

# NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 10 AUGUST 2022, AT 9.00 AM\*

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

**Enquiries to:** Email: [andy.rogers@nfdc.gov.uk](mailto:andy.rogers@nfdc.gov.uk)  
Tel: 023 8028 5070

## **PUBLIC PARTICIPATION:**

Members of the public may watch this meeting live on the [Council's website](#).

\*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](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Claire Upton-Brown**  
Executive Head Planning, Regeneration and Economy

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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

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# AGENDA

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

## **Apologies**

### **1. MINUTES**

To confirm the minutes of the meeting held on 13 July 2022 as a correct record.

### **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) **Land to the near of 141 Hampton Lane, Blackfield, Fawley (Application 22/10588) (Pages 5 - 16)**

Erection of a two-bedroom bungalow

**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 the conditions set out in the report.

- (b) **137A Hampton Lane, Blackfield, Fawley (Application 22/10587) (Pages 17 - 26)**

Change of use of ground floor from Class E retail to 2x one bedroom flats; single-storey rear extension; single-storey front extension

**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 the conditions set out in the report.

- (c) **Gang Warily Farm, Newlands Road, Fawley (NB: Proposed legal agreement) (Application 21/11329) (Pages 27 - 46)**

Construction of 19 affordable dwellings (10 houses and 9 apartments); adjusted vehicular access; associated amenity space and landscaping; demolition of the existing on-site dwelling and associated outbuildings

**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 and the imposition of the conditions set out in the report.

- (d) **Milton Barns, Gore Road, New Milton (Application 21/11677) (Pages 47 - 62)**

Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access and parking

**RECOMMENDED:**

Refuse

- (e) **Unit 4, Arch Farm Industrial Estate, Whitsbury Road, Fordingbridge (Application 22/10685) (Pages 63 - 68)**

Two storage containers and four chiller units (part retrospective)

**RECOMMENDED:**

Grant subject to conditions

- (f) **Pendle Gate, 10A Knowland Drive, Milford-on-Sea (Application 22/10657) (Pages 69 - 74)**

Front extension; replace conservatory with extension; raise the ridge over the main part of the house

**RECOMMENDED:**

Grant subject to conditions

- (g) **Copthorne, 5 Forest Gate, Langley, Fawley (Application 22/10695) (Pages 75 - 80)**

Carport to front of property

**RECOMMENDED:**

Grant subject to conditions

- (h) **28 Hamtun Crescent, Totton (Application 22/10553) (Pages 81 - 86)**

Single-storey side extension and rendering of side and rear elevations (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  
Anne Corbridge  
Kate Crisell  
Allan Glass

**Councillors:**

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

Planning Committee 10 August 2022

**Application Number:** 22/10588 Full Planning Permission

**Site:** Land to the rear of 141 HAMPTON LANE, BLACKFIELD,  
FAWLEY SO45 1WE

**Development:** Erection of a two-bedroom bungalow

**Applicant:** APE Properties Ltd

**Agent:** JKL Planning

**Target Date:** 07/07/2022

**Case Officer:** Warren Simmonds

**Extension Date:** 26/08/2022

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## 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) Drainage
- 6) Air quality
- 7) Ecology

This application is to be considered by Committee due to the PAR4 recommendation of refusal from Fawley parish council.

## 2 SITE DESCRIPTION

The site is located to the rear of No's. 141 and 139 Hampton Lane, with a recently created single track access along the north side elevation of No.141.

This section of Hampton Lane is designated as a Local Shopping Frontage which continues up to No.151 (on the west side of Hampton Lane ) and includes the Blackfield Business Centre on the east side of the road.

The immediate street scene comprises two pairs of semi-detached properties with an open parking area to the frontage. The ground floor uses were until recently in retail and commercial use but now only a bakery remains operating from No.139. The applicant owns all four individual properties.

At the southern end of this group of buildings, a single storey extension was added to No.135 Hampton Lane to create two flats. At the rear of No.135, within Hartsgrove Close, a bungalow has recently been constructed following the subdivision of the rear gardens of Nos. 135 and 137 Hampton Lane.

The land now forming the application site previously formed the rear gardens of Nos. 141 and 139. The gardens were separated by a close-boarded fence and contained outbuildings associated with each property. There was also a sectional concrete garage alongside the side elevation of No.141. This has been demolished to create the access to the rear.

The rear garden of No.141 has been subdivided along the lines of the proposed new site and the land itself is currently being used for storage of materials associated with other development on adjacent plots.

### 3 PROPOSED DEVELOPMENT

The application is a resubmission of previously refused application 21/11002 for the construction of a detached 2 bedroom bungalow with 2 on-site parking spaces, on-site turning, provision for cycle and refuse storage and a rear garden measuring approx. 13m wide and 9.7m deep. With small areas of side and front garden the total amenity space equates to approximately 200sq m. The footprint of the proposed building is 101sq m.

The materials used would match those on the extension to No.135 and also the Bungalow in Hartsgrove Close: white textured render to the elevations, white UPVC frames and doors and red/orange concrete tiles.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
21/11377 Erection of a two-bedroom bungalow	11/11/2021	Refused	Appeal Decided	Appeal Dismissed
21/11002 Two-bedroom bungalow	27/08/2021	Refused	Appeal Decided	Appeal Dismissed

### 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

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

#### **Relevant Advice**

Chap 12: Achieving well designed places

#### **Constraints**

Plan Area

#### **Plan Policy Designations**

Built-up Area

Local Shopping Frontage

## 6 PARISH COUNCIL COMMENTS

### **Fawley Parish Council**

PAR 4 We recommend refusal as we consider this over development of the site and raise concerns regarding the safety of access and egress of the driveway onto Hampton Lane and the land drainage.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### **Southern Water**

Comment only

### **Ecologist**

No objection subject to securing BNG as set out in the submitted Preliminary Ecological Appraisal.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Three objections were received (two from the same party). Grounds for objection include:

- dispute regarding boundary position(s)
- loss of business use of the land
- impact on protected species
- disagrees with Planning Inspector's decision
- overlooking
- overshadowing
- overbearing impact
- inappropriate siting and location/pattern of development
- drainage concerns

For: 0

Against: 3

## 10 PLANNING ASSESSMENT

### Principle of Development

The site is located within the built-up area of Blackfield where the principle of additional residential development is acceptable.

The application is a resubmission (same proposed plans) of previously refused application 21/11002 for the construction of a detached 2 bedroom bungalow with 2 on-site parking spaces, on-site turning, provision for cycle and refuse storage and associated outdoor amenity space.

The refused application under 21/11002 was the subject of an appeal to the planning Inspectorate (Appeal ref: APP/B1740/W/21/3284016). The appeal was dismissed, however the assessment and conclusions of the Inspector's decision

letter now form a very strong material planning consideration in the consideration of this current resubmission.

The appeal Decision Letter is attached to this report as an appendix.

In summary, the appeal Decision Letter found that the proposed development was acceptable in all respects other than habitats mitigation (there was no S106 legal agreement of unilateral undertaking put before the Inspector at the time of the consideration of the appeal - the Inspector's conclusions included:

*'For the reasons outlined above I conclude that the developments subject of both appeals would be acceptable in relation to their effects on the living conditions of occupants of No 1, and future occupants of the proposed bungalows. They would therefore again comply with Policy ENV3 of the LP which amongst other things seeks to secure development that avoids unacceptable effects by reason of overbearing impact, overlooking, noise and light pollution or other adverse impacts on residential amenity....*

*The appellant has submitted a signed but undated Unilateral Undertaking (UU) which seeks to secure payment of the required contributions. As the UU has not been properly executed, and its terms are incapable of operation in the absence of a date, it attracts no weight. In the absence of full mitigation for the increased recreational pressure to which both schemes would give rise, adverse effects on the integrity of the recreation-sensitive sites cannot be excluded. As considered above, this matter could not be properly addressed through the imposition of a Grampian condition....*

*For the reasons set out above the effects of the developments in relation to European sites would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that Appeal A and Appeal B should be dismissed.'*

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

The site occupies space to the rear of Nos 139 and 141, which are semi-detached and face Hampton Lane. The part of the site to the rear of No 139 is laid out as a garden, whilst the part to the rear of No 141 is currently used for storage.

As noted by the Planning Inspector, the areas of land to the rear of other buildings along the same Hampton Lane frontage between Hartsgrove Avenue and Exbury Lane is varied in character, many containing single storey structures. The frontage itself is of mixed character hosting both residential and commercial uses, and there is little sense of overall consistency or distinctiveness. The broader area contains a mix of 2-storey dwellings and bungalows whose layout and density varies.

Whilst the addition of a single storey bungalow built to the rear of the semi-detached building on the street frontage would not be typical of the current layout of development along this section of Hampton Lane, it is accepted there limited views of site available from the street frontage. Even within these limited views, it is considered the development would not appear at odds with the wider setting, given the common presence of single storey buildings to the rear of the main frontage, and its otherwise mixed character.

Insofar as the bungalows could also be viewed from Hartsgrove Avenue, they would draw some visual association with a similar bungalow recently constructed on the adjoining plot immediately to the south east of the site.



As the proposal would involve infilling there would inevitably be as a result a localised increase in density. Having regard to the considerations above, and with due regard to the assessment and conclusions of the Planning Inspector, it is considered this would not cause any undue harm to the character of Hampton Lane and the size of the plot formed would otherwise generally fall within the range of other existing bungalows within the immediate vicinity, including that on the adjoining plot, and others located to the southwest of the site along Hartsgrove Close.

As concluded by the planning Inspector:

*'For this and the above reasons the plot would not appear cramped or harmfully contrived. For the reasons outlined above I conclude that the developments subject of both appeals would be acceptable in relation to their effects on the character and appearance of the area. They would therefore comply with Policy ENV3 of the LP which amongst other things requires development to be sympathetic to its context.'*

#### Highway safety, access and parking

The application proposal is provided with a suitable access to the site from Hampton Lane and makes appropriate provision within the site for the parking of vehicles and cycles in accordance with the Council's adopted Parking Standards SPD.

#### Residential amenity

The proposal is the same scheme (same proposed drawings and plans) as previously considered under planning reference 21/11002 which was the subject of an appeal to the Planning Inspectorate.

The Planning Inspector's decision letter for the above appeal, at paragraphs 29 to 38, comprehensively concluded the proposal would not result in undue overlooking, overshadowing, noise, disturbance or other adverse amenity impacts on adjoining occupiers. The proposed development would be acceptable in relation to the effects on the living conditions of occupants of No 1, and future occupants of the proposed bungalows. The proposal would therefore comply with Policy ENV3 of the local plan which amongst other things seeks to secure development that avoids unacceptable effects by reason of overbearing impact, overlooking, noise and light pollution or other adverse impacts on residential amenity.

Concerns raised in third party representations with regard to the location of boundaries and land ownership queries etc. constitute a private, civil matter and are not considered to be material to the determination of this planning application.

#### Drainage

The parish council have cited concerns with respect to land drainage in their consultation response, however the application site is not within Environment Agency Flood Zones 2 or 3 and it is not recorded as being at risk of surface water, coastal or fluvial flooding within the NFSFRA.

As the site is not at any known risk of flooding, it is considered a standard planning condition with respect to ensuring an appropriate scheme to provide surface water drainage for the site would be appropriate and sufficient.

## Air quality

The Council's 'Air Quality in New Development' Supplementary Planning Document (SPD) was adopted on 1 June 2022. To make development acceptable the Council will expect mitigation measures to be implemented by the applicant to reduce emissions to air from all proposed development.

The SPD provides guidance on when an Air Quality Assessment will be needed to support a planning application and what the assessment needs to address. It also confirms when an Air Quality Statement is required. Where necessary to enable development to take place, appropriate mitigation measures will be required, the document contains suggested mitigation measures.

In the case of an application for less than 10 dwellings, an air quality statement rather than an air quality assessment will be required. The air quality statement should include a statement confirming 3 mitigation measures to be implemented as part of the development from the list detailed in Appendix 1. In this case, an air quality statement can be required to be submitted via a planning condition.

## Ecology

### **Habitat Mitigation**

#### a) Managing Recreational Impact

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 the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution could be secured through a S106 legal agreement or a Unilateral Undertaking.

#### b) Nitrate neutrality and impact on the Solent SPA and SACs

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 have now raised this with the Council and other Councils bordering the Solent catchment area and have 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 consider 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 NOx, 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 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. An appropriate contribution can be secured through a S106 legal agreement or a Unilateral Undertaking.

### **Biodiversity net gain**

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2.

The applicant has submitted a scheme of mitigation and enhancement measures to provide BNG, as detailed within the submitted Preliminary Ecological Appraisal, to which the Council's Ecologist raises no objection, subject to a condition to secure the implementation of these mitigation and enhancement measures.

### Developer Contributions

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

- Infrastructure contribution of £3,770
- Non-infrastructure contribution of £589
- Bird Aware Solent contribution of £563
- Air quality monitoring contribution of £91

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	87	0	87	87	£80/sqm	£8,887.38 *

Subtotal:	£8,887.38
Relief:	£0.00
Total Payable:	£8,887.38

## 11 CONCLUSION

The proposed development would provide a single additional dwelling in an accessible and sustainable location. The proposal would not result in undue or adverse impacts on the character of the surrounding area or the amenity of adjoining occupiers and would make adequate provision with regard to access, parking and cycle storage provision.

Subject to the applicant entering into a suitable S106 legal agreement or unilateral undertaking with respect to habitats mitigation, adverse impacts on European sites would be avoided. A Grampian-style planning condition can be imposed to ensure nutrient neutrality can be achieved.

## 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 contributions with respect of habitats mitigation (as set out within the officer 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:

AD4270 REV.K ALL PLANS  
The Ecology Co-op Preliminary Ecological Appraisal, dated 25/08/2021

Reason: To ensure satisfactory provision of the development.

3. Before development commences above ground level, an air quality statement setting out a minimum of three mitigation measures (as detailed within Appendix 1 of the Council's Air Quality Assessments in New Development SPD) shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed air quality mitigation measures.

Reason: In the interests of amenity and public health, in accordance with the provisions of the Council's Air Quality Assessments in New Development SPD.

4. Prior to first occupation, provision shall be made for the convenient installation of charging point(s) for electric vehicle(s) on the site, the details of which shall have been first submitted to and agreed in writing by the Local Planning Authority, and the approved details shall thereafter be retained for their intended purpose at all times.

Reason: To ensure suitable provision is made and in accordance with Policy IMPL2 of the Local Plan Part 1 2016-2036 Planning Strategy

5. The cycle storage facility shown on the approved plans shall be provided before first occupation of the dwelling hereby approved, and shall thereafter be retained for its intended purpose at all times.

Reason: To ensure adequate cycle parking provision, and in the interests of sustainable development.

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

- (1) a specification for new planting (species, size, spacing and location);
- (2) areas for hard surfacing and the materials to be used;
- (3) other means of enclosure;
- (4) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place above ground level 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes AA, A, B or C of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

8. The development hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures detailed in Sections 4.4 to 4.8 and Section 5 of the Ecology Co-op Preliminary Ecological Appraisal, dated 25/08/2021 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) and to provide a suitable measure of biodiversity net gain (BNG) in accordance with the Council's Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021).

9. 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 Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10. 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

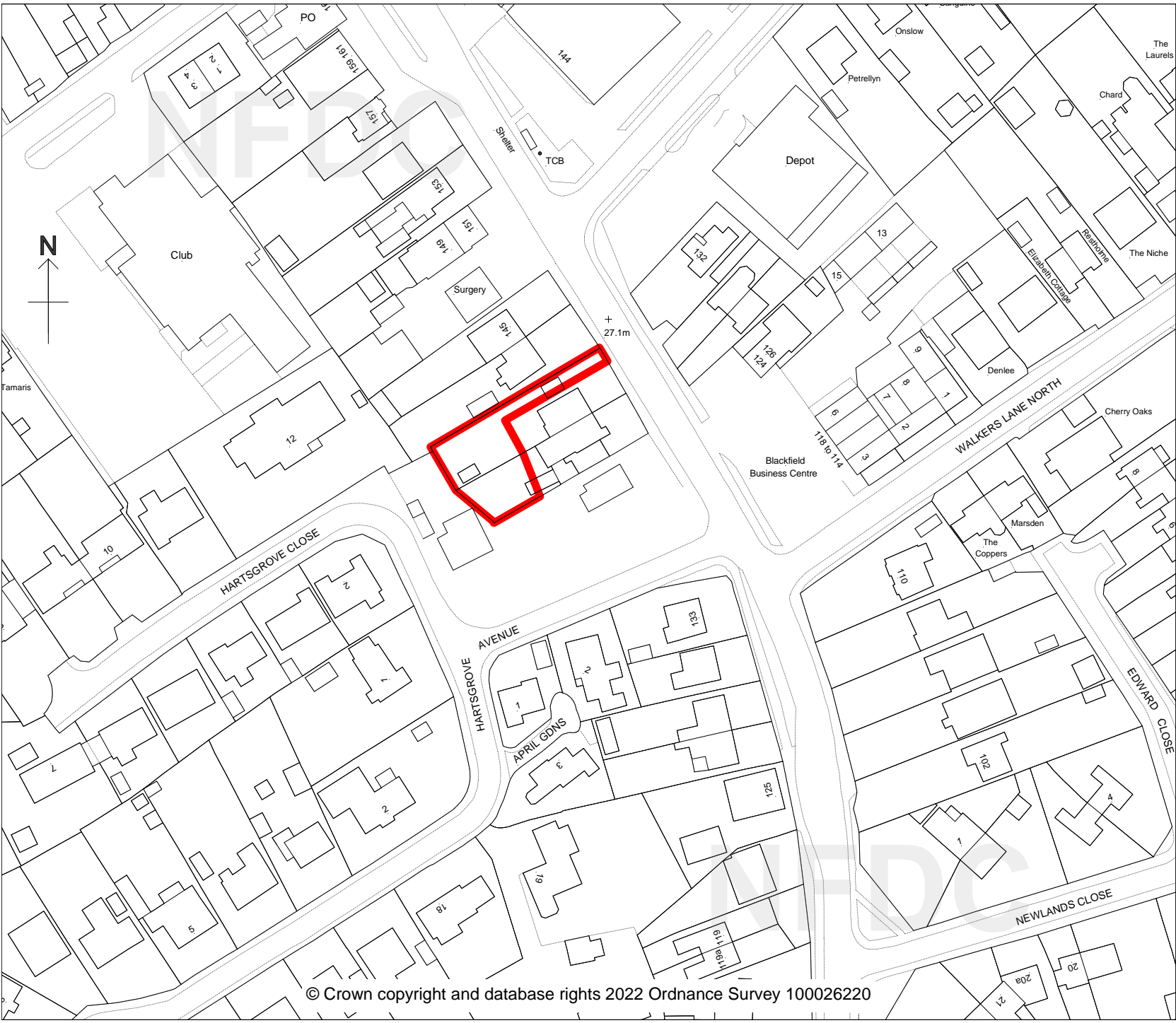
- (ii) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development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

Telephone: 023 8028 5453



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# New Forest

DISTRICT COUNCIL

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

## PLANNING COMMITTEE

August 2022

Land to the rear of  
 141 Hampton Lane  
 Blackfield, Fawley  
 22/10588

Scale 1:1250

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



Planning Committee 10 August 2022

**Application Number:** 22/10587 Full Planning Permission

**Site:** 137A HAMPTON LANE, BLACKFIELD, FAWLEY SO45 1WE

**Development:** Change of use of ground floor from Class E retail to 2x one bedroom flats; single-storey rear extension; single-storey front extension

**Applicant:** APE Properties Ltd

**Agent:** JKL Planning

**Target Date:** 07/07/2022

**Case Officer:** Warren Simmonds

**Extension Date:** 26/08/2022

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## 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) Air quality
- 6) Ecology

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Fawley parish council.

## 2 SITE DESCRIPTION

The application relates to the ground floor of number 137 Hampton Lane, Blackfield. The existing authorised use of the ground floor is a shop, however the premises have been vacant since late December 2021.

At first floor level above the premises is a separate two bedroom flat which is accessed via a front door at ground floor level and internal staircase to first floor level.

## 3 PROPOSED DEVELOPMENT

The application proposes the change of use of ground floor shop to form 2 x one bedroom flats; together with single-storey front and rear extensions and associated parking provision.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10012 Use of ground floor as flat; single-storey front and rear extensions; parking			Committee resolution to grant, subject to Habitats mitigation

21/10619 Single-storey rear extension to existing ground floor retail unit; demolition of existing garage & existing rear single-storey extension 30/06/2021 Granted Subject to Conditions Decided

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON6: Primary, secondary and local shopping frontages

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 STR4: The settlement hierarchy

### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

### **Supplementary Planning Guidance And Documents**

SPD - Parking Standards

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

Plan Area

### **Plan Policy Designations**

Built-up Area

Local Shopping Frontage

## **6 PARISH COUNCIL COMMENTS**

### **Fawley Parish Council**

No 4 We recommend refusal as we consider this to be cramped, an over development and add concerns that the parking is unusable

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Ecologist**

I have no substantive comments to make. The application incorporates a change of use of a ground floor from Class E retail to a two-bedroom flat.

### **HCC Highways**

Due to there being no changes to the existing access, the Highway Authority have no objections to this application. The change of use will result in a small reduction of trips which is acceptable in this instance. (HCC consultation response to 22/10012)

## **9 REPRESENTATIONS RECEIVED**

No third party representations were received.

## **10 PLANNING ASSESSMENT**

### Principle of Development

The application relates to the ground floor of number 137 Hampton Lane, Blackfield. The existing authorised use of the ground floor is a shop. The premises is located within the designated Local Shopping Frontage of Blackfield, whereby local plan policy ECON6 applies. Policy ECON6 has regard to Primary, Secondary and local shopping frontages and seeks (within the designated local shopping frontages) to avoid the loss of an 'occupied shop or service use that provides for everyday community needs' unless evidence of active and comprehensive marketing of the site for its current use is provided to demonstrate the existing use is not commercially sustainable.

With regard to ECON6, it is of not that this policy specifically refers to occupied shops or service uses, however the application premises have been vacant since late December 2021 since the previous tenant ceased trading.

Additionally, notwithstanding the provisions of policy ECON6, it is a strong material planning consideration in this case that, as a fall-back position the existing shop unit could change use to a C3 dwellinghouse under the provisions of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (albeit without the external alteration proposed in respect of the front porch).

In this respect, given the applicant's fall-back position under Class MA permitted development rights, it is considered the loss of the shop as a commercial use must be accepted in principle in this case.

A further significant material planning consideration is the Council's current lack of a 5 year housing land supply. 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 (and affordable housing).

### **Resolution to grant planning consent under 22/10012**

The principle of accepting the loss of the employment use of the former ground floor shop (and conversion to a residential flat) has previously been established via the resolution of the NFDC Planning Committee on 13th April 2022 to grant consent under planning reference 22/10012. The differences between the previously considered scheme and the current proposal is that the internal layout has been amended to provide 2 x one bedroom flats instead of 1 x two bedroom flat.

The footprint of the proposal remains the same as previously considered, with the only external change being a ground floor side window becomes a door. All other external elements remain the same as per 22/10012.

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

Officers note the proposed single storey rear extension already has extant planning permission under planning reference 21/10619.

The only other external alteration proposed is a small single storey lean-to front porch addition. The footprint of the proposal remains the same as previously considered by Members of the Planning Committee in April 2022, with the only external change being a ground floor side window becomes a door. All other external elements remain the same as per 22/10012.

By reason of the very modest scale of the proposed porch, its appropriate simple design and use of external materials to match those used in the existing building, it is considered this addition would have a minimal visual impact and would not be detrimental to the character of the surrounding area.

### Highway safety, access and parking

The application makes provision for the off-street parking of three cars on the hard surfaced area at the front, utilising the existing access from Hampton Lane. The proposal would, in combination with the existing two bed flat at first floor level, result in a total of 1 x two bed flat and 2 x one bed flats within the envelope of number 137a.

In total 5 off-street parking spaces are proposed for the site (existing and proposed flats), which accords with the Council's Parking Standards SPD (the combined number of flats would generate a communal parking requirement of 4.3 spaces).

HCC Highways were consulted on the previous application (22/10012) and due to there being no changes to the existing access, the Highway Authority had no objections to that application, noting the change of use will result in a small reduction of trips which they advises was acceptable.

Cycle parking and bin storage facilities are to be provided within the curtilage of the site to the rear.

### Residential amenity

The application proposes two additional small residential units within a predominantly residential area and is considered a compatible use. The proposal is for ground floor accommodation only and does not raise material issues of undue overlooking or overshadowing.

In these respects the proposal is considered accordant with the provisions of policy ENV3 of the local plan.

### Air quality

The Council's 'Air Quality in New Development' Supplementary Planning Document (SPD) was adopted on 1 June 2022. To make development acceptable the Council will expect mitigation measures to be implemented by the applicant to reduce emissions to air from all proposed development.

The SPD provides guidance on when an Air Quality Assessment will be needed to support a planning application and what the assessment needs to address. It also confirms when an Air Quality Statement is required. Where necessary to enable

development to take place, appropriate mitigation measures will be required, the document contains suggested mitigation measures.

In the case of an application for less than 10 dwellings, an air quality statement rather than an air quality assessment will be required. The air quality statement should include a statement confirming 3 mitigation measures to be implemented as part of the development from the list detailed in Appendix 1. In this case, an air quality statement can be required to be submitted via a planning condition.

## Ecology

### **Habitat Mitigation**

#### a) Managing Recreational Impact

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 the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution can be secured through a S106 or Unilateral Undertaking.

#### b) Nitrate neutrality and impact on the Solent SPA and SACs

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 have now raised this with the Council and other Councils bordering the Solent catchment area and have 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 consider 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<sub>x</sub>, 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 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.

An appropriate contribution can be secured through a S106 or Unilateral Undertaking.

### **Biodiversity net gain**

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2.

Non-Major developments are not exempt from the requirement to deliver BNG as part of development. However, in proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. A planning condition can be imposed to agree a suitable scheme of BNG for the proposed development.

### Developer Contributions

As part of the development, the following will/has been secured via a Section 106 agreement:

- Infrastructure contribution of £5,712
- Non-infrastructure contribution of £830
- Bird Aware Solent contribution of £780
- Air quality monitoring contribution of £182

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	136	117	19	19	£80/sqm	£1,940.92 *
			0	0		£0.00 *

Subtotal:	£1,940.92
Relief:	£0.00
Total Payable:	£1,940.92

## 11 CONCLUSION

The proposed development constitutes an acceptable and appropriate form of development that would provide two small new units of residential accommodation in a sustainable location without detriment to amenity of the character of the surrounding area.

Appropriate ecological mitigation in accordance with the Council's adopted Mitigation Strategy for recreational impacts on the European sites can be achieved via contributions provided by way of a S106 legal agreement or unilateral undertaking.

## 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 contributions as set out in the officer 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:

1 REV C LOCATION PLAN, EXISTING ELEVATIONS & PLANS  
2 REV D BLOCK PLAN, PROPOSED PLANS & ELEVATIONS

Reason: To ensure satisfactory provision of the development.

3. The external facing materials for the porch and rear extension shall match those used on the existing building.

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:
- (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.

5. Before the development is first occupied as dwelling(s), a suitable scheme for the provision of biodiversity net gain (such as bird boxes or insect houses) shall be submitted to the local planning authority and approved in writing. Development shall be carried out in accordance with the approved scheme.

Reason: To enhance existing features of nature conservation value within the site, in accordance with saved local plan policy DM2 and the guidance set out within the Council's Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021).



6. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging point(s) for electric vehicles to serve the new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

7. Before development commences above ground level, an air quality statement setting out a minimum of three mitigation measures (as detailed within Appendix 1 of the Council's Air Quality Assessments in New Development SPD) shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed air quality mitigation measures.

Reason: In the interests of amenity and public health, in accordance with the provisions of the Council's Air Quality Assessments in New Development SPD.

**Further Information:**

Warren Simmonds

Telephone: 023 8028 5453



# New Forest DISTRICT COUNCIL

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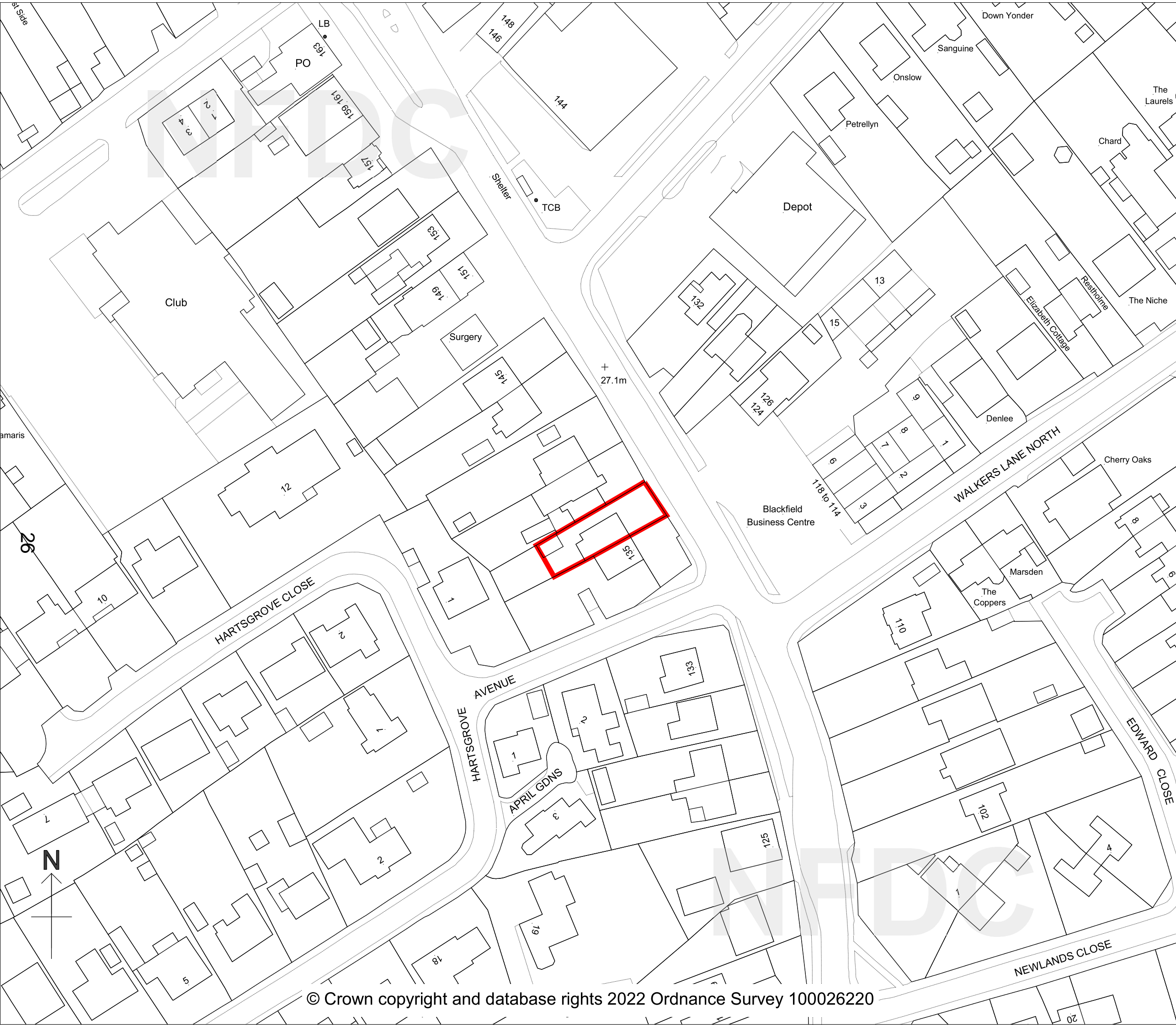
## PLANNING COMMITTEE

August 2022

137A HAMPTON LANE  
BLACKFIELD, FAWLEY  
SO45 1WE  
22/10587

Scale 1:1250

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



Planning Committee 10 August 2022

**Application Number:** 21/11329 Full Planning Permission

**Site:** GANG WARILY FARM, NEWLANDS ROAD, FAWLEY SO45 1GA  
(NB: PROPOSED LEGAL AGREEMENT)

**Development:** Construction of 19 affordable dwellings (10 houses and 9 apartments); adjusted vehicular access; associated amenity space and landscaping; demolition of the existing on-site dwelling and associated outbuildings

**Applicant:** Reflect Homes Ltd

**Agent:** Lucid Planning Ltd

**Target Date:** 18/01/2022

**Case Officer:** James Gilfillan

**Extension Date:** 29/07/2022

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## 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) Highway safety

This application is to be considered by Committee because of the objection received from Cllr Glass

## 2 SITE DESCRIPTION

The site is on the north side of Newlands Road, at the east end, adjacent to the junction with Blackfield Road. It is in the open countryside, outside, but close to the built up areas of Fawley and Blackfield to the east and south respectively.

The site is occupied by a detached house on approximately a third of the application site, with variety of outbuildings, garages and green houses, located at the west side of the site. The remaining area is being grazed as horse paddocks.

There are two vehicle access points on to the application site, serving the two respective parts.

The site is enclosed by landscape, largely evergreen hedges, but there are trees overhanging from adjacent to the site. Trees to the north east are covered by a TPO. The site is surrounded by open space, further paddocks and allocated public open space.

The ground falls to the east across the front of the site. Land to the north and west is several metres lower. To the north is a Scout and Guide hall, to the west is a council maintenance depot and further community services.

There is a mobile phone lattice tower close to the west boundary and Fawley Oil refinery is visible to the north of the site.

### 3 PROPOSED DEVELOPMENT

Construction of 19 affordable dwellings (10 houses, 9 apartments); adjusted vehicular access; associated amenity space and landscaping; demolition of the existing on-site dwelling and associated outbuildings

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
ENQ/19/20091/MARC Proposed 17 Dwellings			Completed
XX/NFR/01521 Implement and cow sheds.	07/09/1951	Granted	Decided
XX/NFR/01127 Re-siting of farmhouse.	06/10/1950	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

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 HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy HOU5: Rural Housing Exception Sites and Community Led Housing Schemes

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**

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

#### **Supplementary Planning Guidance And Documents**

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPG - Residential Design Guide for Rural Areas

SPD - Air Quality in New Development. Adopted June 2022

#### **Relevant Advice**

NPPF 2021

### **Constraints**

SSSI IRZ Wind and Solar Energy  
NFSFRA Surface Water  
SSSI IRZ Water Supply  
SSSI IRZ Rural Non Residential  
SSSI IRZ Rural Residential  
SSSI IRZ Waste  
HSE Consultation Zone  
SSSI IRZ Air Pollution  
Plan Area  
Aerodrome Safeguarding Zone  
Historic Land Use  
SSSI IRZ Infrastructure  
SSSI IRZ Minerals Oil and Gas  
SSSI IRZ Residential  
SSSI IRZ Discharges  
SSSI IRZ All Consultations  
SSSI IRZ Combustion  
SSSI IRZ Compost

Tree Preservation Order: 72/02/W1

### **Plan Policy Designations**

Countryside

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Fawley Parish Council:** No 5. Happy to delegate to Officers

## **7 COUNCILLOR COMMENTS**

Cllr Glass objects to the proposal due to the overdevelopment, conflict with highway safety and risk from HSE explosion zone.

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**NFDC Conservation:** No heritage assets affected by this scheme. No objection.

**NFDC Ecology:** Recreational, air quality and water quality impacts would affect the integrity of designated sites of nature conservation interest and should be mitigated. Conditions can secure appropriate on site ecological mitigation and bio-diversity net gain. No objection.

**NFDC Environmental Design Team:** The proposal appears to be overdeveloped and unsympathetic to the local distinctiveness and landscape character. (Received prior to amended plans being prepared)

**NFDC Environmental Health Contaminated Land:** The site is close to potential sources of contamination and its previous use as a farm could result in a the ground being contaminated. An appropriate condition should be imposed. No objection.

**NFDC Housing:** The Council has sufficient evidence of need for affordable housing in the Fawley Parish that the scheme would make a significant contribution to meeting local needs. Inclusion of 1-bed sized units would make a valuable addition

to the local affordable housing stock.

**NFDC Open Space Officer:** Advises that if the site is over 0.5ha then public open space and facilities should be provided in accordance with saved policy CS7.

**HCC Education:** No objection. There is sufficient capacity in the local schools to accommodate any school age children living at this site.

**HCC Highways:** The principle of the proposals are acceptable, safe access to the site can be delivered, there is sufficient capacity in the local highway network which can accommodate the likely volumes of traffic generated. Appropriate improvements to pedestrian routes in the vicinity are proposed. Conditions and obligations can secure the required mitigation. No objection.

**HCC Surface Water:** No objection in principle and surface water run off rates and routes are acceptable. Detailed technical details and maintenance points and responsibility are requested.

**Hampshire Fire & Rescue Service:** No objection subject to compliance with Building Regulations

**Hampshire Swifts:** Seeks a condition securing inclusion of 1 swift box per dwelling is imposed. No objection.

**Health and Safety Executive.** Do not advise against the development.

**Southern Water:** Requests a condition securing details of foul water disposal is imposed. No objection.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Overdevelopment
- Lack of parking, including visitor parking
- Highway safety concerns and increased congestion
- Noise and disturbance on existing residents and amenity of future residents
- Negative impact on biodiversity and ecology
- Problems with surface water flooding, drainage and sewers
- Damage caused by large numbers of large vehicles

For: 0

Against: 5

## 10 PLANNING ASSESSMENT

### Principle of Development

The site is outside the identified built up areas in the district. Whilst it is close to built up areas of Fawley and Blackfield it falls in the open countryside.

A principal of the adopted local plan is to direct development to accessible locations to sustain the vitality and viability of the towns and villages of the District. STR3 and STR4 set the hierarchy of towns and villages and the nature of development that would be appropriate therein. Beyond the defined settlement boundaries and identified rural villages the primary objectives are to conserve and enhance the countryside and natural environment.

Whilst that does not preclude all development, based on a need to sustain rural areas and support rural enterprise, recreational facilities and farming, certain forms of development would be acceptable. However the scheme does not propose such a form of development.

The site does not therefore accord with the principal provisions of STR3 and 4, the principle of the development is therefore not accepted.

The footprint of the existing dwelling and its outbuildings would be considered to be previously developed land and whilst there is a presumption in favour of using such brownfield land in advance of greenfield sites, the area of the site and percentage of previously developed land offers little additional development justification.

Adopted policies HOU5 and DM20 of local plan parts 1 and 2 respectively do however allow for affordable housing schemes to be brought forward where they are adjoining a settlement which provides a range of local services and facilities, which can be safely accessed.

The description of development proposes the scheme to be delivered as an affordable housing scheme. The supporting Design & Access statement sets out the form that this would take, proposing an appropriate split of shared ownership and social rent. The consultation response received from the Councils Housing Services identifies a clear need for affordable housing in the Fawley Parish, that the scheme would make a significantly positive contribution towards meeting. By providing the entire scheme as affordable housing the scheme complies with the target of 35% being affordable as required by adopted policy HOU2.

Whilst a significant number of homes would be delivered on the allocated former Fawley power station site (SS4), including a large number of affordable housing, it is clear that the predicted delivery rates for that scheme, provided for the 5 year housing land supply calculations, would not deliver these much needed affordable homes in the short term. The current application proposals would be delivered in much shorter time scales, meeting need in the short term.

The site is immediately adjacent to a large area of public open space, with formal and informal sports and play facilities, several options for community and youth clubs. Within walking distance of 2 primary schools and Blackfield local centre. It is also in easy cycling distance of many employment opportunities in local centres, industrial areas and the aforementioned services.

The scheme provides a mix of houses and flats and sizes, providing for a mixed and balanced community and providing for a variety of needs.

The scheme has minor economic benefits from employment related to construction and footfall and spend in services and facilities in the nearby local centres. Irrespective of being outside the identified built up areas its location does achieve environmental benefits of delivering housing in a location close to a wide variety of services, facilities and infrastructure. It has social benefits of delivering a mix of housing types, sizes and tenures as affordable housing, meeting identified housing need in the parish.

Whilst the scheme would conflict with strategic policies STR3 and STR4, the adopted development plan does allow for the principle of the scheme as proposed. The principle of the development has significant benefits and can be accepted for the reasons set out.

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

Whilst the site is outside the defined built up areas and therefore in the countryside, the character of the area is far from being rural. Residential properties are visible on higher ground to the south on Blackfield Road and the oil refinery dominates wider views throughout the area.

The layout and design of the scheme has evolved and been revised in response to the above reported comments of the Councils Environmental Design Team and that of Fawley Parish Council.

The scheme presents a contemporary style of architecture. The variety in building sizes and forms, especially the roof shapes, ensures the scheme has cohesiveness as a small group, without excessive repetition or homogeneity and provides an attractive streetscene. Whilst this does not readily relate to the local vernacular, the style and indicative materials would be a positive addition. Chimney stacks would be included contributing positively to the appearance of the roofline

The existing drive slopes up in to the site and the house is elevated above the road level. The scheme responds to the sloping ground, with finished floor levels of each building stepping down to the east following the topography. The access drive would be graded accordingly.

Whilst the block of flats on the east side of the site accommodates a flat in the roof, resulting in a larger roof form, raised eaves and ridge, that interrupts the response to the sloping ground, it is set sufficiently far back in to the site to mitigate the effect of the size in views of the site and the larger element of the roof is at the east edge, away from the neighbouring building. Furthermore it is heavily screened by trees on the adjoining land to the east.

The proposed layout and roof forms, ensures gaps between buildings to appreciate side elevations and space beyond, achieve an appropriate intensity of built form and not dissimilar to the existing layout of houses to the south along Blackfield Road. The block of 4 flats on the west side of the site are positioned close to the front of the site and would be particularly more prominent in the streetscene, which would be a more obvious change in the appearance of the site and streetscene and erode the open landscape character of the area to a degree. Views of the site from the west would include the houses along Blackfield Road. Sufficient space would be retained for new landscape setting along the boundaries that would in part obscure views of the entire building, it provides active frontage on to the main access point, reducing the perception of vehicle priority. Further enclosure and frontage on to the access to the site is provided by the houses, plots 5-7, facing onto it from the north.

Whilst the parking areas would be quite dominant within the site, their position and landscape planting along the frontage would screen them in views from outside the site. This does ensure the houses are set sufficiently deep in to the plot to reflect the alignment of the houses on Blackfield Road, whereby the built form is not prominently positioned close to the site frontage, which in turn is then dominated by hardsurfaced parking areas, but gives the perception, in longer views, of plots with sizeable front gardens.

Despite the extent of hard surfaced area, there remains space for landscape separation and setting throughout the site. Including opportunities for tree planting to provide vertical landscape features in the wider views of the site.

The scheme strikes a successful balance between the location of the site being outside the identified built up areas, the layout of built form in the locality, accepting its proximity to those areas and making optimal use of the site, as encouraged by



NPPF para.124.

There are no features of heritage significance close to the site, or that the scheme would have an impact on their setting or be visible in wider views alongside.

Similarly the site would not be readily visible from the New Forest National Park, or in longer distance views to the extent of having an impact on its landscape and scenic beauty.

#### Landscape impact and trees

There are a variety of trees across the site and overhanging from outside the site. Trees in the north east corner fall within an area Tree Preservation Order on land extending to the north of the site. Those trees are a group of Cypress trees, largely managed as a boundary hedgerow. Considered to be 'B' category, they are a constraint to the development. The proposed layout would require them to be pruned back towards the boundary, however such works would not undermine their retention or wider contribution to amenity. Furthermore the adjacent building is the block of five flats that would enjoy shared amenity space all the way around it, minimising the potential impact on the amenity that might otherwise occur if the space was an enclosed private garden.

The most prominent of the trees identified on the tree survey is the category 'A' Oak tree, outside the south east corner of the application site, but with roots and branches extending into the site. The layout avoids development within its root zone, preserving its health and retention. Furthermore the land around it does not fall to be garden amenity space, minimising the potential for the tree to come under pressure for pruning, in the future, due to the extent of shading it would cast potentially compromising private amenity space.

Numerous ornamental garden fruit trees would be removed to facilitate the development, largely in the garden of the existing house and removed to allow for the widened access. Their removal has no wider implications for the appearance of the site and can be readily replaced to preserve the arboricultural contribution to the visual amenity of the character of the area.

This includes removal of the frontage hedgerow, which whilst it contributes to the green edge of the road, has been subject to arson, is proposed to be removed and replaced with a native species, preserving the landscape character of Newlands Road and enhancing the appearance of the site and its bio-diversity.

The Arboricultural Impact Assessment supporting the application has been superseded by revisions to the design and layout, nor does it include a method statement for the works to trees and their protection during construction. As such a condition could be used to secure such a method statement to capture the revised layout and works.

Land opposite the site on Blackfield Road is designated as open space by saved policy DW-E12. The scheme would not have any direct impact on that space, or its contribution towards preserving the rural setting of Blackfield and Fawley and preventing their coalescence.

The application site is not within this designation and whilst close to the edge of the urban area, there remains a sizeable landscape separation from built form to the east, preserving the continuation of that established characteristic.

#### Highway safety, access and parking

Access to the site would be from the same position as the drive for the existing

house but it is proposed to be widened to allow 2 way flow of vehicles. Removal of the existing hedge and landscape around the access would ensure appropriate visibility splays are achieved to preserve highway safety. This would include improved footways along the site frontage and into the site, improving facilities for pedestrians already passing the site.

Further enhancements for pedestrians would be undertaken in the area, providing safer crossing points on routes towards Fawley to the east and Blackfield in the west. A direct route from the site in to the public open space to the west would also be included for pedestrians.

33 parking spaces are provided for the 19 units. Adopted parking standards require 31.2 unallocated spaces. Conditions could be used to ensure the spaces are provided and retained for shared use. Two spaces are identified as disabled compliant, however multiple other spaces have space around them to be more flexible for those with mobility restrictions.

Shared cycle stores have been indicated for the flats and each house would have adequate access to its rear garden where bike storage would be provided. Conditions can make sure appropriate racks are provided.

Tracking plans of a refuse wagon entering the site in a forward gear, manoeuvring to approach many of the properties and leaving in a forward gear, have been provided. Potential revisions to the Councils collection regime can not be confirmed at this time, but the site is capable of being serviced by such a large sized vehicle. This also demonstrates that the majority of delivery vehicles likely to visit the site, including ambulances and home shopping vehicles are capable of entering and exiting safely.

Electric vehicle charging points have been shown, but insufficient to meet the requirements of policy CCC2. A condition could be used to enable a review of how best to make such infrastructure available in the unallocated parking courtyard.

Whilst representations received question highway safety and congestion, there is no evidence that there is a fundamental problem with the design of the junction between Newlands Road and Blackfield Road, to the east of the site, or that this application would give rise increased vehicle flows and manoeuvres that would be detrimental to highway safety, or congestion and queuing times, on the local highway network. Hampshire CC highway authority have not objected to the scheme.

The potential for damage to be caused to road infrastructure by large delivery vehicles and construction equipment is not a matter for the Planning Authority to consider. The scheme is not large enough in scale or construction duration, or constrained to warrant a onerous construction management plan.

#### Residential amenity

Due to the location of the site in respect of nearby residential properties, there would be no impact on the privacy, amenity or outlook of the occupiers of existing properties. Any noise generated on site would be residential in nature and scale, commensurate with the character of surrounding residential areas.

Due to the scale of the scheme, the position of the site and separation distances to existing neighbours, construction would not give rise to levels of noise and disturbance over a period of time that would be detrimental to the amenity of local residents. However in accordance with the adopted Air Quality SPD, it would be appropriate to secure a construction management plan to manage construction

traffic, parking and dust generated across adjoining roads.

Sufficient on site amenity space is provided to meet the reasonable amenity needs of residents. Residents would have safe routes to near by formal and informal public open space.

The layout ensures sufficient sunlight is achieved by all dwellings to ensure passive solar gain can contribute to lighting and heating needs of the occupiers. It also ensures adequate privacy for residents and a good degree of outlook, contributing to their amenity positively.

The site is close to Fawley Oil Refinery and falls within its safety consultation zones. The Health & Safety Executive do not advise against supporting the application.

Notwithstanding the consultation response from the Councils Public Open Space Officer, the site falls below the 0.5ha area, that triggers application of saved policy CS07, requiring the development to make provision for Public Open Space. There is space on the site for informal recreation, should residents desire, however the site is well served by a variety of formal and informal play and recreation opportunities within walking distances.

### Ecology

There are no protected habitats on or adjacent to the site. Due to the residential use and paddock grazing there is little bio-diversity on site or supported by the site. A draft ecological appraisal has been submitted, providing survey results and making mitigation recommendations. The Councils Ecologist accepts the findings, supports the identified mitigation and suggests conditions.

As a 'Major' application the scheme will be expected to achieve 10% bio-diversity net gain. A variety of opportunities to achieve this improvement have been identified, which include infrastructure such as bird and bat boxes, that would meet the expectations of the representation received from Hampshire Swifts, but also see removal of the existing non-native hedgerow and trees along the site frontage and replacement with native species to maintain the landscape edge to the site.

Appropriate conditions could be used to ensure landscape and ecological enhancements are secured to achieve bio-diversity net gain and protect existing ecology.

### 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 4<sup>th</sup> 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

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<sub>x</sub>, 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.

#### Drainage, Flood Risk, Sustainability and Local Air Quality.

The site is not at risk of surface water or fluvial flooding. Both forms of flooding occur on the open space land to the east and south east, but is not predicted to effect any nearby properties. The development has the potential to increase surface water run off rates to contribute to that flood risk. Appropriate on site attenuation to manage surface water run off has been included in the scheme.

The applicant has sought to provide the additional technical details required by Hampshire CC drainage authority, however the drainage scheme doesn't reflect the revised scheme layout. As such a condition could be imposed to secure a comprehensive revision to the drainage plan.

Foul water sewers exist on the adjoining land and highway to the east. Securing a connection would be a technical matter for the Building Regulations and for the respective parties to agree. Whilst there is no reason to believe that a solution can not be achieved to meet the needs of the development a condition is considered appropriate to ensure the route of sewers has regard to the tree constraints on adjoining land.

Being new builds, the scheme would be required to adhere to the latest building regulations, ensuring latest energy efficiency, insulation, water usage standards are achieved, including EV charging points and Air Source Heat Pumps.

The plans indicate the provision of solar panels on the roofs of all the dwellings, providing on site renewable sources of energy generation. In the absence of a policy requiring this infrastructure, their inclusion is positive and moderate weight in

favour of the scheme should be applied to this benefit.

Despite showing chimneys, these would not provide flues for traditional solid fuel burners, minimising the likelihood of such features impacting on air quality. Provision of EV charging points would reduce the impact of private car use on air quality locally. Securing a Construction Management Plan is advocated by the Air Quality SPD and an appropriate condition could be imposed.

### Developer Contributions

As part of the development, the following will/has been secured via a Section 106 agreement:

- £81,676 towards New Forest recreational disturbance infrastructure
- £12,113 towards New Forest recreational disturbance non-infrastructure
- £11,208 towards Solent recreational disturbance
- £1,729.00 towards monitoring Air Quality in the New Forest
- £750.00 Commencement monitoring fee
- £750.00 Affordable housing monitoring fee
- £4,625.00 Bio-diversity Net Gain 30yr monitoring fee
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest DC.

As part of the development, subject to any social housing relief being granted, the following amount of 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	1555		1555	1555	£80/sqm	£150,901.66
		0	0	0		£0.00 *

Subtotal:	£158,849.25
Relief:	£0.00
Total Payable:	£158,849.25

## 11 CONCLUSION

Despite the location of the site outside the identified built-up areas, it is well served by services and facilities to support residents, furthermore it is close enough that those services can be accessed safely and conveniently by walking or cycling. The scheme proposes 100% affordable housing, for which there is identified need locally in Fawley parish and across the district, this weighs significantly in favour of the development and accords with adopted policy HOU5 and is not fundamentally in conflict with STR3 and 4 to the extent of being contrary to the development plan as a whole.

Furthermore, as the Council is currently unable to demonstrate the required 5 year housing land supply, and therefore the ability to oppose development solely upon relevant policies within the development plan is reduced, and further weight has to be given to the delivery of all new homes.

The scheme has minor economic benefits during construction and increased footfall in local shops and services, it has environmental benefits of optimising the use of land close to services and facilities, with a design and layout that preserves the character of the area and the wider Green Belt, National Park and AONB, and has social benefits of providing affordable housing.

## 12. 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:

- £81,676 towards New Forest recreational disturbance infrastructure
- £12,113 towards New Forest recreational disturbance non-infrastructure
- £11,208 towards Solent recreational disturbance
- £1,729.00 towards monitoring Air Quality in the New Forest
- £750.00 Commencement monitoring fee
- £750.00 Affordable housing monitoring fee
- £4,625.00 Bio-diversity Net Gain 30yr monitoring fee
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest DC.

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:

Site location plan Drg No.100 rev B rec'd 21/09/21  
Block Plan Drg No.101 rev B rec'd 20/06/22  
Proposed Site Plan Drg No.102 rev H rec'd 20/06/22  
Proposed Plans & Elevations Plots 1-4 Drg No.200 rev B rec'd 08/02/22  
Proposed Plans & Elevations Plots 5-7 Drg No.201 rev B rec'd 08/02/22  
Proposed Plans & Elevations Plots 8-9 Drg No.210 rev A rec'd 20/06/22  
Proposed Plans & Elevations Plots 10-11 Drg No.211 rev A rec'd 20/06/22  
Proposed Plans & Elevations Plots 12-14 Drg No.206 rev A rec'd 20/06/22  
Proposed Floor Plans Plots 15-19 Drg No.208 rev A rec'd 20/06/22  
Proposed Elevations Plots 15-19 Drg No.209 rev A rec'd 20/06/22  
Streetscene & Site section Drg No.207 rev C rec'd 20/06/22

Reason: To ensure satisfactory provision of the development.

3. Prior to construction above Damp Proof Course, samples or exact details of the materials to be used on the external facing, roofing, doors, windows, gutters and downpipes of all buildings on site 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. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

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

5. The development hereby permitted shall not be occupied until the vehicle and pedestrian accesses, and parking and manoeuvring spaces shown on the approved plans have been provided. The parking 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 and their visitors hereby approved at all times and shall not be allocated to an individual property.

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.

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. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.



Reason: The site is close to and has been previously used for potentially contaminative activities and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

8. Prior to commencement of construction above DPC of the houses hereby approved 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 and retaining structures;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

The approved scheme shall then be implemented prior to first occupation of the houses, completed before final occupation and thereafter retained and maintained in accordance with the agreed schedule.

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.

9. Prior to the commencement of development a strategy for the delivery of Biodiversity Net Gain and a Monitoring and Management Plan shall be submitted and approved in writing by the Local Planning Authority. It shall include:
- Methods for delivering at least a 10% increase in BNG on the site in accordance with the most up to date Natural England bio-diversity metric;
  - Responsibilities for delivering BNG
  - Description of the habitats to be managed;
  - Ecological trends and constraints on site that might influence management;
  - Clear timed and measurable objectives in the short, medium and long-term for BNG - Detail objectives for all habitats (target condition) and define key indicators to measure success;
  - Define appropriate management options and actions for achieving aims and objectives;
  - A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
  - Preparation of a work schedule;
  - Details for a formal review process when objectives are not fully reached;
  - Key milestones for reviewing the monitoring;
  - Establish a standard format for collection of monitoring data to make it

- repeatable and consistent;
- Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.

The BNG monitoring report shall be produced by a suitably qualified and experienced ecologist and shall include the following for the target habitats:

- Credentials of the ecologist undertaking the monitoring
- Assessment of habitats against the objectives defined in the management plan;
- Any presence recorded of target species;
- Date stamped photos accompanied by detailed site notes on extent of growth and condition using indicators in the management plan with any other notes of interest;
- If the target species /habitat is not present, provide detailed site notes on factors that are / could hinder growth or establishment;
- Detailed specific recommendations (where appropriate) on management actions to promote growth /establishment of target species / habitats including timescales for undertaking actions and marked site plans to show the actions;
- Photographs from the fixed monitoring points detailed in the management plan using high quality images.

The agreed methods of delivering BNG shall then be implemented in accordance with agreed timetable and thereafter managed and monitored as agreed.

Reason: In order to ensure appropriate delivery of bio-diversity net gain and in accordance with policies STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014.

10. Prior to first occupation of the scheme hereby approved, the highway improvement works to enhance pedestrian safety and walking routes shown on the approved plans and indicated by plan ref's:2005050-02 rev A, 2005050-04 and 2005050-05 shall have been provided and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of delivering a sustainable development and to ensure the safety of pedestrians and in accordance with HOU5, CCC2 and STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

11. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of one electric vehicle charging point per new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

12. Plans and details of bin and bike stores to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall adhere to the adopted standards and be implemented prior to first occupation of the development hereby approved and thereafter maintained and retained for the purposes of bin and bike storage respectively.
- Reason: In order to support use of cycles and in the interests of the appearance of the site and ensure sufficient storage provision is made and in accordance with highway safety, ENV3, CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the adopted Parking Standards SPD and Waste Collection Strategy.
13. Details of the Solar PV panels, shown illustratively on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed and operational prior to occupation of the relevant dwelling. Thereafter they shall be maintained in accordance with the manufacturer's instructions and retained unless otherwise agreed in writing by the Local Planning Authority.
- Reason: Due to the Council declared Climate Emergency and in the interests of delivering a sustainable development contributing to reducing the effect of development on climate change and in accordance with the NPPF 2021.
14. The works hereby approved shall be undertaken in strict accordance with the Ecosupport Ecological Survey received on 21/09/21 and its mitigation, compensation and enhancement conclusions, which shall be implemented and followed throughout the development and prior to first residential occupation, unless otherwise agreed in writing by 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).
15. Before development commences, details of the means of sustainably disposing of surface water from the site, including long term management and maintenance regimes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details and the management and maintenance undertaken as agreed and shall be retained unless otherwise agreed in writing by the Local Planning Authority.
- Reason: In order to ensure that the drainage arrangements reflect the approved layout, 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.

16. Prior to the commencement of development, details of the means of disposal of foul water sewerage, including plans of the layout and routing of infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented prior to first occupation of the development hereby approved.

Reason: In order to avoid conflict with landscape and ecological constraints on and adjoining the site and in accordance with ENV3 & ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

17. 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) Wheel washing facilities to be provided.
- (a) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (b) Details of parking and traffic management measures.
- (c) Access and egress for plant and machinery;
- (d) Protection of pedestrian routes during construction;

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.

**Further Information:**

James Gilfillan

Telephone: 02380 28 5797



# New Forest DISTRICT COUNCIL

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www.newforest.gov.uk

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
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## PLANNING COMMITTEE

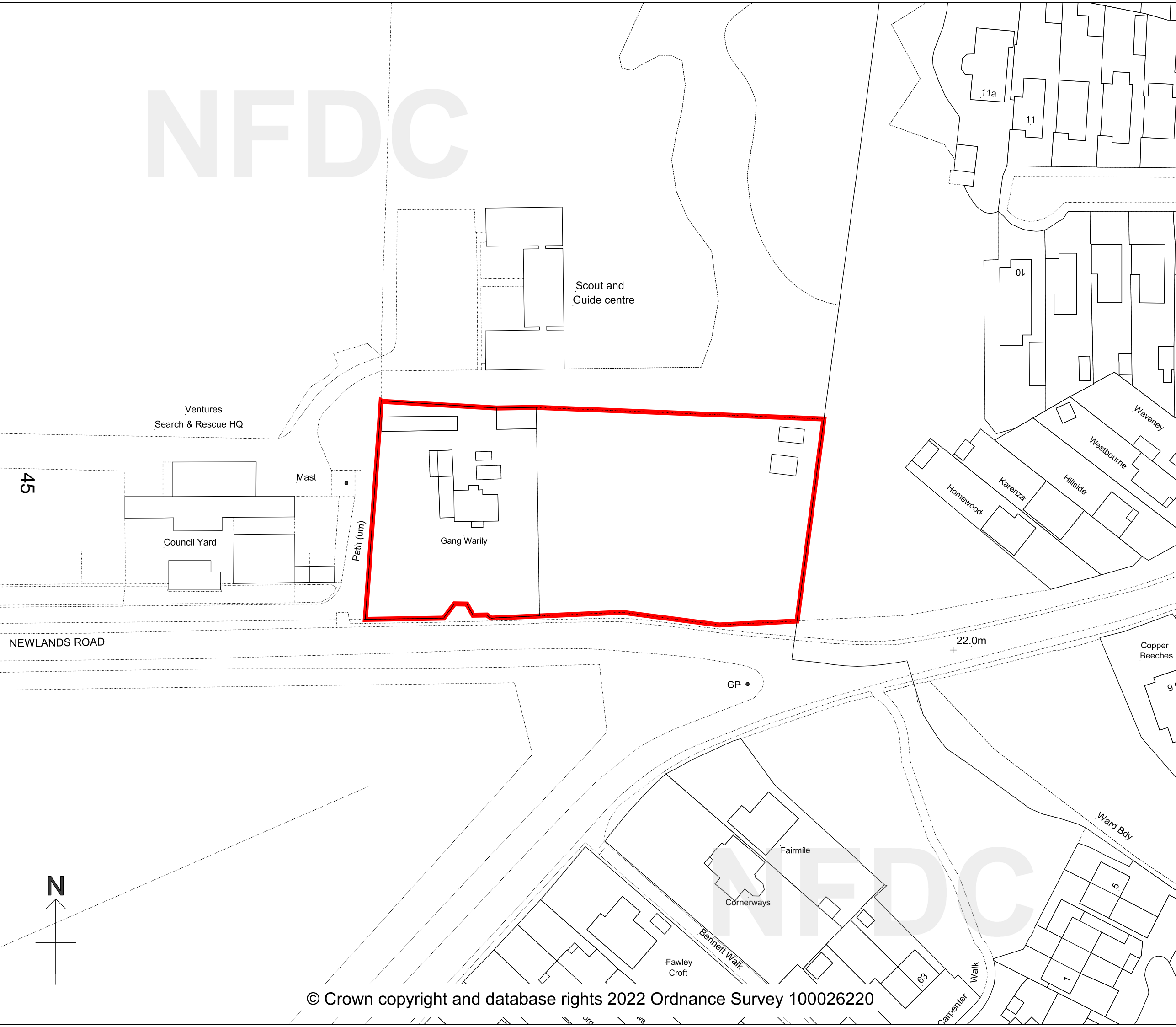
August 2022

GANG WARILY FARM  
NEWLANDS ROAD, FAWLEY  
SO45 1GA  
21/11329

Scale 1:1250

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

# NFDC



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Planning Committee 10 August 2022

**Application Number:** 21/11677 Full Planning Permission

**Site:** MILTON BARNS, GORE ROAD, NEW MILTON BH25 6SJ

**Development:** Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access and parking.

**Applicant:** Hanah Homes Ltd.

**Agent:** Darryl Howells Planning Consultancy

**Target Date:** 26/09/2022

**Case Officer:** James Gilfillan

**Extension Date:** 15/07/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the Development and Green Belt.
- 2) Impact on the character and appearance of the area.
- 3) Impact on heritage assets
- 4) Access, highway safety and parking

This application is to be considered by Committee due to the conflict between the responses received from Cllr Clarke & New Milton Town Council and the Officer recommendation.

## 2 SITE DESCRIPTION

The site is on the south side of Gore Road, outside the built up area of New Milton. It is located to the south of Milton Barn, a grade II listed barn, converted to a restaurant pub use. The site is vacant, grassed and falls within the South-West Hampshire Green Belt.

There are mature hedges around the edge of the site. The site is flat, but elevated approximately 1m above the level of the ground around the listed barn.

Beyond the southern boundary is Fawcetts Fields public open space, where there are junior football pitches marked out and further formal sports pitches and facilities beyond. To the west land is allocated as a strategic housing site, SS11.

## 3 PROPOSED DEVELOPMENT

Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access via Milton Barn from Gore Road.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
08/92017 Use as playing field	02/05/2008	Granted Subject to Conditions	Decided	

02/75538 Conversion of barn to public house and construction of 10 guest bedrooms (Listed building application)	02/10/2002	Granted Subject to Conditions	Decided	
01/73089 Addition and alterations to form public house with guest rooms and access alterations	30/09/2002	Granted Subject to Conditions	Decided	
97/NFDC/62824/LBC Addns/alts to form pub/flat/access/parking :	08/04/1998	Granted Subject to Conditions	Decided	
97/NFDC/60911/LBC Addns/alts to form pub/restaurant/flat/access/parking	11/06/1997	Refused	Decided	Appeal Allowed

## 5 PLANNING POLICY AND GUIDANCE

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy HOU5: Rural Housing Exception Sites and Community Led Housing Schemes

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

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy CCC2: Safe and sustainable travel

Policy IMPL2: Development standards

### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

### **New Milton Neighbourhood Plan 2021**

Policy NM1 - A Spatial Plan for New Milton

Policy NM2 - Diversifying Housing

Policy NM4 - Design Quality

Policy NM11 - Mitigating Effects on European Sites

### **New Forest District Core Strategy 2009**

CS7: Open spaces, sport and recreation

### **Supplementary Planning Guidance And Documents**

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

SPG - Residential Design Guide for Rural Areas

SPD - Air Quality in New Development.



### **Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 66 General duty as respects listed buildings in exercise of planning functions.

### **Relevant Advice**

NPPF 2021

### **Constraints**

SSSI IRZ Wind and Solar Energy  
NFSFRA Surface Water  
SSSI IRZ Waste  
Aerodrome Safeguarding Zone  
Small Sewage Discharge Risk Zone - RED  
Plan Area  
SSSI IRZ Infrastructure  
SSSI IRZ Minerals Oil and Gas  
SSSI IRZ Combustion  
SSSI IRZ Air Pollution  
SSSI IRZ All Consultations

Listed Building Grade: Grade II 552.27.002

### **Plan Policy Designations**

Green Belt  
Countryside

## **6 PARISH / TOWN COUNCIL COMMENTS**

**New Milton Town Council:** STRONG SUPPORT (delegated) subject to adherence to Neighbourhood Plan policy NM4 (Design Quality) on the need to mitigate the impacts of climate change by consideration of Photovoltaic panel provision, thought the most cost-effective option for an affordable housing scheme and its occupiers.

## **7 COUNCILLOR COMMENTS**

Cllr S Clarke expresses support for the scheme

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**NFDC Conservation:** Objects to the lack of a comprehensive heritage assessment complying with Historic England guidance on the content of such an assessment. The scheme does not bring any heritage benefit. The position, massing and layout of the scheme would cause harm to the historic setting of the Listed Building and the contribution of the space to the significance of the Listed Building. Based upon the submitted information the extent of harm would be less than substantial.

**NFDC Ecologist:** Recreational, air quality and water quality impacts would effect the integrity of designated sites of nature conservation interest and should be mitigated. Conditions can secure appropriate on site ecological mitigation and enhancement. However 10% Bio-diversity net gain has not been demonstrated.

**NFDC Environmental Health Contaminated Land:** No known contamination, but historic agricultural use justifies a standard unexpected contamination condition is

imposed. No objection.

**NFDC Housing:** Identifies that there is a large number of residents in need of affordable housing who have New Milton as their preferred First Choice. Supports the scheme for making provision towards meeting this demand.

**NFDC Landscape Team:** Layout is overly intensive and will be unable to retain the existing boundary vegetation as indicated or provide capacity for adequate landscape and visual impact mitigation, which should be unnecessary if the scheme was designed to sit comfortably in the landscape.

**NFDC Open Spaces:** Revisions reduce the site area below that to trigger a Public Open Space contribution, but securing safe and convenient routes to nearby facilities is encouraged.

**NFDC Urban Design:** The proposal fails to achieve the 3 principles of ENV3, Functionality, Appropriateness and Attractiveness.

**HCC Countryside Services:** Public Rights of Way are unaffected. No objection.

**HCC Education:** Indicates the scheme would give rise to additional demand for primary and secondary school places, that can not be met by the existing schools and therefore mitigation is required. No objection subject to securing a contribution.

**HCC Highways:** Accepts that sufficient visibility, road widths and manoeuvring space is provided to meet the needs of the development and preserve highway and pedestrian safety, along the access road, junction with Gore Road and in the housing site. No objection.

**HCC Surface Water:** In the absence of agreement from the foul sewer operator, can not accept the proposed surface water drainage strategy that proposes to drain surface water to the foul drainage.

**Hampshire & IoW Fire and Rescue:** Advises compliance with Building regulations and detailed construction design. No objection.

**Southern Water:** Confirms sufficient capacity is available in the drainage infrastructure to serve the foul and surface water drainage requirements. No objection.

**Sport England:** No conflict with playing pitches. No objection.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Concerns regarding highway and pedestrian safety from speeding vehicles on Gore Road and increased movements associated with the development. Highway safety on site due to narrowness of the access drive.
- Impact of additional vehicle and pedestrian movements along the access drive on amenity of occupiers of adjacent houses due to disturbance and loss of privacy.
- Conflict with highway safety due to surface water flooding.
- Concerns regarding the lack of parking and potential abuse of the car park for 'The Barn' commercial premises.
- Loss of direct pedestrian access to Fawcetts Fields.
- Failure to undertake an appropriate heritage assessment and consider the significance of the heritage asset.
- Poor layout and inappropriate design to respect the setting of the listed Barn.
- Insufficient details of measures to combat climate change
- Impact on amenity from overshadowing, overlooking and loss of privacy.

- Support for the principle of affordable housing and new housing
- Support for the design, but important it adheres to Neighbourhood Plan policy NM4
- Comments regarding the opportunities for bio-diversity and ecological enhancements within the scheme.

For: 2

Against: 4

## 10 PLANNING ASSESSMENT

The site is currently vacant, used informally by the restaurant/pub business operating in the adjacent Milton Barn for events and additional external seating. The scheme proposes to erect four buildings comprising a total of 3 flats and 14 houses, accessed from Gore Road, via the existing service road serving the commercial business.

### Principle of Development

The site is outside the identified built-up area of New Milton and in the South West Hampshire Green Belt. Strategic policies STR3 and STR4 direct development towards the established town and village centres, based on the hierarchy identified. Beyond the defined settlement boundaries and identified rural villages the primary objectives are to conserve and enhance the countryside and natural environment.

Whilst that does not preclude all development, based on a need to sustain rural areas and support rural enterprise, recreational facilities and farming, certain forms of development would be acceptable. However the scheme does not propose such a form of development.

The site does not therefore accord with the principal provisions of STR3 and 4, the principle of the development is therefore not accepted.

Similarly the New Milton Neighbourhood Plan, policy NM1, also directs significant residential development to the town of New Milton. But accepts that where a proposal meets Green Belt or National Park policies in can be considered acceptable outside the town centre.

Adopted policies HOU5 and DM20 of local plan parts 1 and 2 respectively do however allow for affordable housing schemes to be brought forward where they are adjoining a settlement which provides a range of local services and facilities, which can be safely accessed.

The description of development proposes the scheme to be delivered as an affordable housing scheme. The supporting Planning and Affordable Housing statement sets out the form that this would take, proposing 100% social rent. The consultation response received from the Councils Housing Services identifies a clear need for affordable housing in New Milton, that the scheme would make a significantly positive contribution towards meeting. By providing the entire scheme as affordable housing the scheme complies with the target of 50% being affordable as required by adopted policy HOU2.

Whilst the site is outside the built-up area and therefore in the countryside, it is close to the boundaries of the built up area and the character of the area includes residential, commercial and educational forms of development.

Whilst strategic scale housing numbers would be delivered on the allocated site to the west on Gore Road (SS11), including affordable housing, it is clear that the

predicted delivery rates for that undetermined outline scheme would not deliver affordable homes in the short term. The current application proposals could be delivered in much shorter time scales, contributing to meeting existing need.

The Council has significant need for affordable housing, as such significant weight would be applied to the benefit of the delivery of such housing.

The site falls within the South West Hampshire Green Belt. New development therein is inappropriate and therefore harmful to the openness and purposes of including land within the Green Belt. There are however circumstances where new development would not be considered to be inappropriate. Exceptions to this are set out at para.149 of NPPF, including at f) limited affordable housing for local community needs under policies set out in the development plan.

The scheme is proposed to be 100% affordable housing, complying with the provisions of HOU5 and therefore would be in accordance with the identified exceptions to the presumption against new development in the Green Belt. As such the principle of the development in the Green Belt is in accordance with adopted policy ENV2 and can be accepted.

The scheme has minor economic benefits during construction and could introduce additional footfall and spend in New Milton town centre and the business in the listed barn. Despite being outside the built up area it has minor environmental benefits of abutting it. Delivering a mix of house types and sizes as affordable housing has social benefits.

These benefits would be applied to the planning and heritage balances. However they do not in themselves demonstrate delivery of a sustainable development, which should be considered against detailed aspects of the scheme as presented, rather than the principle of residential use of the site.

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

The scheme seeks to deliver a courtyard of buildings designed in a contemporary agricultural style. Justified by its proximity to the Listed Barn and previous agricultural use of the site and surroundings. The principle of such an approach has merit, however it is not considered the scheme succeeds in achieving such a solution. The scheme is not supported by a Design and Access statement demonstrating how the scheme has regard to the context, especially consideration of the special qualities of the Listed Barn and how its scale and design has been integrated by the scheme. Nor does it analyse agricultural barn conversions or farm complexes to demonstrate how the scheme takes influence from their original form.

Furthermore and covered in more detail below, the scheme is not supported by a comprehensive Heritage Asset Statement that identifies what opportunities might exist to enhance the Listed Building through the design of the scheme

The scheme provides 4 blocks of built form to enclose the central parking court. Further enclosure of that space is provided by way of walls. Parking is largely open surface parking, but 3 car port structures do provide shelter to some spaces and contribute to the enclosing courtyard layout.

The scale of the development results in an intensive layout and significant extent of plot coverage through built form and hard surfaces. Whilst the agricultural courtyard approach would be likely to incorporate a high percentage of site coverage, the buildings and parking are tightly packed, buildings are particularly close to the edge of the site and the scheme is not particularly sympathetic to its setting, residents would feel hemmed in and the size of rear gardens would not offer particular relief.

The inclusion of car ports as part of the built form does provide an attractive solution to the provision of parking, however they are in the minority and cars would dominate the courtyard and three of the four buildings would be viewed with cars dominating their setting.

The layout turns it back on the listed barn and the open spaces around the site, presenting rear elevations and rear garden boundary treatment to its edges. The two houses either side of the drive into the site do provide active frontage and there would be ample engagement with and passive surveillance of the courtyard spaces.

The use of materials and design detailing is consistent across the scheme, however hipped roof forms, the extensive use of half dormered windows and staggered footprints, clearly visible on blocks B, C and D especially rear elevations most visible from outside the site, to the south and west across the open space, where the scheme would create a new urban edge, particularly highlight the failure of the scheme to deliver a barn style design.

The agent seeks to justify the design as acceptable by reference to stable door cladding, dark stained timber windows and hay loft access doors. Whilst these features are common for agricultural barns they can not disguise the poor scale, roof form and layout of the buildings on which they are applied.

The agent also seeks to explain the half height eaves and windows breaking those eaves as a mechanism to deliver a barn like form and appearance, and absorb the first floor accommodation in to the roof. This rationale is not readily evidenced or understood.

Streetscene plans provided show the scale of the scheme and its dominant effect in the background of the Listed Barn, when viewed from Gore Road. Those plans also show the contrast with the respect shown by the simple forms and reduced scale of the recently completed development at Greenwood Place to the east.

It is considered that despite the response from New Milton Town Council, the scheme would fail to accord with aspects of policy NM4 of the neighbourhood plan. Failure to justify the design and execute the approach of the scheme would not reflect the distinctive character of the town, nor would it; be a high quality design; create a sense of place while addressing the character and scale of the surrounding buildings and landscape; contribute to local distinctiveness, enhancing local character.

Not only do the shortcomings of design conflict with the environmental strand of sustainable development, they would also conflict with the social strand, by way of failing to achieve well designed and beautiful places.

#### Landscape impact and trees

The site provides part of the historic landscape setting for the Listed Barn. It falls within the Green Belt and area of open land around the edge of the built up area of New Milton. Hedges around the edge of the site provide the principal landscape features of the site. There are no protected trees on site at present or any considered to be constraints to the development.

The scheme has not been supported by an analysis of the local landscape setting, identifying the key characteristics of the landscape or adjoining townscape. The lack of such an assessment leads to a similar conflict as with the design and layout of the scheme and heritage aspects, in that justification for the design rationale is lacking.

The layout of the scheme would dominate the landscape edge of the site, most notably where it is viewed in the context of the wider landscape. Furthermore it would obscure any views of the Listed Barn within that landscape setting. Unfortunately the less successful rear elevations, where the suburban roof forms would be most evident are those to be exposed in views of the landscape setting.

Whilst tree planting would contribute to the landscape, in the absence of an analysis of the existing baseline, there is no obvious masterplan for the proposed arrangement of trees, or how the buildings could be arranged around new landscape planting.

Potential changes to the wider landscape arising from development of the nearby strategic housing allocation would not justify development of this site in the absence of a review of the opportunities or constraints of the landscape setting.

As with the design, the principle of an agricultural style could be appropriate, but the poor execution, scale and layout do not readily succeed.

### Listed Buildings

The application site is considered to be within the curtilage of the Grade II listed Milton Barn. Extended and occupied by a restaurant with hotel rooms it is statutory listed for its special architectural and historic interest. The works do not directly effect the fabric of the structure of the Listed Building, which is outside the application site.

Having regard to S.66 of the Listed Buildings and Conservation areas act, it is desirable to preserve the setting of the listed building, for which special regard is paid.

The application is supported by a brief Heritage Asset statement (HAS), provided within a Planning Statement. This has been updated over the life of the application, indicating it has been written to justify the scheme as designed, rather than assessing the heritage significance of the site and adjoining building to identify the development opportunities the application site presents. The Councils Conservation Officer has reviewed the HAS and advises that it does not meet the requirements for such an assessment as defined by the NPPF.

The assessment has no map regression analysis, no historic building analysis, no analysis of significance (as set out under Historic England Guidance AN 10) and no detailed assessment of the buildings setting and therein its contribution to significance (Historic England GPA3). There is no reference to the HER or other background research and no exploration of setting tests (GPA3) with which to inform the design evolution of the proposal.

The applicant was advised of the importance of such a document in informing and justifying their proposals in the pre-app response provided, but has chosen not to comply with this advice.

The application site formed part of open farm land associated with the barn, whilst much has been lost to the north, the area to the south remains largely free from built form and contributes to the character of the setting of the barn.

The applicant has reviewed other barn style developments, seeking to compare them to the proposed scheme, however such review does not replace analysis of the existing buildings and their heritage aspects. The proposed scheme is inward looking and incorporates many suburban design traits that would not sit comfortably alongside the Listed Building and confuse the effect of the design approach.

Works to provide appropriate access to the site, by way or wider junction access and on site road serving the development contribute to an erosion of the setting of the Listed Barn and further detrimental visual impact.

Due to the importance of the historic relationship to that space, the former function of the barns and the value of that remaining curtilage, the significance of the remaining curtilage is high. Based on the above concerns regarding the design, layout and scale of the scheme, the Conservation Officer concludes that harm would be caused to the significance of the listed barn building, by way of the erosion of its setting and context.

The identified harm would be less than significant, in accordance with NPPF para.202, this should be assessed against public benefits, however the NPPF directs that great weight should be applied to the importance of conserving a heritage asset.

#### Highway safety, access and parking

The scheme proposes access to be shared with that existing for Milton Barn, sweeping around the southern side of that building before turning in to the site. Parking for the existing use would be retained as existing, to the west of the commercial Listed Building.

The access drive and junction with Gore Road would be widened to allow vehicles to enter and exit simultaneously and accommodate larger delivery and refuse vehicles, likely to be generated by the proposed and existing uses.

The scheme provides 30 parking spaces for the residential development. The adopted parking standards requires 27 unallocated spaces or 36 allocated spaces. Subject to ensuring the spaces are not allocated, sufficient parking is provided to meet the needs of the development. A condition could be used to secure provision of the spaces and retention as unallocated.

None of the parking spaces have been clearly designed as disabled spaces, however the parking layout provides flexibility that at least 7 spaces could suit residents or visitors with mobility restrictions and ensures flexibility over their use.

Each property would be provided with a bike store for 2 bicycles and visitor racks would be provided for. Whilst the parking standards SPD requires storage for 3 bikes on 3-bed houses, those properties have larger gardens so could readily accommodate larger or additional stores should residents require.

The plans indicate a refuse wagon could manoeuvre on site, entering and exiting in a forward gear. No provision has been made in the scheme for storage of wheeled bins. In some locations, rear garden access passes between parking spaces. Concerns exist regarding moving wheeled bins past adjoining parked cars, including support posts for car ports and the consequential impact of wheeled bins being left in the public realm parking courtyard. Whilst a condition could be imposed seeking details of bin storage facilities on site, due to the scale and layout of the development problems and conflicts, as identified above, are designed in to the scheme, as a result a condition may not be an appropriate mechanism to resolve these problems.

The application site excludes the existing parking area for the commercial use in the listed barn.

The commercial premises is currently serviced from its southern elevation, where a

timber enclosure projects from the building. It is not clear if that structure would be removed to facilitate the development, however it does fall within the red line. The site plan does suggest deliveries would continue from this position. The width of the access and area provided for deliveries, is sufficient that vehicles could pass a delivery vehicle parked. Whilst deliveries are likely to be regular, they would not be for durations that would compromise highway or pedestrian safety, nor is the position likely to contribute negatively.

Pedestrian access to Fawcett Fields is currently possible. This appears well used, but is as a result of unauthorised forced entry through the boundary hedge and is not an identified formal route, or one that this scheme should protect. Whilst this demonstrates a degree of desire for such a route, a comprehensive holistic response to access linking Gore Road and Christchurch Road, is a pre-requisite of development on the nearby strategic housing site.

Numerous revisions to the size and layout of the access drive, to demonstrate it can serve the development safely, have been received over the life of the application and HCC as highway authority are content that the development can be adequately and safely served whilst preserving highway and pedestrian safety, on site and on Gore Road.

#### Residential amenity

Due to the location of the site, in respect of nearby residential properties, the proposals would not have any impact on the outlook, privacy and light to nearby residents, preserving their amenity.

Neighbouring residents have objected to loss of privacy due to the proximity of their properties to the access drive. The scheme would not give rise to excessive volumes of vehicle or pedestrian movements than would be experienced in any residential environment, or opportunities that don't already exist to view windows or gardens from the public realm. The concerns identified by those residents, about customers of the commercial use at the barn, would not be a matter for the applicant to resolve.

The layout of the scheme would result in a degree of overlooking and shading between properties on site, but not to a degree that would be out of keeping with standard residential arrangements. All properties would benefit from adequate outlook and light in to living areas to meet reasonable needs of residents.

Each property would benefit from rear gardens, some of which would be shallow in depth, however the small number of units with these shallow gardens would not render the scheme unacceptable and across the entire scheme adequate gardens are provided to serve the amenity needs of the occupiers.

The application site is below the 0.5ha threshold, in policy CS07, for provision of public open space.

The site is close to an equipped childrens play ground provided in the Greenwood Place development to the east, soon to be adopted by the Council. It is also close to Fawcetts Fields public open space, with its wide range of formal and informal recreation opportunities and New Milton sports centre. Whilst access to those sites is not direct, subject to the design of the access drive serving this application, access to the play ground is short and safe, safe access to Fawcetts Fields is expected to be delivered across the adjoining strategic housing allocation and the sports centre is accessible via dedicated off carriageway cycle route.



Due to the location of the site in relation to nearby residential properties and space available within the red line for a construction compound, there would not be justification to impose a condition requiring a construction management plan to be agreed.

The amenity of neighbours would be preserved and needs of residents would be met.

### Ecology

There are no protected or high value habitats on or adjacent to the site. Species identified, by the ecological survey, could be readily accommodated by mitigation and enhancement measures, captured by a condition.

A rare wild flower has also been identified along the east boundary. The Councils ecologist advocates retention of the Corky-fruited water dropwort (aka Water Parsley) on the site, protected and retained as part of a Construction Environmental Management plan.

The scheme has not been supported by a plan or strategy demonstrating that 10% bio-diversity net gain on the site can be achieved in accordance with the development plan, adopted interim guidance and NPPF. As such an off-site provision of this biodiversity uplift is required to be made. Whilst no BNG offset schemes are identified at present, New Milton Town Council are working on the identification and implementation of BNG projects as part of their Green Infrastructure Plan. The recently approved scheme at Moore Close, to the south of the site across Fawcetts Fields, imposed a Grampian style condition allowing for off site provision of BNG. It would be reasonable to take a consistent approach on this matter.

### 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. Although the adverse impacts could 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, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

### 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<sub>x</sub>, 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.

#### 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 4<sup>th</sup> 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 could be imposed to secure mitigation.

#### Drainage, Sustainability and Air Quality.

The site is not at risk of any flooding. Surface water flooding is identified to occur along Gore Road. The scheme is supported by a drainage strategy that demonstrates ground conditions preclude infiltration, as such proposes to dispose of surface water, via attenuation to the foul drainage sewers, this solution is accepted by Southern water, who confirm capacity is available in the existing infrastructure. The scheme would not contribute to existing local flood risk.

The site is close to services and facilities in New Milton reducing reliance on the private car for many trips and therefore the impact of vehicle emissions on air quality locally. The scheme does not make provision for chimneys or a layout indicating installation of solid fuel burners.

A condition could be used to secure a plan for the provision of Electric Vehicle charging. The unallocated courtyard parking arrangement would require detailed consideration of how best to make equipment available, however a solution for one charging unit per dwelling should be possible.

#### Other matters

The scheme would preserve sports pitches on the adjoining playing fields, Sport England has no objection.

Hampshire County Council and Local Education Authority have indicated the scheme would give rise to increased pressure on local schools, requiring mitigation by way of financial contribution towards schemes to provide additional capacity. As affordable housing there would be a degree of control over where occupiers move from, however the scheme still represents an increase in housing in the relevant catchment with likely back fill of existing occupation and overall increase in population, as such the contributions sought are justified and could be secured by way of an appropriately worded S.106 obligation.

## Developer Contributions

As part of the development, the following is required to be secured via a Section 106 agreement to mitigate the impact of the development:

- £68,656 towards New Forest recreational disturbance infrastructure
- £10,387 towards New Forest recreational disturbance non-infrastructure
- £1,547 towards monitoring Air Quality in the New Forest
- £750.00 Commencement monitoring fee
- £750.00 Affordable housing monitoring fee
- £4,625.00 Bio-diversity Net Gain 30yr monitoring fee
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest DC.
- £57,372 towards provision of primary age school places
- £75,486 towards provision of secondary age school places

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	1768	0	1768	1768	£80/sqm	£180,608.00 *

Subtotal:	£180,608.00
Relief:	£0.00
Total Payable:	£180,608.00

## 11 CONCLUSION

The provision of housing, making a minor contribution to the overall supply of housing in an area where housing land supply is below 5 years has significant benefits, to which substantial weight in support of the scheme is applied. Alongside this are the benefits of the location close to services and facilities, minor economic benefits and significant social benefits arising from the provision of the scheme as affordable housing, also providing substantial weight in support of the scheme. Weighed against this are the failure to fully understand, assess and analyse the context of the heritage asset, the proposed design approach and landscape setting, resulting in an unsuccessful design solution that would not sit comfortably on its site or in the wider landscape context, that would erode the setting of the listed building resulting in harm to its significance and consequently causing harm to the environmental strand of sustainable development, to which great weight is applied. As such the public benefits would not outweigh the harm to the heritage asset, to which great weight against the scheme is applied.

Making optimal use of the site can not be considered in isolation of delivering development that meets all aspects of the development plan, in this case the environmental harm identified is considered to exceed the optimal use of the site. Contributions required to mitigate the effect of the development, preservation of residential amenity and highway safety weigh neutrally in the planning balance, as such the harm identified would outweigh the benefits of the scheme, which is therefore recommended for refusal.

## 12 RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The scheme is not supported by a comprehensive Heritage Asset Statement written in accordance with NPPF guidance. The scheme therefore fails to fully assess and understand the significance of the Grade II listed Barn and its setting and therefore demonstrate that the proposed scheme is appropriate and would preserve the setting and historical significance of the asset. The public benefits of the scheme would not outweigh the less than substantial harm and the scheme is therefore contrary to Policy DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014 and chapter 16 of the NPPF 2021.
2. The design, layout and proximity to the edge of the site, extent of site coverage of built form and car dominance, proportions and roof form, fail to present a successful scheme, which achieves the intended design response. The scheme is not supported by a comprehensive design, landscape and townscape assessment and review to analyse and justify the scheme. The scheme fails to deliver a high quality design and layout, creating a sense of place that addresses the character and scale of the surrounding buildings and landscape that enhances local character and heritage and is sympathetic to the environment and context and would contribute positively to local distinctiveness. The proposals are contrary to policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020, NM4 of the New Milton Neighbourhood Plan 2021 and the NPPF.
3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1: Planning Strategy 2020
4. The scheme would give rise to additional demand for school places at local schools where there is not capacity to accommodate them. Mitigation for this impact has not been secured as such the scheme would have an unacceptable impact contrary to policy STR8 of the New Forest District Local Plan Part One: Planning Strategy 2020.

5. The provision of the scheme as affordable housing is a critical aspect to justify its acceptability in respect of its location outside the built up areas and in the Green Belt. Occupancy of the scheme as affordable housing has not been secured as such the scheme is contrary to policies ENV2 and HOU2 of the New Forest District Local Plan Part One: Planning Strategy 2020, DM20 of the New Forest District Local Plan Part Two: Sites and DM policies 2014 and the NPPF 2021

**Further Information:**

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# New Forest DISTRICT COUNCIL

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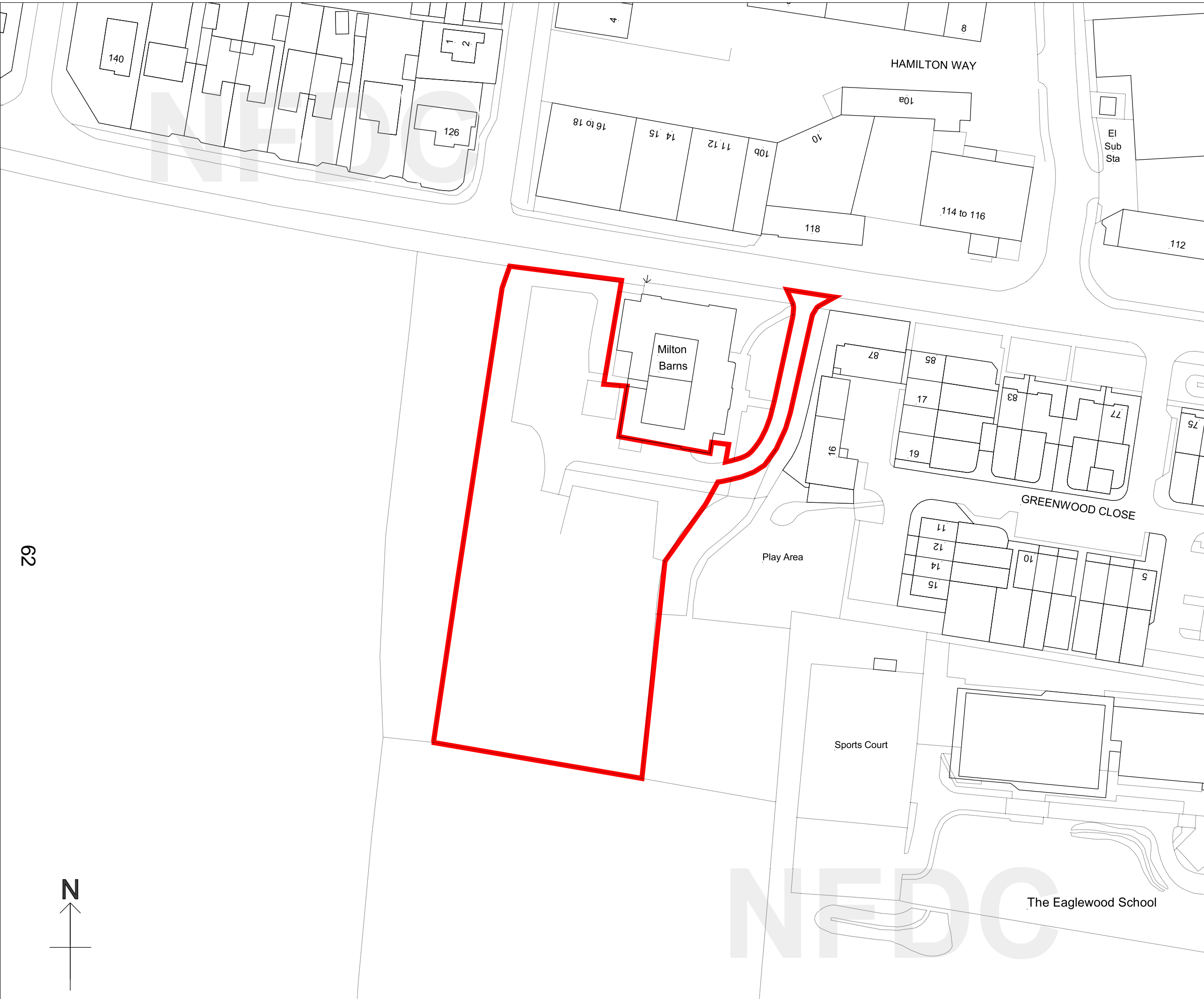
## PLANNING COMMITTEE

August 2022

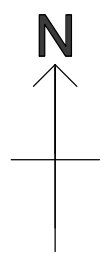
MILTON BARNES  
GORE ROAD, NEW MILTON  
BH25 6SJ  
21/11677

Scale 1:1250

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



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Planning Committee 10 August 2022

**Application Number:** 22/10685 Full Planning Permission

**Site:** UNIT 4, ARCH FARM INDUSTRIAL ESTATE, WHITSBURY ROAD,  
FORDINGBRIDGE SP6 1NQ

**Development:** Two storage containers and four chiller units (part retrospective)

**Applicant:** D R Smith Properties Ltd

**Agent:** Jerry Davies Planning Consultancy

**Target Date:** 03/08/2022

**Case Officer:** Jim Bennett

**Extension Date:** 12/08/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of development
- 2) Impact of the proposal upon the character of the area
- 3) Amenity Impacts
- 4) Impact upon retail and the local economy
- 5) Other matters

This matter presented to Committee as the recommendation is contrary to that of the Town Council who are only willing to support on the basis of a temporary permission. The application seeks a permanent permission.

## 2 SITE DESCRIPTION

The proposal relates to a single storey structure at Arch Farm Industrial Estate on the edge of Fordingbridge. The principal building on the site benefits from a planning approval for use as a farm shop in 2019. The site is within the built-up area as defined by the Local Plan, opposite the FORD1 housing allocation.

## 3 PROPOSED DEVELOPMENT

The proposal is made retrospectively to site two storage containers and four chiller units within the curtilage of the farm shop. The structures are temporary in nature, but are required in association with the site's retail use.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10603 2no post mounted non-illuminated boards (Application for Advertisement Consent)			Application registered
21/10391 External alterations to existing outbuilding (Retrospective)	05/05/2021	Granted Subject to Conditions	Decided

19/10853 Alterations and change of use of building to A1 shop 21/10/2019 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  
Policy ECON05 - Retail development and other main town centre uses

### **Local Plan Part 2: Sites and Development Management 2014**

Policy DM19: Small local shops and public houses

### **Relevant Advice**

Chapter 2 - Achieving sustainable development  
Chapter 6 - Building a strong competitive economy  
Chapter 7 - Ensuring the vitality of town centres  
Chapter 12 - Achieving well designed places

### **Supplementary Guidance**

Fordingbridge Town Design Statement

### **Plan Policy Designations and site constraints**

Built-up Area  
New Housing Land Allocations  
Tree Preservation Order: TPO/0016/17/T1  
Avon Catchment

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Fordingbridge Town Council** - Recommend PERMISSION under PAR3 with the condition that the permission given is temporary (rather than permanent).

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

None

## **9 REPRESENTATIONS RECEIVED**

None

## **10 PLANNING ASSESSMENT**

### **Principle of Development**

The proposal is to permanently site two storage containers and four chiller units within the curtilage of the existing farm shop. The principle of convenience retail has been established on this site and the proposed development seeks to support retail use of the main site. Consequently the principle of the development is acceptable.



### Impact of the proposal upon the character of the area

The application proposes the siting of moveable structures, albeit on a permanent basis within the curtilage of the farm shop. The site is bound by a 1.8m fence and by vegetation beyond to the south, east and west. To the north the structures would be screened by existing buildings (the farm shop). A small proportion of the containers is currently visible above the fenceline, but their appearance does not cause any significant harm to visual amenity. In time they will be almost entirely obscured by maturing vegetation around the site. Overall, the proposal would not result in any detriment to the character and appearance of the area, in accordance with the design related provisions of Policy ENV3.

### Amenity Impacts

The proposal is reasonably well separated from the residential development on the opposite side of Whitsbury Road. The proposal would not have any significant impact upon adjoining amenity, in accordance with the amenity related provisions of Policy ENV3.

### Impact upon retail and the local economy

Policy DM19 is perhaps the most pertinent policy in respect of the form of development proposed here. It states that outside of town centres and defined local shopping frontages, local convenience stores of up to 280 square metres will be permitted where they provide for the day to day needs of a community, which otherwise would not be provided for, and are located within the community served. The site lies within the established built-up area of Fordingbridge. There are plans to increase the quantum of residential development in the area and the FORD1 housing development directly opposite the site is complete. The proposed development seeks to support an established retail use on the site, which offers a retail outlet to existing and future occupiers of the locality, which would negate the need to travel further a field for convenience shopping. Accordingly, the principle of convenience retail development in this location is considered to be acceptable.

### Other Matters

Fordingbridge Town Council are only willing to support the proposal on the basis of a temporary permission, where the application seeks permanent consent. The applicant's agent points out that as moveable structures, within the business curtilage, the storage containers and chillers may in fact be lawful development. The lawfulness of their siting is not examined here. Nevertheless, as pointed out above, these moveable structures are unobtrusively sited within the curtilage of the farm shop, will in time be almost completely screened from the public realm and are an essential aspect of the commercial use of the site. It is pointed out that as moveable structures, the chillers and containers could quite readily be removed from the site should the associated commercial use cease. Consequently there is insufficient reason to substantiate a reason for refusal on the basis of the permanent consent sought.

## **11 CONCLUSION**

The use and form of development proposed here would not detract from the character or appearance of the site, would promote economic activity and would have no adverse impact upon adjoining amenity. The proposal complies with policies of the development plan and is accordingly recommended for approval.

## 12 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

Drawing no. JDPC-4 - Location Plan  
Drawing no. JDPC-1 - Container Plan  
Drawing no. JDPC-2 - Chiller Plan  
1:200 - Layout Plan  
Design Access and Planning Statement by JDPC

Reason: To ensure satisfactory provision of the development.

#### Further Information:

Jim Bennett  
Telephone: 023 8028 5443



# New Forest DISTRICT COUNCIL

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

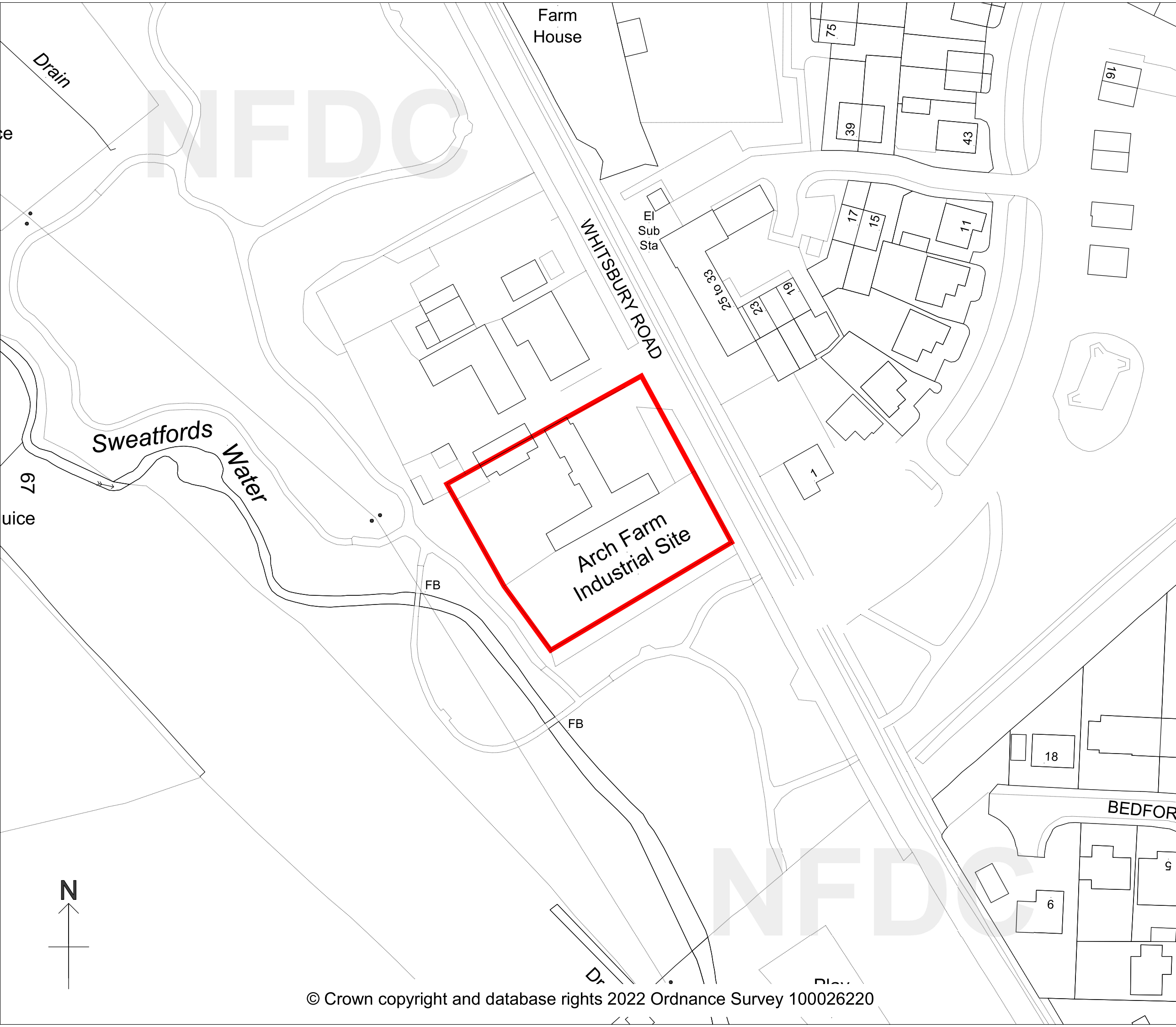
## PLANNING COMMITTEE

August 2022

UNIT 4,  
ARCH FARM INDUSTRIAL ESTATE  
WHITSBURY ROAD  
FORDINGBRIDGE SP6 1NQ  
22/10685

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the internet, it will not be to  
scale.



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Planning Committee 10 August 2022

**Application Number:** 22/10657 Full Planning Permission

**Site:** PENDLE GATE, 10A KNOWLAND DRIVE, MILFORD-ON-SEA  
SO41 0RH

**Development:** Front extension; replace conservatory with extension; raise the ridge over the main part of the house

**Applicant:** Mr Puckett

**Agent:** GDonvito Architects

**Target Date:** 01/08/2022

**Case Officer:** Jacky Dawe

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

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

This application is to be considered by Committee at the request of Councillor David Hawkins.

## 2 SITE DESCRIPTION

The application property is located within the Milford on Sea defined Built up Area and is also within an area that is covered by the Milford on Sea Village Design Statement. It is located in an established residential area and the bungalows in this section of the road are of a similar design, characterised by the prominent stone chimney features. This feature has been retained over time although there are some variants. The property is situated within a reasonable sized plot, the curve of the road means that the property has a different set back and angle to the two adjacent properties.

The detached bungalow is enclosed to the front with a low fence, an area of planting and a gravel driveway, due to the planting scheme and an established ornamental tree the property is not easily read within the street scene.

## 3 PROPOSED DEVELOPMENT

Permission is sought for roof alterations including raising the ridge height, one and two-storey front extensions and a single-storey rear extension.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
08/93235 Rear dormer	19/12/2008	Granted Subject to Conditions	Decided
00/69965 Single storey addition	16/10/2000	Granted Subject to Conditions	Decided
00/68280 Single storey addition	08/03/2000	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

##### **Supplementary Planning Guidance And Documents**

SPG - Milford-on-Sea Village Design Statement

##### **Relevant Advice**

Chap 12: Achieving well designed places

##### **Constraints**

SSSI IRZ Waste  
SSSI IRZ Water Supply  
SSSI IRZ Residential  
SSSI IRZ Rural Non Residential  
SSSI IRZ Rural Residential  
SSSI IRZ Wind and Solar Energy  
Article 4 Direction  
SSSI IRZ Air Pollution  
Plan Area  
Aerodrome Safeguarding Zone  
SSSI IRZ Discharges  
SSSI IRZ Infrastructure  
SSSI IRZ Minerals Oil and Gas  
SSSI IRZ All Consultations  
SSSI IRZ Combustion  
SSSI IRZ Compost

##### **Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

##### **Milford On Sea Parish Council, The Old Clock House**

PAR 1: We recommend PERMISSION but would accept the decision reached by the District Council's Officers under their delegated powers.

#### 7 COUNCILLOR COMMENTS

Councillor David Hawkins has requested that the neighbour Mr Westland has the opportunity to put his case forward with regards's to the roof extension overshadowing his solar panels.

## 8 **CONSULTEE COMMENTS**

No comments received

## 9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 0

Against: 1

- potential shading to solar panels
- close proximity and massing
- require a shading plan
- property was infill and this is an over development to site
- number 8 has had prolonged construction due to insufficient footings, want assurance this would not be the case for 10a

## 10 **PLANNING ASSESSMENT**

### Principle of Development

The principle of the development is acceptable within the built up area subject to relevant material considerations relating to residential amenity, character and appearance of the area and relevant development plan and national policies. The proposal would meet the objectives of Chapter 12 of the National Planning Policy Framework. Policy ENV3 of the Local Plan Part 1 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 Milford on Sea village design statement is also a material consideration when determining this application.

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

The Milford on Sea village design statement gives guidance which refers to the importance of scale of the building and the spaces around them.

The original design of the dwelling has been considered and reflected in the proposed extensions. The proposal is to raise the ridge height and extend the front gable feature whilst retaining the stone chimney. The overall width of the property will not change and the overall scale of the building is retained. There are other examples of first floor accommodation within the immediate vicinity. The proposed rear extension is also considered to be an acceptable addition for this urban setting.

Overall, the proposal is modest in scale and size and has been designed as a sympathetic and proportionate addition to the existing dwelling and would not detract from the character of the area or appear overly prominent within the street scene.

### Residential amenity

The increase in height is not considered to be significant and the pitch to the front is retained. The increase follows the line of the existing pitch and the additional built form is situated above and to the rear of the existing roof slope.

There are no side facing windows, the proposals are set off of all boundaries and the existing boundaries have established planting along both sides. A footpath runs

adjacent the rear boundary. The large feature window faces this tree lined boundary.

The massing of the proposed building has been considered. There would be a marginal increase to the existing footprint and the roof form would be increased, however these increases would be kept to a minimum. The width remains the same. As such no adverse amenity impacts would result.

The proposal has been carefully assessed on site. Due to the spatial characteristics of the application site and the adjacent properties, the design of the proposed development, its location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would not cause unacceptable effects on the privacy, light and outlook available to the adjacent neighbours.

#### Concerns raised not covered above

The neighbour number 10 Knowland Drive has solar panels situated on the roof of their rear and side elevation. The side solar panels face the application site. Case law shows that shading of solar panels is a material planning consideration. The NPPF Chapter 14. paragraph 152 states the planning system should support the transition to a low carbon future in the changing climate and support renewable and low carbon energy.

An assessment has been made about the impact of the proposal upon the solar panel. A shading plan has been supplied by the agent which indicates that the solar panels would not be overshadowed and would not reduce the benefits that the neighbour gains from this installation. Two plans to show the existing level of shading compared to the proposed have been prepared by the case officer using a sunpath calculation tool for the March Equinox . Whilst the plans demonstrate that there would be some limited impact on the neighbour's solar panels this would not be a harmful effect such that planning permission should be refused.

The footings will be inspected by Building Control or an Approved Inspector to ensure compliance with Building Regulations and this is not a matter for planning. Whilst some degree of general disruption is inevitable when construction works take place, these are of temporary nature and therefore cannot justify a planning refusal. However, if disturbance creates a statutory nuisance this would be dealt with under other legislation by the Councils Environmental Health Officers.

#### Biodiversity and Ecology

The 2021 Environment Act has introduced a mandatory requirement to deliver Biodiversity Net Gain on all developments being granted planning permission. However, the requirements of the Act have yet to come into force and a 2022 DEFRA consultation recommends that householder applications are exempt from the mandatory biodiversity net gain requirement. In these circumstances, it is not considered proportionate or appropriate to require the delivery of Biodiversity Net Gain in association with this proposal, however enhancements to biodiversity through additional planting, bird/bat boxes and/or bee bricks are encouraged.

## **11 CONCLUSION**

The application has been considered against all relevant material planning considerations including the development plan, relevant legislation and policy guidance, taking into account the views of interested 3rd parties.

As a result of this assessment it is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the



street scene. Furthermore, the impact on the solar panels would not be harmful. As such the application is recommended for approval.

## **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:

419-PL-01 = SITE LOCATION AND BLOCK PLAN  
419-PL-05 = PROPOSED ELEVATIONS  
419-PL-04 = PROPOSED FLOOR PLAN  
419-SU-03 = EXISTING ELEVATIONS  
419-SU-02 = EXISTING FLOOR PLANS

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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:**

Jacky Dawe  
Telephone: 023 8028 5447



# New Forest DISTRICT COUNCIL

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

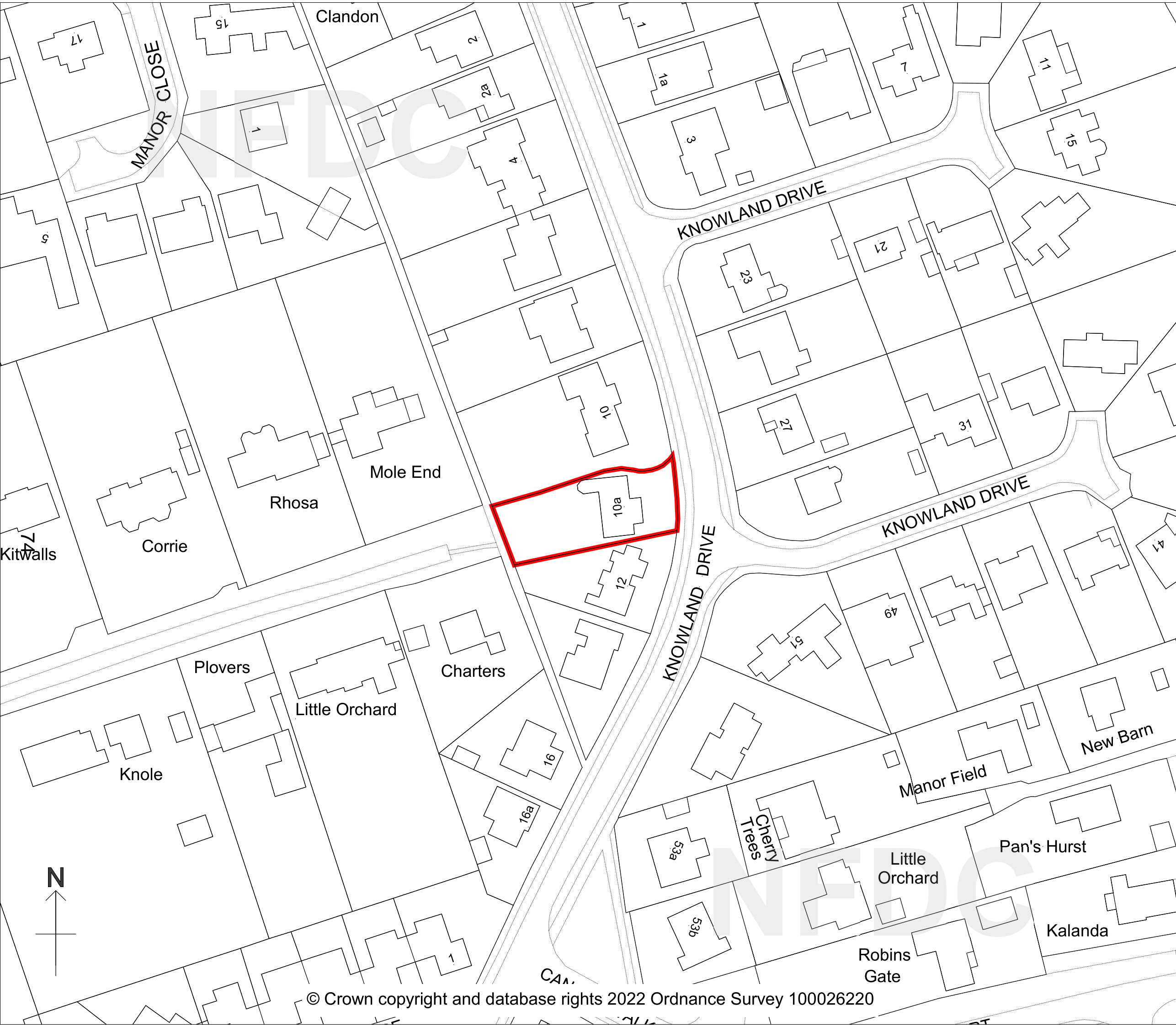
## PLANNING COMMITTEE

August 2022

PENDLE GATE  
10A KNOWLAND DRIVE  
MILFORD-ON-SEA SO41 0RH  
22/10657

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the internet, it will not be to  
scale.



Planning Committee 10 August 2022

**Application Number:** 22/10695 Full Planning Permission

**Site:** COPTHORNE, 5 FOREST GATE, LANGLEY, FAWLEY  
SO45 1GW

**Development:** Carport to front of property

**Applicant:** Mr Carter

**Agent:**

**Target Date:** 23/08/2022

**Case Officer:** Kate Cattermole

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the street scene and character of the area
- 2) Impact on protected trees

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

## 2 SITE DESCRIPTION

The application site consists of a detached house situated on the edge of the built up area of Blackfield and Langley and the eastern boundary abuts the New Forest National Park. The dwelling is part of a 1980s residential development primarily of detached houses, though three of the dwellings (including the application site) front Mopley, which has a more established varied character of built form and by virtue of its lack of pavements and that it leads onto Toms Common has a more rural character.

The existing house is a large property with integral double garage, and sits at the end of a group of three houses, which have a shared access onto Mopley. The property has a gravelled frontage which provides parking, and is screened from the road by established hedging and a group of Oaks Trees, which are part of a Tree Preservation Order.

## 3 PROPOSED DEVELOPMENT

Detached car port sited to the front of the dwelling.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
94/NFDC/54706 First floor addition over garages	02/08/1994	Granted	Decided

NFDC/86/33305 Erection of 23 houses and garages with construction of roads, sewers and open space.

16/12/1987

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

#### **Constraints**

Tree Preservation Order: 1400/T8

#### **Plan Policy Designations**

Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Fawley Parish Council**

PAR 4 We recommend refusal and raise concern that this proposal is in front of the building line and will interfere with the street scene.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environmental Health Contaminated Land:**

No concerns

### **NFDC Tree Team**

No objection subject to condition(s)

## **9 REPRESENTATIONS RECEIVED**

No representations received.

## **10 PLANNING ASSESSMENT**

### **Principle of Development**

Amended Plans have been accepted, but these have not made any changes to the proposed car port, which is the subject of this application. Instead they show changes to the front of the dwelling with the substitution of the integral garage doors for windows. This change could be undertaken as permitted development and does not form part of the consideration of the proposed development.

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.

### **Impact on the street scene and character of the area**

The proposed car port would be a lightweight structure that would be sited forward of the dwelling. However it would be screened from the road by an established

laurel hedge and vegetation, including a group of Oak trees protected by a Tree Preservation Order. As such the proposed car port would not be highly visible within the street scene and therefore would not adversely impact upon it.

The dwelling is the most eastwardly built form on the southern side of Mopley, and beyond the house is the National Park. Even though the car port is forward of the building line on this side of the road, it would not be intrusive as it is at the end of this row of development. Furthermore, by reason of its light weight form it would not be harmful to the character of the area.

#### Impact on the protected trees

A tree report has been submitted in support of the application. The tree protection measures and construction method statement would result in the proposal having limited impact on the protected trees, and this can be secured by appropriate condition.

#### Impact on neighbour amenity

There would be no impact on neighbour amenity by reason of its siting.

## **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 (2021) 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:
- 267 P2 Existing Site Plan as deposited with the Local Planning Authority on 22 July 2022
  - 267 P3 Proposed Site Plan as deposited with the Local Planning Authority on 22 July 2022
  - 267 P3 Proposed Roof Plan as deposited with the Local Planning Authority on 22 July 2022
  - 267 P3 Existing and Proposed Front Elevation - 1 as deposited with the Local Planning Authority on 22 July 2022
  - 267 P3 Existing and Proposed Front Elevation - 2 as deposited with the Local Planning Authority on 22 July 2022
  - 267 P3 Existing and Proposed Side Elevation as deposited with the Local Planning Authority on 22 July 2022
  - Location Plan as deposited with the Local Planning Authority on 28 June 2022
  - Block Plan as deposited with the Local Planning Authority on 28 June 2022

Reason: To ensure satisfactory provision of the development.

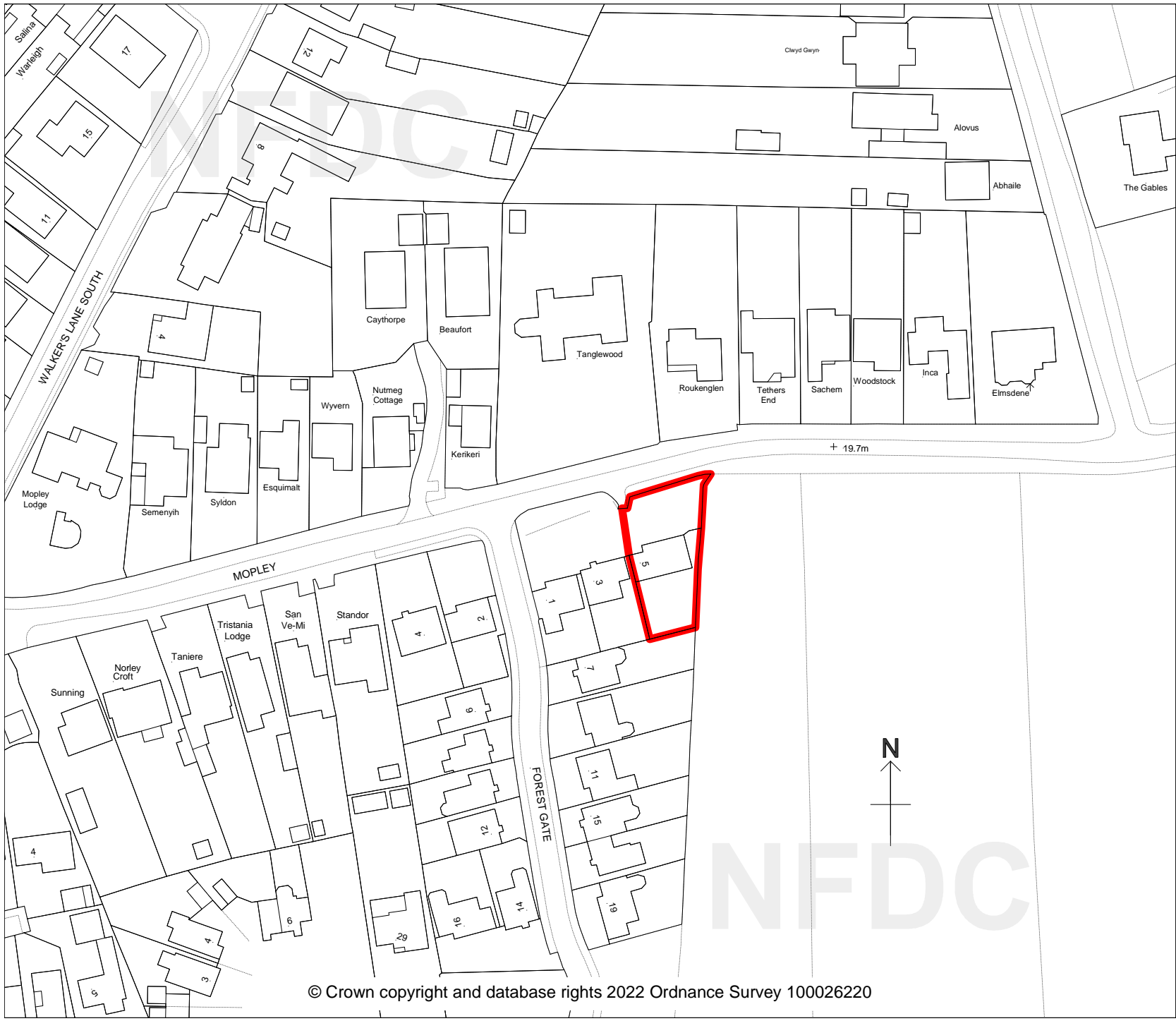
3. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted M JC Tree Services Ltd, Tree Survey , Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement Ref M JC- 22 - 0171 and Plan N o. M JC- 22 - 0171 - 0 3 rev :1 .

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

**Further Information:**

Kate Cattermole

Telephone: 023 8028 5446



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# New Forest

DISTRICT COUNCIL

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[www.newforest.gov.uk](http://www.newforest.gov.uk)

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

## PLANNING COMMITTEE

August 2022

Copthorne  
 5 Forest Gate  
 Langley, Fawley  
 22/10695

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Planning Committee 10 August 2022

**Application Number:** 22/10553 Full Planning Permission

**Site:** 28 HAMTUN CRESCENT, TOTTON SO40 3PA

**Development:** Single-storey side extension and rendering of side and rear elevations (Retrospective)

**Applicant:** Mr Kangarani

**Agent:** Designaplace

**Target Date:** 01/07/2022

**Case Officer:** Andrew Sage

**Extension Date:** 17/08/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

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

This application is to be considered by Committee because the applicant is a District Councillor and a Member of the Planning Committee.

## 2 SITE DESCRIPTION

The application site is a detached bungalow located in a quiet residential road in the built-up area of Totton.

## 3 PROPOSED DEVELOPMENT

The proposal is for the retention of an existing single-storey side extension that was built 0.17m wider and 0.15m shallower than approved by planning permission 17/11623, and for retention of rendering to the rear and side (south-east) elevations.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
17/11623 Single-storey extension	16/01/2018	Granted Subject to Conditions	Decided
17/11614 Single-storey side extension; front porch (Lawful Development Certificate that permission is not required for proposal)	13/12/2017	Was Lawful	Decided

## 5 PLANNING POLICY AND GUIDANCE

### Local Plan 2016-2036 Part 1: Planning Strategy

ENV3: Design quality and local distinctiveness

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

None relevant

### **Plan Policy Designations**

Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Totton & Eling Town Council**

Two complaints were received directly to a Councillor concerning this and previous applications at this site.

The extension in question, when constructed, was built slightly larger than that approved. Previous changes and building works have been undertaken which appear to have been overlooked, resulting in an overbearing development leading to guttering overhanging a neighbouring property.

RECOMMENDATION - REFUSAL, for the reasons listed, 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:

### **Southern Water**

Comment only

## **9 REPRESENTATIONS RECEIVED**

3 letters of objection from neighbouring / nearby properties:

- *Not in keeping with surrounding properties*
- *Access to the rear of the property has been restricted*
- *Not built in accordance with plans*
- *Works undertaken, including change of use, as permitted development that require planning permission*
- *No building control inspection*
- *Constructed without proper foundations*
- *Materials used do not provide necessary protection against spread of fire*
- *Utilities built over*
- *Roofline too close to neighbour's property*

A number of other issues were raised by representations; however, these related to previous granted applications 17/11614 and 17/11623 and are not relevant considerations to this application and are not discussed below.

## 10 PLANNING ASSESSMENT

### Principle of Development

The proposal is for the retention of a side extension and rendering of the rear and side (south-east) elevations.

The principle of extending and rendering the property as proposed is acceptable, subject to compliance with policies.

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 through creating buildings and places that are sympathetic to their environment and context. It also requires buildings and places to respect and enhance local distinctiveness, character, and identity, and avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading or other adverse impacts on local character or amenity.

During the course of the application, following concerns raised by officers, the description and drawings were amended to accurately reflect the nature of the works and the building as existing.

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

Hamton Crescent is a residential road in the built-up area of Totton. The area is characterised by hipped-roofed bungalows, some with gabled front projections, set behind good-sized front gardens with low front walls and typically with a regular space between built form.

Whilst a side extension to the right hand side of the property has substantially increased the width of built form facing the street, this development was deemed to be permitted development (under application 17/11614) and, despite this, the property retains the single storey-hipped roof character that is dominant in Hamton Crescent.

The small side extension which this application seeks to retain is set to the left hand side of the property when viewed from the street, and is set well back within the plot, so that views of the development from the street are limited. Notwithstanding this, the subservient scale, design and layout of the extension is readily absorbed by the site and sits comfortably on the side of the existing property. Whilst rendering is not typical of properties within the street scene it is not an uncommon building element and does not appear discordant in the street scene. The rendered parts of the property are, in any event, set behind a c.1.8m high side gate, and there are only very limited views of the render from the public realm.

The impact of the proposed development on the appearance of the street scene, the host property and the character of the area is considered acceptable.

### Residential amenity

The rear half of the side extension is positioned adjacent to the conservatory located to the rear of 30 Hamton Crescent. However, it is considered that any loss of light to the side windows of the conservatory from the development is no greater than would be achieved from the erection of a c.1.8m high boundary fence under permitted development rights. The window in the side elevation of the development is in close proximity to the side windows of the conservatory of the neighbouring property, and it is therefore reasonable to condition this window to be obscure glazed in order to

prevent unacceptable levels of overlooking or loss of privacy to neighbours or residents. Due to the single-storey scale of the development, it is considered that the amenity, privacy, light to and outlook of neighbouring properties is acceptably preserved.

The issue of external access to the rear of the property has been raised. Whilst this is largely an issue of personal choice for the applicant, a reasonable level of access to the rear of the property is still achievable and it is not considered so restrictive that its use would necessitate damage to the neighbouring property. Furthermore, matters of damage that might arise to a neighbouring property as a result of day-to-day use of the side access are not a relevant planning consideration.

#### Other matters

A number of other matters have been raised by representees. These matters are not material planning considerations and/or relate to previous already granted applications.

#### *Not built in accordance with approved plans.*

Whilst the side extension on the south-east elevation was not built in accordance with the approved plans, this does not mean it is unacceptable. Guidance from Central Government is that enforcement action should be a last resort and that councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or to seek to regularise the breach before resorting to formal action. This application is the proper means for the applicant to regularise the development.

#### *Works undertaken, including change of use, as permitted development that require planning permission*

The extension as constructed replaced a pre-existing structure that formed, and was used as part of the residential dwelling. The extension is used as a utility room, as part of a residential dwelling. There has been no change of use, as the room continues to be in residential (Use Class C3) use and the varying residential uses of rooms within a property are not a planning consideration.

#### *Building control matters, including matters of construction, materials and utilities*

Matters controlled by building regulations are not necessarily planning considerations. It is understood that the original application for the side extension was dealt with via the submitted plans route.

#### *Roofline too close to neighbour*

The eaves and gutters of the extension do not overhang the neighbouring property and are considered to be sufficiently removed to not interfere with the maintenance of the gutters and eaves of the neighbouring property.

## **11 CONCLUSION**

This retrospective application seeks approval of a relatively modest amendment to an extension that was granted planning permission in 2018, as well as seeking approval of the rendering of the rear and south-east side elevations of the property. The proposal would be acceptable within the street scene, and it is considered that the proposal raises no significant concerns in respect of visual or residential amenity. Overall, it is considered that the proposal is acceptable and is therefore recommended for permission.

## 12 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:
  - Dwg no. 2804-PL01 Rev D Site and location plan, as submitted to NFDC on 23 June 2022
  - Dwg no. 2804-PL02 Rev D Floor plans, as submitted to NFDC on 23 June 2022
  - Dwg no. 2804-PL04 Rev D Proposed elevations, as submitted to NFDC on 23 June 2022.

Reason: To ensure satisfactory provision of the development.

2. The ground floor window (shown as serving a utility room) on the south-eastern side elevation of the approved extension shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties.

#### Further Information:

Andrew Sage

Telephone: 023 8028 5780



# New Forest DISTRICT COUNCIL

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New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

August 2022

28 HAMTUN CRESCENT  
TOTTON  
SO40 3PA  
22/10553

Scale 1:1250

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

