

Refusal (4). Recommend refusal. The Committee does not object to the protruding orange sign and the menu board. However, there is objection in principle to the illumination of the proposed signage as it is inappropriate in the Conservation Area. This includes the back lit Arboro Lounge lettering, the internally illuminated orange protruding sign and the 2 new wall lights, for which no details have been provided. The change of the glazed canopy to zinc is out of keeping with the character of the area and the other units in the Furlong Shopping Centre.

7 COUNCILLOR COMMENTS

No comments received

8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

HCC Highways: No objection subject to condition

9 **REPRESENTATIONS RECEIVED**

One objection has been received from the Ringwood Society concerned with the painting of the building's frontage and the illumination to the signage.

Since making their objection, the painting of the building has been removed from the application.

10 **PLANNING ASSESSMENT**

The premises is situated within a shopping area in the Town Centre where signage is common to most properties. The proposal has been submitted in association with a change in the occupation of the premises and its use. There are no objections to the principle of signage on this property.

As the application seeks advertisement consent the only matters for consideration are visual amenity and highway safety.

Visual amenity and Conservation Area impact

The building is a modern development built in the last 30 years within the historic centre of Ringwood. The design of the building is such that it has no fascia like the majority of the smaller shop units within the centre. The proposed lettering would be located in a position which would reflect the location of a typical fascia and would be manufactured in powder coated metal. The type of lettering is modern which is in keeping with the age of the building.

The letters would be individually backlit but the impact of this would be minimal as the sign would be opposite the return elevation of unit 11 at a distance of 4m. The menu box would also be of metal and glass finish with a discreet strip of lighting within the frame in order that customers can see the menu after dusk.

The proposed projecting sign would be adjacent to the entrance and at a level slightly lower than the proposed lettering. It would be significantly smaller than the existing projecting signs which are situated between ground and high level first floor windows. In terms of materials, it would be a square metal framed sign with powder coated metal insert. The logo lettering would be in perspex and the proposed illumination would just light up the letters 'Arboro Lounge Cafe Bar'.

The Shop front Design Guide advises that fascia signs should not visually dominate a shop front and good design can be achieved using simple details and refined decorative tones. The proposed lettering is simple and discreetly illuminated without the use of internally illuminated plastic boxes. Hanging signs can add interest and the proposal includes a script and scale which complement the age and size of the building. The proposed materials for these signs are considered acceptable in this location.

With regard to the illumination, the backlit letters would not be unduly prominent from the open courtyard of The Furlong by virtue of them being tucked away opposite the return elevation of the adjacent shop unit and as such, would not have a significant impact on the character or appearance of the wider area. The hanging

sign would be visible in the corner of the courtyard and this would include the relatively discreet illumination of the lettering within the sign. The proposed brightness of this lighting is 300cd/m which equates to the brightness of a computer monitor. It would also be seen in the context of the building which has a large glazed area adjacent to this sign which would be illuminated from within the building were the premises open. It is further noted that there are several 'swan necked' lights on the southern elevation of the listed Frampton's building in The Furlong.

The Furlong shopping centre is not a residential development although there are residential properties in Star Lane to the south. However, given the orientation of the nearest dwellings in relation to the proposed signage, it is not considered that the proposed signage would adversely affect the amenities of their occupiers.

It is therefore considered that the proposal signage and illumination is acceptable on this particular building as it is in a discreet corner of the courtyard and is of a substantially different design to other, smaller shop units within the Furlong Centre, enabling a different appearance to the more traditional units.

Highway safety

The site is situated within a pedestrianised area although vehicles can access Star Lane which is to the south of the site. The Highway Authority has not raised any objection to the proposal subject to the illumination not exceeding that stated on the application form.

11 CONCLUSION

The proposal is not considered to have an adverse impact on local character or amenity, subject to a restriction on the level of illumination and the hours of its operation. Advertisement consent is recommended for the proposals.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Proposed Conditions:

6. The development permitted shall be carried out in accordance with the following approved plans:

Site location plan
LNG4347 - block plan
LNG4347.02- - elevations as existing
LNG4347.06C - elevations as proposed.

Reason: To ensure satisfactory provision of the development.

7. The illumination hereby permitted shall not be utilised between 2300 hours and 0900 hours.

Reason: To safeguard the visual amenities of the area 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 Policy DM1 of the Local Plan Part 2 for the New Forest District outside of the National Park.

8. The external lighting herewith approved shall not exceed the luminance levels shown within the application form (300cd/m²) unless otherwise approved by the Local Planning Authority in writing.

Reason: To protect the amenities of the area and in the interest of highway safety 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 Policy DM1 of the Local Plan Part 2 for the New Forest District outside of the National Park.

Further Information:

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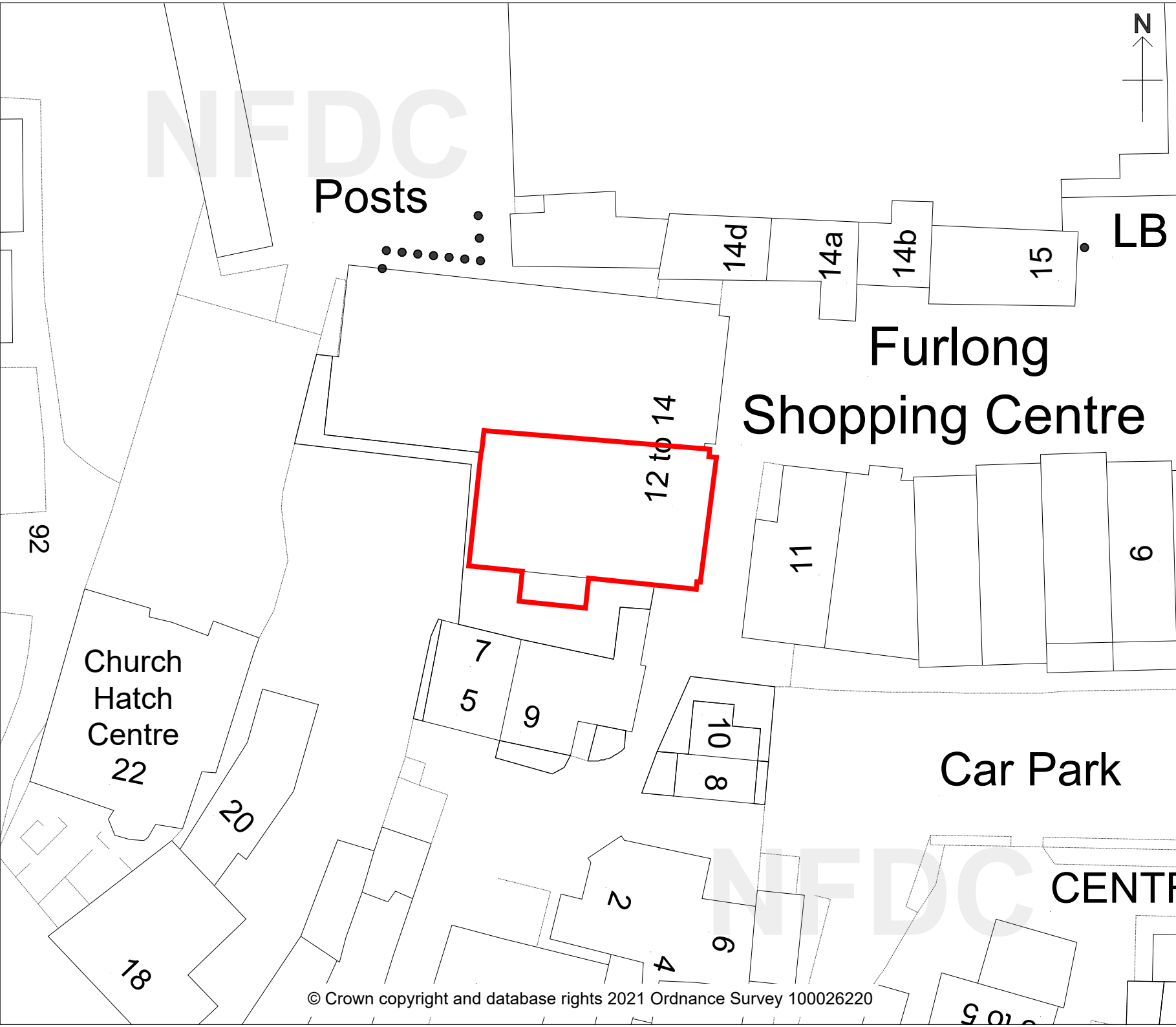
PLANNING COMMITTEE

August 2021

12 THE FURLONG
RINGWOOD
BH24
21/10694

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scale.



Application Number: 21/10467 Full Planning Permission

Site: BEACHCOMBER CAFE, MARINE DRIVE, BARTON-ON-SEA,
NEW MILTON BH25 7DZ

Development: Creation of two patio areas and a fence; siting of two pop-up gazebos within the grounds of the cafe for up to 150 days per calendar year (Retrospective)

Applicant: MEP Barry (Holdings) Ltd

Agent: Spruce Town Planning Ltd

Target Date: 10/06/2021

Case Officer: Vivienne Baxter

Extension Date: 24/06/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- (1) Principle of the development
- (2) Impact on the character and appearance of the area
- (3) Impact on the residential amenities of the area
- (4) Impact on coastal erosion
- (5) Impact on the adjacent SSSI

This application is to be considered by Committee because there is a contrary view from the Town Council.

2 SITE DESCRIPTION

The site lies on the cliff top in Barton on Sea and is one of a small group of buildings to the south side of Marine Drive falling within the built up area. To the east of the site is an area of public open space which is also Green Belt land. The Green Belt includes the coastal slopes immediately south of the buildings into which the site extends although the proposal does not project into this area. The area to the south of the site is also within a SSSI.

3 PROPOSED DEVELOPMENT

The proposal is retrospective and entails the provision of two 'pop-up' gazebos two patio areas and a fence, all to the eastern side of the Beachcomber Cafe.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
79/NFDC/15160 Alterations and extension to cafe.	19/12/1979	Granted	Decided
75/NFDC/01971 Alterations and extension of bedroom and toilet, alterations to form a separate shop.	14/02/1975	Granted	Decided

XX/LYB/13882	Erection of new front to cafe and shop and erection of pair of garages.	11/08/1972	Granted Subject to Conditions	Decided
XX/LYB/11847	Reconstruction of toilet block for use of cafe customers and staff.	13/02/1969	Granted	Decided
XX/LYB/04481	Alterations and additions to existing cafe.	11/11/1957	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM6: Coastal Change Management Area

DM7: Restrictions on new soakaways

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Relevant Advice

NPPF Ch 12: Achieving well designed places

NPPF Ch.14: Meeting the challenge of climate change, flooding and coastal change

Constraints

SSSI IRZ All Consultations

Aerodrome Safeguarding Zone

Article 4 Direction

Site of Special Scientific Interest

Plan Policy Designations

Built-up Area

Green Belt

Coastal Change Management

No Soakaway

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

STRONGLY OBJECT (Non-Delegated)

- (1) In support of the Coastal Protection team response in that the use of a soakaway is contrary to Local Plan policy DM7.
- (2) The application would also need to adhere to Neighbourhood Plan policy NM4 (Design Quality) in its need to positively address the impacts of climate change and biodiversity net gain, particularly adjacent the S.S.S.I.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Environmental Health (Commercial), Appletree Court

No comment

Coastal Protection

No objection

Southern Water

No objection

Natural England

No objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 27

- will attract locals and visitors
- non-obtrusive
- improves look of garden
- in keeping with area
- safe facility for the community
- outstanding facility
- patio is attractive and practical
- provides local employment and valuable revenue
- good to see a thriving business in the current situation
- gazebos enhance comfort of customers
-

Against: 5

- could affect the cliff top
- pagoda style gazebos are tall and are out of keeping
- the submission is inaccurate with regard to previous surfacing and presence of vegetation
- works were completed some time ago
- endangers nearby apartment blocks
- the premises have no connection to the main sewer
- no need to allow structures permanently once Covid is addressed
- provision of musical entertainment as a result of works
- increased business will bring increased traffic and compound parking issues
- proposal has not been properly considered
- loss of sea view
- those in support would not suffer any adverse consequences of the proposal
- impact on privacy, outlook and light.

10 PLANNING ASSESSMENT

Principle of Development

In principle, there are no objections to the provision of gazebos, patio areas and fencing to commercial premises within the built up area. However, in view of the location of this site, consideration also has to be given to the following matters.

Impact on the character and appearance of the area

The site is at the eastern end of a group of buildings containing both single and two storey properties. The cafe is single storey with a small, flat roofed side projection and has recently been refurbished, including a new slate roof. To the east of the site is open space although within this adjoining space are several items of street furniture including benches, lampposts, information boards, cycle stands and waste bins. The site is contained to its northern boundary by a wall with hedge planting behind. This planting is retained and is noted to provide some screening in places to the gazebo structure at the lower level.

The cafe has a small front gable and is a rendered building. The provision of a 'pagoda style' structure adjacent to this is not considered to have a significant adverse impact on the character of the area. The top of the structure appears comparable to the ridge of the cafe gable although there is a further ridge to the building running parallel to the road which is higher. It is considered that the structure would be screened by the adjoining buildings or seen with a back drop of these buildings which approaching from the east or west and as such, would not be harmful to the character or appearance of the area.

The fencing which surrounds part of the eastern boundary and southern boundary to the level part of the site is relatively low key being just 1.2m high. Immediately adjacent to the site is a path leading down to the beach and the fence provides an element of safety as this path drops down to the south whilst the site remains level. Fencing is also provided to the path so that subject of this application is not an alien feature to the area.

Impact on the residential amenities of the area

Concerns have been expressed in relation to noise and disturbance through music being played at the premises. This is permitted through the premises license and is not a planning matter. The proposal would not impact on the license which restricts music to be indoors.

Objections have also been received in respect of the loss of a sea view from the flats opposite. Whilst the siting of the gazebos will have some impact on the outlook from properties opposite, the right to a view is not a planning matter. It should be noted that the gazebo structures are permitted development until the end of 2021 and the proposal would enable them to be provided for up to 150 days in subsequent years. It is not considered that their provision on a part time basis would adversely affect the residential amenities of nearby residents in terms of outlook given the distance of at least 25m and a road between flats and the site.

Light would not be affected to any residential property. Any shadowing would occur in the morning and would affect the hipped roof of the cafe.

Impact on coastal erosion

The site is in an area where new soakaways are not permitted in view of groundwater known to have a significant effect on the cliff top recession rate in this area. Development should only be permitted where surface water can be discharged into an existing system. The application is supported with a detailed drawing which confirms the presence of a surface water drain outside of the application site but within the Council's ownership to which the surface water from the northern part of the site can be connected. Discussions between the applicant's Drainage Consultant and the Council's Coastal Team have concluded that this connection is acceptable in principle.

The smaller paved area to the south of the site is considered to be small enough not to be an issue in terms of shedding water and detrimentally accumulating in one area given it has an area of less than 23m². Whilst there is no drainage associated with this area, it drains onto the garden rather than over the cliff edge and therefore poses little risk in terms of drainage and risk to the cliff stability.

The site also falls within the red (2005-2025) and orange (2025-2055) zones of the coastal change management area. Within this area, development directly linked to the coastal strip including cafes may be permitted. Whilst the policy goes on to say that planning permissions would be time-restricted, it should be noted that the use of the site as a cafe including outdoor seating is not presently time-restricted and as the proposal is ancillary in association with the existing use, it is not considered appropriate to restrict the provision of the fence, gazebos and patio areas.

Impact on the adjacent SSSI

The proposal is wholly outside of the SSSI designation along the coastal slopes and Natural England has confirmed that they do not consider that there would be any significant effect on this area as a statutorily protected site. This would also be the case for statutorily protected European sites.

11 CONCLUSION

The proposal would not give rise to unacceptable impacts on residential amenity or the character and appearance of the area. Subject to the implementation of the drainage works in accordance with the approved plans and adhering to the requirements of the relevant authorities, the proposal is not considered to have significant effects on the stability of the coastal slopes in this location. Planning permission is therefore recommended.

12 OTHER CONSIDERATIONS

Many local residents have raised issues with regard to increased traffic volumes and parking issues. However, as indicated above, the proposal for a fence, gazebos and patio areas would not increase the existing capacity of the site in terms of numbers as this already exists. The site does not benefit from any existing parking and it would not be appropriate to request such provision under this application.

It is acknowledged that traffic levels are likely to be high at present in view of the increases in domestic rather than foreign travel this summer.

13 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:

Site location plan
Beachcomber Cafe Patio 100B, 101A, 102D, 103
5m light pagoda with PVC rev.A
5m light pagoda frame only rev.A
Drainage strategy - 21332-GAP-XX-00-DR-C-9000 rev.P01

Reason: To ensure satisfactory provision of the development.

3. The gazebos hereby granted permission shall not be in situ for more than 150 days per calendar year.

Reason: In the interests of the amenities of the area and in accordance with policy ENV3 of the Local Plan Part 1: Planning Strategy.

4. The drainage scheme shown on drawing 21332-GAP-XX-00-DR-C-9000 rev.P01 shall be implemented within 6 months of the date of this permission.

Reason: In order not to prejudice the stability of the cliff top and to comply with Policy DM6 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

Further Information:

Vivienne Baxter

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New Forest DISTRICT COUNCIL

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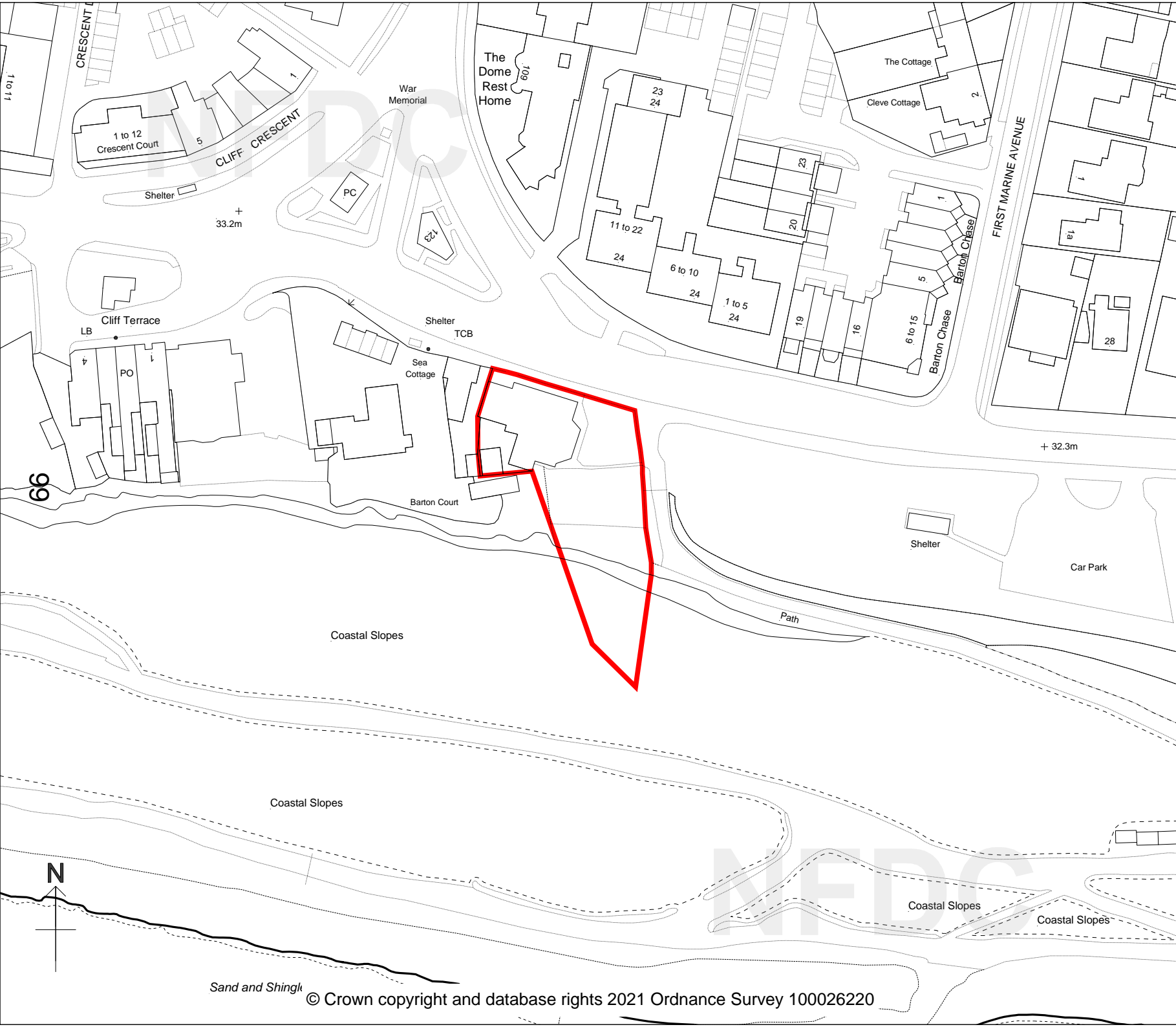
PLANNING COMMITTEE

August 2021

BEACHCOMBER CAFE
MARINE DRIVE, BARTON-ON-SEA,
NEW MILTON, BH25 7DZ

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scale.



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