

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 12 OCTOBER 2022, AT 9.00 AM*

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

Enquiries to: Email: karen.wardle@nfdc.gov.uk
Tel: 023 8028 5071

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

Claire Upton-Brown
Executive Head Planning, Regeneration and Economy

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

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

AGENDA

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

Apologies

1. 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.

2. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land at Cygnus Gardens, Dibden (Application 22/10907) (Pages 5 - 20)**

New dwelling.

RECOMMENDED:

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

- i) The completion of a S106 Unilateral Undertaking or a planning obligation under S106 by December 2022.
- ii) The imposition of the conditions as set out in the report.

(b) **Barn to East of Sandle Lodge, Main Road, Sandleheath (Application 21/10578) (Pages 21 - 32)**

Demolition of existing barn and erection of replacement dwelling.

RECOMMENDED:

Grant subject to conditions.

(c) **Land of Selwyn, Fryern Court Road, Burgate, Fordingbridge (Application 20/11267) (Pages 33 - 46)**

Demolition of existing outbuildings; erection of 2x detached dwellings with associated parking and landscaping (Outline application with details only of access and scale).

RECOMMENDED:

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

- i) The completion, by 16th December 2022 of a planning obligation entered into by way of a Section 106 Agreement.
- ii) The imposition of conditions as set out in the report.

(d) **5 a Bridge Street, Fordingbridge (Application 22/10202) (Pages 47 - 56)**

Use of rear ground floor as flat (retrospective).

RECOMMENDED:

Grant subject to conditions.

(e) **23 High Street, Fordingbridge (Application 21/10343) (Pages 57 - 68)**

Change of use of part of ground floor from retail to two self-contained flats; fenestration alterations.

RECOMMENDED:

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

- i) The completion, by 2 December 2022, of a planning agreement.
- ii) The imposition of the conditions as set out in the report.

But, in the event that the agreement is not completed by 2 December 2022, Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **REFUSE PERMISSION** for the reason set out in the report.

(f) **Land of 24 Poplar Drive, Marchwood (Application 21/10898) (Pages 69 - 90)**

Demolition of attached garaging and erection of infill dwelling.

RECOMMENDED:

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).
- ii) the imposition of the conditions as set out in the report.

(g) **14 Meadow Close, Ringwood (Application 22/10863) (Pages 91 - 96)**

Variation of condition 2 of planning permission 21/10969 to allow fenestration changes to the west elevation & additional windows to the rear elevation.

RECOMMENDED:

Grant the variation of condition.

(h) **3 Fairlie Park, Ringwood (Application 22/10884) (Pages 97 - 106)**

Roof alterations to raise ridge height; front dormers and roof lights in association with new first floor; rear extension.

RECOMMENDED:

Grant subject to conditions.

(i) **196 Ringwood Road, Totton (Application 22/10857) (Pages 107 - 112)**

1.825m high fence across the front boundary, to include a 3.75m access that will incorporate a gate (retrospective).

RECOMMENDED:

Refuse.

(j) **Land rear of 87-99 Long Lane, Holbury (Application 22/10346) (Pages 113 - 126)**

Erect 4 flats and 1 house with associated parking.

RECOMMENDED:

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

- i) The completion and submission of a Unilateral Undertaking in accordance with Section 106 and accompanied by payments as set out in the report.
- ii) The imposition of conditions as set out in the report.

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

3. 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 12 October 2022

Application Number: 22/10907 Full Planning Permission

Site: LAND AT CYGNUS GARDENS, DIBDEN SO45 5UH

Development: New dwelling

Applicant: Mr Carr

Agent: Sanders Design Services Ltd

Target Date: 03/10/2022

Case Officer: Stephen Belli

1 SUMMARY OF THE MAIN ISSUES

- 1) Principle of development including 5 year land supply
- 2) Design and impact on the character and appearance of the area
- 3) Impact on residential amenities of adjacent neighbours, in terms of light, outlook and privacy
- 4) Car parking provision and highway safety
- 5) Ecology and impact on sites designated for nature conservation, and matters relating to Biodiversity net gain

The application is before Committee due to the contrary view of the Parish Council

2 SITE DESCRIPTION

The site is located within the settlement boundary of Hythe/Dibden Purlieu as shown in the adopted Local Plan 2016-2036. The site comprises an irregular shaped parcel of land measuring some 41 metres in length by 8 metres wide, widening to 10 metres at the front before narrowing down. The site lies immediately adjacent to two other dwellings, nos. 46 and 47 Cygnus Gardens situated along the northern boundary. The site lies at the end of a publicly adopted unclassified highway estate cul de sac road. Access to the site is via an existing grass verge area and is currently on foot only. Nos, 46 and 47 Cygnus Gardens comprise a semi detached pair of dwellings with no. 47 fronting the cul de sac turning circle and no. 46 fronting the application site's northern boundary. These two dwellings are provided with two parking spaces each. No. 47 has a small, limited garden area to the front with the garden of No. 46 to the rear. The southern boundary of the site backs onto public open space recreation land and amenity woodland.

3 PROPOSED DEVELOPMENT

The development is for full planning permission for a detached two storey two bedroom dwelling orientated to face east towards the cul de sac presenting a side elevation to the north and south. The dwelling will be constructed in brick under a tiled roof and will generally match with existing dwellings on the estate. The dwelling comprises a lounge, diner and kitchen on the ground floor with two bedrooms and a bathroom at first floor. Vehicular access is via a new hard surfaced roadway within the existing grass verge with two parking spaces and a small turning area along with a bin storage area also provided. The dwelling is predominantly two storey but with a single storey lean to extension at the rear forming the kitchen and diner. The site enjoys all mains services.

4 PLANNING HISTORY

04/82011 Single-storey rear extension 46 Cygnus Gardens	01/09/2004	Granted Subject to Conditions
99/66534 Conservatory 46 Cygnus Gardens	05/07/1999	Granted Subject to Conditions
91/NFDC/48634 Two-storey side addition 46 Cygnus Gardens	11/12/1991	Granted Subject to Conditions

5 PLANNING POLICY AND GUIDANCE

Full details of the following policies can be found on the Council's web site by following this link.

[Planning policy - New Forest District Council](#)

Local Plan Part 2: Sites and Development Management

Policy DM1 Heritage and Conservation

Policy DM2 Nature conservation, biodiversity and geodiversity

Local Plan Review 2016-2036 Part One: Planning Strategy

Policy STR1 Achieving sustainable development

Policy STR3 Strategy for locating new development

Policy ENV1 Mitigating the impact of development on International Nature
Conservation sites

Policy ENV3 Design quality and local distinctiveness

Policy IMPL1 Developer contributions

Policy IMPL2 Development standards

Hythe and Dibden Neighbourhood Plan 2019

*Para 7.4 The parish will be notable for its **high standards of design** in the built and natural environment. New development including housing will be informed by a clear understanding of the locally valued environmental and cultural assets of the parish and will be sensitively integrated into the existing environment.*

Aim 1 To promote high standards of design in the built and natural environment

Objectives

- New development shall be designed and built to high standards of quality based on a clear understanding and appreciation of the unique character of the area and what is valued locally.

- New development shall respect and enhance the character and distinctiveness of the built and natural environment.
- The design of new development shall contribute to ‘sense of place’ and support a locally appropriate balance of environmentally, economically and socially sustainable outcomes.

Policy D1

All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

- that local character and context has been fully recognised,
- that the proposed design responds to it, and
- that what is valued locally is respected.

The design and materials used in the development should complement, but do not necessarily need to imitate, the best examples of design and building in the local area. Innovation in design is encouraged, provided it fully respects local context.

Policy D3

Hythe and Dibden has its own unique qualities and characteristics - all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

Supplementary Planning Guidance and other Documents

SPD Mitigation Strategy for European Sites
 SPD Parking standards 2022
 SPD Housing design, density and character

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Habitat Regulations 2017

63 – assessment of implications for European sites etc.
 64 – considerations of overriding public interest

Relevant advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 14 Climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

National Design Guide 2019

Constraints

Plan Area
SSSI IRZ All Consultations
Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area
Landscape Feature

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL for the following reasons:

- 1) There are concerns about the impact on residential amenity of the adjacent neighbouring property No 46 Cygnus Gardens, in respect of light, visual intrusion, privacy and enjoyment of their garden.
- 2) The proposed property would be overbearing to the neighbouring property, No 46 Cygnus Gardens.
- 3) There are concerns regarding vehicular access to the property and associated parking problems which could potentially lead to neighbour disputes.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecology

The site has clearly been cleared having previously been overgrown. If these works are recent this will have been undertaken in the bird nesting season which is disappointing. The habitats that were present could also have supported common reptiles species such as slow worm. Whilst given the current state of the site there appears little point in requesting a Preliminary Ecological Assessment, I would suggest inclusion of a planning condition requiring a comprehensive scheme of biodiversity enhancements given the site clearance that has taken place in advance of the planning application. I would expect this to include, swift bricks, bat box, bee bricks and a landscaping scheme comprising native species / species of wildlife value.

NFDC Trees

There are no trees within this site that are considered a constraint to development. However, there are a number of trees on the adjacent land that could be impacted by this proposal. To support this application the MJC Tree Services Limited Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement has been submitted. This report has identified the trees that could be potentially impacted by the proposal. I am in agreement with the grading of the

trees within this report. Off site to the south on public land is a prominent large Oak tree. This tree has been recently protected by Tree Preservation Order TPO/0014/22. The proposed dwelling is far enough from this tree that it does not encroach the root protection area. However, this Oak tree will cast a degree of shade over the front of the dwelling but there is sufficient light to the rear of the proposed dwelling and garden that this should be tolerable for any future occupants. As a precaution this Tree has been protected by a Tree Preservation Order to ensure any pruning back of this tree can be controlled through the tree work application process. The submitted tree report specifies sufficient tree protection measures and I have no objections on tree grounds. If you are minded to grant consent, please include the below condition.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Two letters of objection received

- Size and position of new dwelling will have a significant effect on direct sunlight into the property and garden of no 46
- Proposed dwelling will cause loss of privacy with overlooking from upstairs rear windows to garden of no. 46
- No. 46 claim ownership of right of way for driveway and concerns raised about this and the level of parking which could conflict with their own needs
- Query over drainage runs and potential trespass to install drainage
- Concern that site has been cleared of any ecological value before the application was made – this should be remedied with new ecological enhancements in the event of an approval
- Future extensions upwards of the rear single storey element could be intrusive
- Concerned about past and future tree loss in this area

10 PLANNING ASSESSMENT

Principle of Development

The site lies within the settlement boundary and consequently the principle of development is generally agreed subject to consideration of other environmental factors including an assessment of the sustainable development test set out in the NPPF.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and while the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. When published, this will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

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

Policy ENV3 of the Local Plan states that development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different needs with realistic levels of car parking, and attractive and appropriate green spaces. This policy is supported by the Neighbourhood Plan policies set out above.

The site comprises an open unused parcel of land closely sited and associated with the existing housing estate. In character terms the development of this site does not undermine the character of the estate or its adjoining woodland and public open space. The development will be seen more as rounding off. The site does not represent an important piece of open space or amenity land where its loss might impact on local character. The dwelling has been designed to fit comfortably within the plot and can even be seen as a larger plot than most of its neighbours. At pre application advice stage the Council was approached about a development here of two dwellings. The Case Officer on a without prejudice basis in response considered that this would be a cramped form of development and give rise to parking issues, but that one dwelling may be considered more favourably. In addition, the earlier proposal completely filled the width of the plot whereas the application proposal has a walkway between it and the fence boundary with no. 46 and a narrow strip along the southern boundary with the open space. Finally, the depth of the two storey element facing the neighbour no. 46 has been reduced and is no more in line with the two storey element of no.46. The applicant has therefore generally followed the without prejudice advice offered at pre application stage in his submission.

The applicant has submitted a plan showing an appropriate slab and ridge level similar to the adjoining properties.

Overall, there are no objections in terms of the impact of the new dwelling on local character and appearance. The design and layout generally accord with Local Plan and Neighbourhood Plan policies it is considered.

Highway safety, access and parking

The Council's current SPD on parking requires two on plot parking spaces for a 2 bedroom dwelling. The application plans indicate two spaces sized as per the enlarged size standards set out in the SPD. Furthermore, the applicant has provided an electric charging point again as required by the SPD.

The access to these parking places runs over a grassed area claimed by the owner of no. 46. The applicants in response (see below) have stated that they have a right to pass and re-pass for access purposes with or without vehicles. Officers are satisfied that parking and access can be conditioned to be completed prior to occupation. Any civil law matters will need to be resolved between the parties concerned.

The parking spaces are also provided with a small turning area to allow vehicles to enter and leave the site in a forward gear. A minor addition to the parking spaces to include bollards to prevent cars overrunning the access pathway to the front of the two neighbouring dwellings can be included by condition.

Traffic speeds in this location are low given the tight knit nature of the cul de sac and it is considered that there are no overriding highway safety matters which could substantiate a reason for refusal.

Residential amenity

The adjoining dwelling has expressed a number of amenity concerns set out above.

The new dwelling is located to the south of the objector's property. The Case Officer has taken the opportunity whilst carrying out his site inspection to view the interior of the objector's property to assist in assessing the impact. The objector has a living room and conservatory extension on the side nearest to the development plot. The living room has a side facing window which will suffer from sun light and day light loss due to the proximity of the two storey side element of the new dwelling. That said the living room window is set back from the common boundary with a 4 metre gap between the existing and proposed building. In addition, this window is already partially shielded by a tall closed boarded fence. The living room window affected is also not the only window into this habitable room as the living room extends into a conservatory with glazed doors between the two rooms giving borrowed light. On balance whilst it is accepted there will be some loss of sun and daylighting into this habitable room the impact is not so severe as to warrant a recommendation of refusal. The new dwelling also has a single storey lean to extension at the rear which assists in reducing any impact further. It is considered given the close relationship between the two properties that in the event of an approval recommendation permitted development rights to restrict any upward extension of this lean to, along with any other extensions to the dwelling.

The objector also refers to overlooking issues. The new dwelling has one ground floor side facing window serving the dining area which will look directly into the party boundary fence. At first floor level there is a narrow landing window on the side elevation which looks obliquely towards a first floor bedroom window of the objector. On the rear elevation the upstairs windows which the objector claims will cause overlooking are one bedroom window on the side furthest away from the objector, and one bathroom window closest to the party boundary with the objector. The bedroom window will cause oblique overlooking of the garden of the objector but not at close quarters and no different to other overlooking relationships on the estate. The bathroom window can be obscure glazed and is shown as such on the submitted plan. Similarly, the landing window is shown as obscure glazed. Both windows can be retained as such by condition. Overall, therefore the level of overlooking is no so severe as to warrant a refusal of permission.

The objector finally refers to matters of civil law relating to car parking access and rights to install drainage runs.

The applicant's agent has commented as follows with regard to the matters raised by objectors.

In relation to the comments received from number 50, these seem to be concerned with potential future development at the site and the ecology recommendations. There would be no objections to a condition removing permitted development rights for enlargements to the dwelling. Furthermore, the ecology recommendations are included within the proposal as submitted and these can be secured by condition. Your officers are satisfied that the matters raised by objectors and the Parish Council have been adequately addressed above. It remains the case that a grant of planning permission does not invalidate any civil law rights and a planning permission does not give rights to trespass on 3rd party land or to carry out works thereto without the owners consent. It will be made a condition of planning permission that all parking and access roads are completed prior to the occupation of the dwelling.

Ecology

a) Recreational Impacts

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 was to mitigate that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant is happy to submit a Unilateral Undertaking to secure the recreational mitigation contribution.

b) Air quality monitoring

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

c) Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is included in the recommended conditions below.

d) On Site Biodiversity and protected species

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats.

Development Plan policy, Government advice and emerging legislation all require an enhancement to on site biodiversity wherever possible.

Objectors have referred to the land being cleared prior to the application being made. Whilst that may be the case the applicants have now submitted a biodiversity enhancement plan to include bird and bat boxes and bee bricks included in the fabric of the building. In addition, the applicant has agreed to a landscaping condition which can include the details of all fence boundaries which should include hedgehog holes. There have been some instances in the past of some works to trees in this area but there is no evidence that such works were undertaken by this applicant. The large oak tree at the front of the site is considered worthy of protection however and whilst this is outside the site on County Council land it has been made the subject of a provisional Tree Preservation Order to protect the tree from future works to lop, top or fell. The trees within the site or adjoining within the garden of no.46 are however not worthy of formal protection. The landscaping scheme can also require some suitable tree planting to take place within the site.

Developer Contributions

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
Self Build (CIL Exemption in place)	83	0	83	83	£80/sqm	£8,478.77 *
Subtotal:	£8,478.77					
Relief:	£8,478.77					
Total Payable:	£0.00					

11 CONCLUSION

The application site lies in a sustainable location within the settlement boundary of Dibden Purlieu. The design and layout of the site are considered to be generally in character and will not adversely harm the appearance of the area. The issues raised by the Parish Council and objectors can be addressed by planning conditions and through the design and layout of the site. Parking and access are adequate to serve this modest dwelling. Permitted Development rights can be withdrawn to ensure the development remains of an appropriate scale to protect matters of amenity and highway safety. Conditions can be applied to include ecological enhancements within the building and the site. Finally, the new dwelling will help to address the current shortfall in housing land availability and the tilted balance as set out in the NPPF is engaged. The small size of the property will assist in meeting a housing need as a potential starter home. The planning balance is therefore one of approval subject to a S106 Unilateral Undertaking or S106 obligation to secure the necessary habitat mitigation and air quality contributions, and appropriate planning conditions.

12 OTHER CONSIDERATIONS

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. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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.

13 RECOMMENDATION

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

- i) the completion of a S106 Unilateral Undertaking or a planning obligation under S106 by, 16 December 2022, to secure recreational habitat mitigation and air quality contribution;
- 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:

dc sht 1 rev A	Proposed Elevations and Floor Plan
dc sht 2 rev A	Location block and bin store plan
dc sht 3	Site layout parking and access plan
dc sht 5	Proposed slab and ridge levels

Reason: To ensure satisfactory provision of the development.

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

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

4. The first floor landing and bathroom windows on the rear and side elevations of the approved dwelling shall be :

- (i) obscurely glazed, and
- (ii) the landing window be non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan dc sht 3 for access and parking of motor vehicles have been completed and provided. The spaces shown on the approved plan shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved at all times. Such spaces shall be fitted with bollards the details and location of which shall be agreed in writing with the LPA and installed prior to occupation of the dwelling and maintained as such thereafter.

Reason: To ensure adequate and safe 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. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each 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 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;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

9. The dwelling shall not be occupied until such time as the bat and bird boxes, together with bee bricks as shown on the approved elevation plans have been installed. Following installation such details shall be maintained in perpetuity thereafter. All close boarded fences within the site shall also be fitted with at least one hedgehog hole measuring 13cms x 13 cms in each fencing run prior to occupation of the dwelling and maintained as such thereafter.

Reason: To ensure biodiversity improvements are implemented and to comply with Local Plan Policies ENV3 and DM2

10. The development hereby permitted shall not be occupied until:

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

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

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

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

11. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

12. The shed and cycle store as shown on approved plan dc sht 2 along with the bin and recycling storage facilities shown shall be made available prior to occupancy and retained as such thereafter.

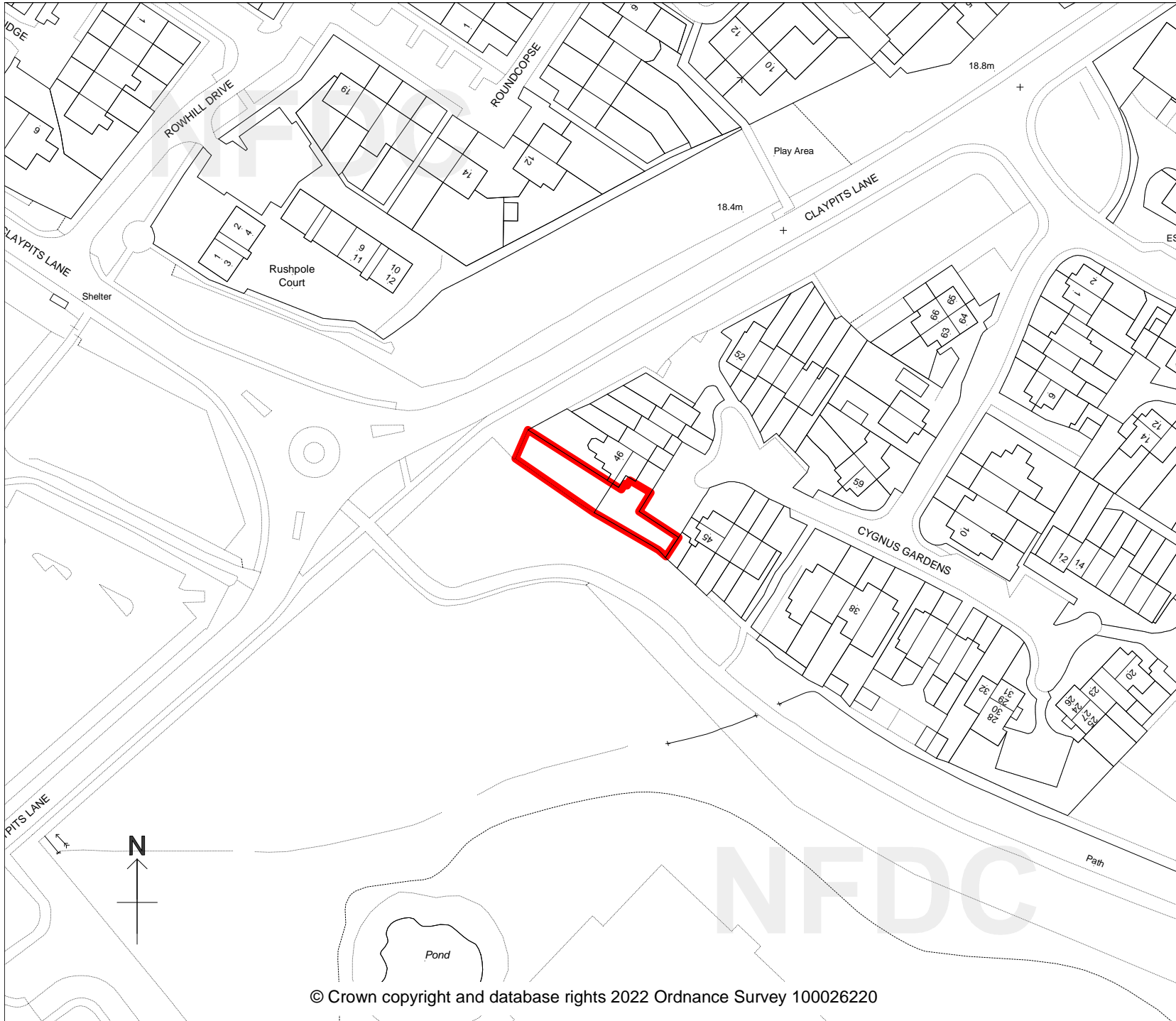
Reason: To comply with policy ENV3 of the Local Plan in the interests of design and sustainable travel options.

13. 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, garage or other outbuilding otherwise approved by Class E 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, and its relationship with neighbouring properties 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.

Further Information:

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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

October 2022

Land at Cygnus Gardens
Dibden

22/10907

Scale 1:1250

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the internet, it will not be to
scale.

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Planning Committee 12 October 2022

Application Number: 21/10578 Full Planning Permission

Site: BARN TO EAST OF SANDLE LODGE, MAIN ROAD,
SANDLEHEATH SP6 1PF

Development: Demolition of existing barn and erection of replacement dwelling

Applicant: Healthy Property Group Ltd

Agent: Fowler Architecture & Planning Ltd

Target Date: 15/06/2021

Case Officer: Stephen Belli

Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The Principle of Development
2. Residential Development in the Countryside
3. Design, site layout and impact on local character and appearance of area
4. Highway safety, access and parking
5. Residential amenity
6. Ecology
7. Air Quality
8. Habitat Mitigation
9. Housing Land Supply

This application is considered by Committee due to a contrary Parish Council view.

2 SITE DESCRIPTION

The proposal relates to a single storey agricultural building of relatively recent construction (mid-late 1970's), constructed of timber cladding and metal corrugated iron roof. It is set in the countryside outside but adjoining Sandleheath's built-up area as shown in the adopted Local Plan and is accessed from Main Road into Scats Lane and then via a partially metalled undadopted private track. The site benefits from consents granted in March 2019 to convert to a 2 bed dwelling, and in December 2020 to demolish and replace with a 3 bedroom dwelling.

3 PROPOSED DEVELOPMENT

The current proposal seeks planning permission, which would involve removal of the existing structure from the site, replacing it with a larger 4 bedroom dwelling, the design of which would be in an agricultural style and externally would appear the same as the replacement structure approved in December 2020. The dwelling would be finished with a brick plinth, timber weatherboard cladding, clay tile roof and conservation rooflights. Off street parking would be provided for three cars, with a separate hardstanding storage area for cycles. The garden curtilage is to be quite tightly arranged around the footprint of the proposed building, with fencing to the north and east and hedge planting to the south and west.

4 PLANNING HISTORY

20/10487 Demolition of existing barn and erection of replacement dwelling	09/12/2020	Granted Subject to Conditions	
19/10561 House; detached garage; demolition of existing barn	25/06/2019	Refused	Appeal Dismissed
19/10008 Use of agricultural barn use as residential dwelling (Prior Approval Application)	05/03/2019	Prior Approval not required	
16/10436 Use of barn as 1 residential unit; fenestration alterations (Prior Approval Application)	25/05/2016	Prior Approval not required	

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 1

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy 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 STR5: Meeting our housing needs

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM20: Residential development in the countryside

Supplementary Planning Guidance

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Sandleheath Village Design Statement
SPG - Residential Design Guide for Rural Areas
SPD - Housing Design, Density and Character
SPD - Air Quality Assessments in New Development 2022

Relevant Advice

Chap 5: Delivering a sufficient supply of homes
Chap 12: Achieving well designed places

Constraints and Plan Policy Designations

Countryside beyond the Built-up Area
Plan Area
Avon Catchment Area

6 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council - recommend a PAR4 REFUSAL for the reasons listed:

1. The existing planning permission under 20/10487 was adequate for the location, giving the applicant an extra 30 sq. m accommodation from the existing barn.
2. The increase to a 4 bedroom house would give a higher potential for extra vehicle traffic on an already unsuitable access road that has a dangerous access point on Scats Lane.
3. The addition of 2 extra bathrooms gives potential for extra waste water. A concern noted on previous consultations on this site.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land - no objections

Ecologist - generally, my views are the same as previously communicated for application 20/10487 from an ecological perspective. No objection subject to the mitigation and enhancement measures detailed in Sections 4,5 and 6 (and Figure 3) of the Abbas Ecology Ecological Appraisal and Impact Assessment report dated April 2020 and the subsequent Preliminary Ecological Appraisal: Bat Check and dusk activity surveys report Dated 10th July 2020 being secured with a short letter report being provided by the attending Ecologist of actions taken. The short letter report should confirm that the actions detailed in the method statement are undertaken by a suitably qualified ecologist and to report any findings (or lack of). I am content that we can determine the application with the age of data, especially with the extant planning permission. An informative should be applied to any decision regarding legal protection afforded to bats.

Scottish and Southern Electricity - give informatives

Southern Gas Networks - give informatives

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- The site is a green field site, which should be preserved.
- Detriment to highway safety caused by additional traffic
- Damage caused to the access by construction traffic
- Disturbance caused by construction activity
- The development is beyond the settlement boundary, within the countryside
- A new dwelling should not be permitted on this site, beyond that permitted by Class Q

For: 0

Against: 2

10 PLANNING ASSESSMENT

Principle of Development

The principle of residential development has been established on this site through previous approvals, which have approved both conversion and replacement of the existing barn on the site for residential development.

Residential Development in the Countryside

Policy DM20 of the Local Plan Part 2 is pertinent to consideration of the proposal. It specifies that residential development in the countryside will only be permitted where it is for the replacement of an existing dwelling, for affordable housing or to meet the needs of an agricultural or forestry worker. It goes on to state that replacement dwellings must not increase the floorspace of the existing dwelling by more than 30%. In all cases development should be of an appropriate design, scale, appearance and in keeping with the rural character of the area. Paragraph 2.107 of the Local Plan Part 2 states that 'new housing development is very tightly restricted in the countryside'. Paragraph 170b of the NPPF states that planning 'decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'.

In determining the appeal for a dwelling on the site, the Inspector concluded that the proposal would be contrary to Policy DM20 of the LPP2, which amongst other things, seeks to secure development that is designed to respect the character, identity and context of the area's towns, villages and countryside; contributes positively to local distinctiveness and sense of place; and not to cause unacceptable effects by being, for example, visually intrusive. The other key difference between the appeal proposal and the later approval for a replacement dwelling was that the appeal proposal was not on the same footprint as the original building and was larger and designed to replicate a large two storey house rather than a barn conversion.

While the proposed development is not related to an existing dwelling, it is related to a single storey agricultural building with consent to convert it to a two bed dwelling. Consequently the 30% floor space threshold applied by Policy DM20 is useful in determining the impact of the proposal on the countryside, in terms of how its scale and massing might impact upon openness and visual amenity. The dwelling approved under the prior approval consent ref. 19/10008 had a floor area of 100 sq.m, occupying ground level only and with only minor changes to fenestration.

A subsequent planning application was approved under reference 20/10487 with an internal floor area of 130 sq.m, constituting a 30% increase in floor area, in compliance with Policy DM20. Within the countryside, limits are placed on floorspace increases, to provide a degree of control over alterations to the scale and visual impact of dwellings, ultimately to protect the character and appearance of the countryside. It is clear from comparison of the elevations and dimensions of the existing building with the building approved under ref. 20/10487 that the proposal would be of greater scale and mass than the existing structure. The existing building is 5.2m in height compared to 6.8m for the proposed development and over a larger footprint. The eaves are low to the rear, but higher to the front and the proposed dwelling would have a greater impact upon the openness and appearance of this countryside location than the existing structure.

However, the dwelling has been designed to replicate the appearance of a traditional agricultural barn building and would be constructed of acceptable materials, against a backdrop of mature vegetation and with a hedgerow to the front, which would all assist with its integration into the landscape.

While the current proposal would result in a larger floor area (218 sq m as opposed to 130 sq m) than the proposal approved under ref. 20/10487, through introduction of a first floor, it is on the same footprint and its external dimensions and appearance would be exactly the same as the previously approved scheme. The impact on the appearance of the area must therefore be considered neutral when judged against the earlier approval. It follows that if the earlier 130sq m new build considered under DM20 was acceptable then so must be the current building even though it has a much greater floor area internally.

The proposed car parking and garden curtilage are modest in terms of their extent. In these respects the proposal represents a significant improvement to the proposal dismissed at appeal and it is considered that it has addressed the concerns of the Inspector. Consequently the proposed dwelling could fit comfortably within the rural context, being of acceptable scale and design, subject to conditions to remove permitted development rights for extensions and outbuildings and to ensure appropriate landscaping is implemented, in accordance with the Council's principle countryside protection Policy DM20. A slavish adherence to the 30% floorspace rule could not be considered a substantive and defensible reason for refusal on this occasion.

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

Policy ENV3 of the Local Plan seeks to ensure that all new development is appropriate and sympathetic to its setting. It must be considered whether the siting, scale, design and form of the development proposed would be acceptable in this countryside location and whether it follows the guidance offered by the Council's adopted SPD - Residential Design Guide for Rural Areas. The 2019 NPPF Section 12 states that 'achieving well designed places encourages high quality buildings and places and good design is a key aspect of sustainable development. Planning decisions should ensure developments are inter alia visually attractive and sympathetic to local character. Para 130 states that permission should be refused for development of poor design.

The proposed dwelling would be sited in an attractive rural location, to the south of Sandheath's built-up area and north of Reeve's Copse. It would be viewed on approach from the south along a country track against a backdrop of vegetation, rather than in an urban context. The previous section has explained that the Council considers the proposed dwelling could be acceptable in terms of form, design, massing and scale in this countryside location.

The Rural Design Guide states that 'new dwellings should respect the local traditional building style and employ materials and detailing which reinforce local character', going on to state that replacement structures 'should normally be positioned close to the original location'. 'The scale, depth roofline and plan format should be sympathetic to the locality and the character should respect the local vernacular'. The proposal adheres closely to the footprint of the original building and its design, scale, materials and form respect the local traditional building style and vernacular. This exact design and location has already been approved under the earlier permission noted above.

Consequently, the proposal complies with the design and character related provisions of the Residential Design Guide for Rural Areas, NPPF section 12 and Policies ENV3 and DM20.

Highway safety, access and parking

While the proposed development may result in increased use of the private access road compared to the existing situation, as the agricultural building is not in regular use, the fall-back position is that the applicant may convert the building to a dwelling in any case or even revert back to a more intensive agricultural use of the building. While the proposed dwelling would be larger than the prior approved dwelling, the resultant increase in traffic would be modest and could not substantiate a reason for refusal on highway grounds. The proposal provides adequate access, parking and turning arrangements. The Highway Authority previously raised no specific concerns over the proposal, subject to conditions. Adequate off-street parking provision (3 spaces) is made for a dwelling of this size. There is no requirement for this scale of development to consult with the Highway Authority as there are no alterations to the public highway.

The comments of the Parish Council are noted but the single dwelling scale of this proposal does not support a reason for refusal. Neither is the point of access onto Scats Lane and then Main Road unacceptable. Visibility in both directions is reasonable and traffic speeds are adjudged to be inherently slow in this part of the 30mph limit. The increase in size from a 3 bed dwelling to a 4 bed dwelling does not create any further unacceptable highway impact.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, details of which are secured by condition.

Residential amenity

Policy ENV3 also seeks to ensure that all new development shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon the residential amenity of existing and future occupiers. The proposal will not impact upon the amenity of neighbouring residential properties, being well separated from other houses in the locality and well screened from other residential curtilages by mature trees, such that there would be no overbearing impact or loss of privacy. Furthermore the unfenestrated, catslide roof arrangement to the north ensures that no loss of privacy would result to dwelling or their curtilages to the north.

Ecology

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 application is supported by a biodiversity report, undertaken by a suitably qualified professional ecologist and the Council's Ecologist is content that it represents a suitable assessment of the habitats on site and its potential to support protected or notable species. A planning condition is recommended requiring the development to be implemented in accordance with the recommendations of the Preliminary Ecological Appraisal.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be provision of EV charging point, cycle parking and backland location with reduced exposure to pollution.

Habitat Mitigation

a) Recreational Impacts

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 was to mitigate that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant has completed a Section 106 Agreement dated 25th August 2021, which secures the recreational mitigation contribution.

b) Air quality monitoring

Following adoption of the Local Plan in July 2020 an air quality monitoring contribution is required by Policy ENV1, to be secured via s.106 or unilateral undertaking. The applicant has completed a Section 106 Agreement dated 25th August 2021, which secures the air quality monitoring contribution.

c) Phosphate neutrality and impact on River Avon

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission 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 phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable phosphate

loading to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	218	100	118	118	£80/sqm	£12,090.46 *
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Subtotal:	£12,090.46
Relief:	£0.00
Total Payable:	£12,090.46

11 CONCLUSION

The proposal would make a modest contribution towards meeting the Councils' housing land supply targets and raises no significant concerns in respect of its impact upon the character of the area, adjoining amenity, ecology or highway safety. It has mitigated its impact upon European sites through completion of the legal agreement and is accordingly recommended for approval, subject to conditions.

12 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:

Drawing number MBN AH/1 Existing Elevations
Drawing number MBN AH/2 Existing Plans
Drawing number A-191108-01 Rev 1 - 1:1250 Site Location Plan
Drawing number A-191108-100 Rev 5 Site Plan
Drawing number A-191108-105 Rev 1 - Barn Design Scheme
Drawing number A-191108-120 - Site Management Plan
Preliminary Ecological Appraisal by Abbas Ecology dated 10/07/2020
Further Ecological Appraisal by Abbas Ecology dated April 2020
Tree Survey and Arboricultural Assessment by Hellis dated April 2020
Planning Statement by Fowler Architectural and Planning
Construction Method Statement dated August 2021

Reason: To ensure satisfactory provision of the development.

3. Prior to any development above slab level of the dwelling hereby permitted, samples or exact details of the facing, fenestration and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy ENV3 of the Local Plan Part 1 Strategy for the New Forest District outside the National Park.

4. Prior to any development above slab level of the dwelling hereby permitted, 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;

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest District outside the National Park.

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest District outside the National Park.

6. 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, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. No other first floor windows other than those hereby approved shall be inserted into the roofslope of the building unless express planning permission has first been granted.

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

8. The works hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures detailed in Sections 4,5 and 6 (and Figure 3) of the Abbas Ecology Ecological Appraisal and Impact Assessment report dated April 2020 and the subsequent Preliminary Ecological Appraisal: Bat Check and dusk activity surveys report Dated 10th July 2020. Thereafter, a short letter report should be submitted to the local planning authority to confirm that the actions detailed in the method statement are undertaken by a suitably qualified ecologist and to report any findings (or lack of).

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 Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

9. The development shall be implemented in full accordance with the Construction Method Statement dated August 2021 and drawing number A-191108-120 - Site Management Plan.

Reason: In order that construction activity does not have any significant adverse impact on the amenity and highway safety of the locality in accordance with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest outside of the National Park.

10. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided before the approved dwelling has been occupied and shall thereafter be retained in accordance with the approved details.

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).

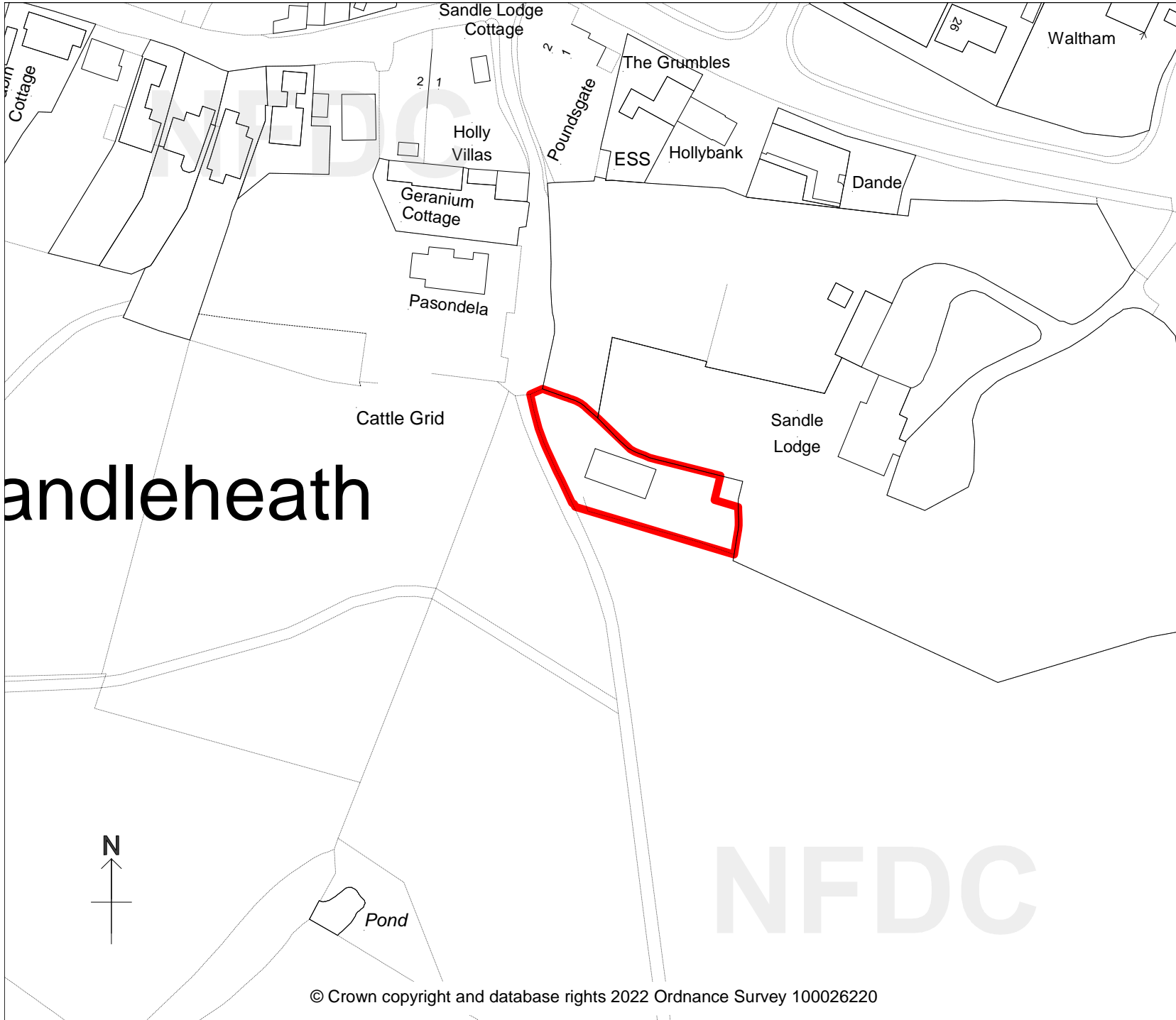
11. The development hereby approved shall not be occupied unless:
- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person 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;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

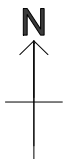
Further Information:

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Sandleheath



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New Forest DISTRICT COUNCIL

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PLANNING COMMITTEE

October 2022

Barn to East of Sandle Lodge
Main Road
Sandleheath
21/10578

Scale 1:1250

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

Planning Committee 12 October 2022

Application Number: 20/11267 Outline Planning Permission

Site: LAND OF SELWYN, FRYERN COURT ROAD, BURGATE,
FORDINGBRIDGE SP6 1NG (PROPOSED LEGAL AGREEMENT)

Development: Demolition of existing outbuildings; erection of 2x detached dwellings with associated parking and landscaping (Outline application with details only of access & scale)

Applicant: Edgewater Homes

Agent: Atlas Planning Group

Target Date: 01/03/2021

Case Officer: Stephen Belli

Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Creating healthy and safe communities through good design and the impact on the character and appearance of the area;
3. Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy;
4. Impact on highway safety, including matters relevant to car parking;
5. Impact on ecology and in particular protected species;
6. Air Quality
7. Habitat Mitigation
8. Housing Land Supply

This application is presented to Committee as the recommendation is contrary to the view of Fordingbridge Town Council.

2 SITE DESCRIPTION

The proposal relates to the garden curtilage of a modest detached dwelling located within the recently modified built-up area along a rural road to the north of the town of Fordingbridge. The area is characterised by detached dwellings set within generous garden curtilages, with the Glasshouse Studios to the east. Located within the curtilage of Selwyn is an outbuilding, which appears to be occupied as annexe accommodation to the principle dwelling on the site. It is proposed to remove the annexe structure in order to facilitate the proposed development. The site immediately adjoins Footpath FP83 Fordingbridge on its southern boundary.

3 PROPOSED DEVELOPMENT

The application is made in outline, with access and scale to be considered, seeking consent for 2 no. dwellings on the site. Plans have been submitted, showing potential access from Fryern Court Road and two detached 3 bedroom bungalows and potential layout arrangements.

4 PLANNING HISTORY

20/10908	Demolition of existing outbuildings and the erection of 3 x detached dwellings 14/10/2020 Refused
15/11364	Detached outbuilding 06/11/2015 Granted Subject to Conditions (<i>not the outbuilding referred to above</i>)
14/11440	Single-storey side extensions 19/12/2014 Granted Subject to Conditions
14/10998	Single storey side extensions 02/10/2014 Granted Subject to Conditions
14/10997	Detached garage/outbuilding 03/09/2014 Refused
13/11306	Detached garage/outbuilding 09/01/2014 Refused
XX/RFR/11244	Four dwellings with access. 18/08/1966 Refused

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
Policy STR6: Sustainable economic growth
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards

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

SPG - Residential Design Guide for Rural Areas
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Fordingbridge Town Design Statement
SPD - Air Quality Assessments in New Development 2022

Relevant Advice

National Planning Policy Framework (NPPF):
Chapter 5 - Delivering a sufficient supply of homes
Chapter 12 - Achieving well designed places

Constraints

Plan Area
Avon Catchment Area
FP83 - Fordingbridge

Plan Policy Designations

Built-up Area
New Housing Land Allocations

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council Recommend refusal under PAR4 as we have not seen any evidence that has corrected any of the previous refusal statements.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land - No objection in principle to the proposed development as submitted, subject to standard planning condition 14i being imposed to ensure that any potential contamination that could pose risks to human health and/or the environment found during the proposed development on this site will be dealt with in accordance with DEFRA / Environment Agency's technical guidance. This is due to historic maps showing an area of potentially unknown filled ground on adjacent land. It is possible that some contamination may have migrated through the ground and groundwater. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner.

HCC Rights of Way - Fordingbridge Footpath 83 to the south is unaffected by the proposals. We therefore have no objection.

Drainage - no objection

Ecologist - Having reviewed the Ecological Impact Assessment (EclA) undertaken by Eclipse Ecology, dated 12th November 2020, no objections are raised to the proposed development. Given this is an outline application specific details for the enhancement measures are not requested at this stage but conditions to protect nesting birds and to ensure the ecological mitigation and enhancement measures are undertaken are requested.

HCC Highways - The amount of development proposed in these circumstances is covered by HCC Standing Advice issued to LPA's in April 2017. Please refer to that document for consideration of the Highway implications of this proposal.

Southern Gas Networks - give informatives

9 REPRESENTATIONS RECEIVED

No representations received

10 PLANNING ASSESSMENT

Principle of Development

As an outline planning application with all matters reserved except access and scale, the main matter for consideration is the principle of development. Matters relevant to layout, appearance and landscaping are reserved.

Recent changes to the Development Plan has brought the site within the built-up area for Fordingbridge and allocates nearby land for residential development. As the application site lies within the built-up area, where there is a presumption in favour of new housing, the principle of housing development may be acceptable. The benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections, at the end of which a conclusion on the planning balance is reached.

Creating healthy and safe communities through good design and the impact on the character and appearance of the area

The impact of the proposal on the character and appearance of the area and the public realm needs to be considered under the provisions of Policy ENV3, the NPPF and the Fordingbridge Town Design Statement.

The proposed dwellings would be sited in an attractive rural edge location, to the northern extent of Fordingbridge's built-up area. It is acknowledged that the surrounding area to the west, east and south will be subject to change in the medium term following the allocation of residential land as Strategic Sites 17 and 18. The Fordingbridge Town Design Statement identifies the site as being within the Tinkers Cross and Burgate Area - 'situated at the junction of Whitsbury Road and Fryern Court Road. This small group of dwellings extends northwards along Fryern Court Road, and then the properties become more spaced out'.

While the submitted layout is indicative, it shows a pattern of development that would be consistent with the spatial pattern of surrounding residential development. Dwellings in the locality are individual in their appearance and a defining feature is the generally detached nature of properties and their generous garden areas. This affords a lower density and more spacious setting to existing development, which is to be expected in this rural edge location. In the context of existing residential development within the locality, this proposal for two bungalows within the curtilage of Selwyn would result in an acceptable form of development, particularly considering the presence of the existing annexe accommodation on the site, which would be removed.

The Town Council state that they have not seen any evidence to address their concerns over the previous refusal. The concerns raised by FTC over 20/10908, a scheme for three dwellings, were that it constituted overdevelopment of the site, there were too many houses for the site and due to the difficulty of the junction for vehicle movements. Officers consider the reduction in dwelling numbers from 3 to 2, laid out and of a form as indicated, have adequately addressed concerns with regard to overdevelopment and unit numbers. The reduction in numbers also assists with regard to concerns over the access and the Highway Authority raise no objection to the proposal.

The other change relates to the suggested scale of development, in that the previous application showed three dormer bungalows whereas this application shows two bungalows without accommodation in the roof. This scale of development is considered more appropriate and should be conditioned in the event of an approval.

Officers consider that the site can accommodate two modest bungalows and that the proposal would be in accordance with the character related provisions of Policy ENV3 of the NFDC Local Plan Part 1 2016-2036, the Fordingbridge Town Design Statement and Chapter 12 of the NPPF.

Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

The proposal would have no direct impacts upon adjoining occupiers in respect of noise, light, visual intrusion and privacy, due to the level of separation from neighbouring properties. The level of amenity space afforded to the new dwellings would be acceptable. Likewise, the relationship of the new dwellings with the host dwelling Selwyn is also considered acceptable.

Impact on highway safety, including matters relevant to car parking

The application is an outline application, with means of access considered.

The indicative plans show four off-street car parking spaces, in a tandem formation, accessed from a 4m wide private drive for use by future occupiers. The indicative plans also show that each dwelling would be a three bedroom unit. Four off street parking spaces would fail to meet with the Council's Parking Standards SPD by one space (3 bedroom dwellings required 2.5 spaces each). While there is under provision, it is not considered sufficient to substantiate a reason for refusal. There would be adequate turning provision within the site for vehicles to egress the site in a forward gear. The Standards also require 3 cycle spaces per each 3 bedroom dwelling. There is room within the site to accommodate cycle storage and this can be conditioned.

The proposal will result in intensified use of the existing access at a point close to the junction of Fryern Court Road with Whitsbury Road and utilising part of a public right of way. No objections are raised by Hampshire County Council as both Highway Authority and Rights of Way Authority to the access arrangement. Whilst the initial views of the Highway Authority and Rights of Way Team indicate no objections they have been re-consulted as the access junction with the public footpath may need to be resurfaced from the current scalpings finish. The scalpings laid may have partially trespassed onto the public highway and this may cause a slip hazard. The public footpath is also to be upgraded as part of the Strategic Site 17 proposal at Tinkers Cross so there needs to be a check to ensure materials match in this area. Any further advice will be communicated at the Planning Committee as their views are awaited.

It should be noted that Policy IMPL2 related to development standards places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles and details would be expected of any reserved matters submission. This is covered by condition.

Impact on ecology and in particular protected species

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. Details have been submitted

outlining the potential impacts of the development and how biodiversity net gain would be achieved. The Council's Ecologist has no objection to the proposal, subject to conditions. The earlier ecology survey has also now been updated and a mitigation and enhancement plan has been submitted which is considered acceptable and can be covered by condition.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no kerbside development, no solid fuel appliances and gas boiler below minimum standard.

Habitat Mitigation

a) Recreational Impacts

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 was to mitigate that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant is currently engaged with completing a section 106 agreement to secure the recreational mitigation contribution.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required 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. The applicant is currently engaged with completing a section 106 agreement to secure the air quality monitoring contribution.

c) Phosphate neutrality and impact on River Avon

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission 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 phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment &

Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable phosphate loading to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and while the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. When published, this will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	229	0	229	229	£80/sqm	£23,463.69 *
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Subtotal:	£23,463.69
Relief:	£0.00
Total Payable:	£23,463.69

11 CONCLUSION

In this case it is considered that the principle of development is acceptable as set out above, and that the benefits of the proposed development, including housing provision of an appropriate form and scale demonstrably outweigh the disbenefits. The proposal complies with adopted Development Plan Policies and national policy, which seek to protect the character of localities, ecology and the conservation status of European wildlife sites. Accordingly, the application is recommended for approval.

12 RECOMMENDATION

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

- i) the completion, by 16th December 2022 of a planning obligation entered into by way of a Section 106 Agreement to secure recreational habitat mitigation and air quality monitoring contributions
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 16th December 2022, Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **REFUSE PERMISSION** for the reason set out below.

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 / Ramsar site and the Solent Maritime Special Area of Conservation, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

Conditions to be attached to any consent:

1. Approval of the details of the layout, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

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

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

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

3. The development permitted shall be carried out in accordance with the following approved plans: drawing number 9344/200 Rev A (Site Block and Location Plans), drawing number 9344/201 Rev A (Unit 1 Floor Plan and Elevation Plan), drawing number 9344/202 Rev A (Unit 2 Floor Plan and Elevation Plan), drawing number 9344/203 (Site Scene A-A), Planning Design and Access Statement by Atlas Planning dated January 2021 and the Ecological Impact Assessment by Eclipse Ecology EclA dated 22 September 2022.

Reason: To ensure satisfactory provision of the development.

4. During any (site clearance, removal of floor slab and) foundation excavations a suitably qualified contaminated land consultant shall carry out a **watching brief** with regards to asbestos, hydrocarbons and any other ground contamination. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority.

Reason: Historic maps show an area of potentially unknown filled ground on adjacent land. It is possible that some contamination may have migrated through the ground and groundwater. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner. in accordance with policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. The development shall not be carried out other than in accordance with the ECIA dated 22/09/22 including all mitigation and enhancement measures. Such biodiversity enhancements shall be completed prior to the occupation of any dwelling with photographic evidence provided to the LPA and maintained as such thereafter.

Reason: To safeguard protected species and to provide for appropriate biodiversity enhancements in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

6. No clearance of vegetation (e.g. hedgerows, trees and scrub) or demolition of buildings that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation / building / structure for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority".

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

7. The development hereby approved shall not be occupied for its intended purpose until the existing annexe accommodation indicated by the dotted blue line on drawing number 9344/200 Rev A has been removed from the site.

Reason: To ensure the development comes forward in the intended manner in the interests of the amenities of the area, in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling, together with a lockable cycle shed capable of accommodating 3 cycles per 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).

9. The development hereby permitted shall not be occupied until the spaces shown on drawing number 9344/200 Rev A (Site Block and Location Plans) for the parking of motor vehicles have been provided. The spaces shown on drawing number 9344/200 Rev A (Site Block and Location Plans) for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

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

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

method.

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

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

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan Review 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.

11. The development hereby approved shall not be occupied unless
- 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;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

12. 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, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

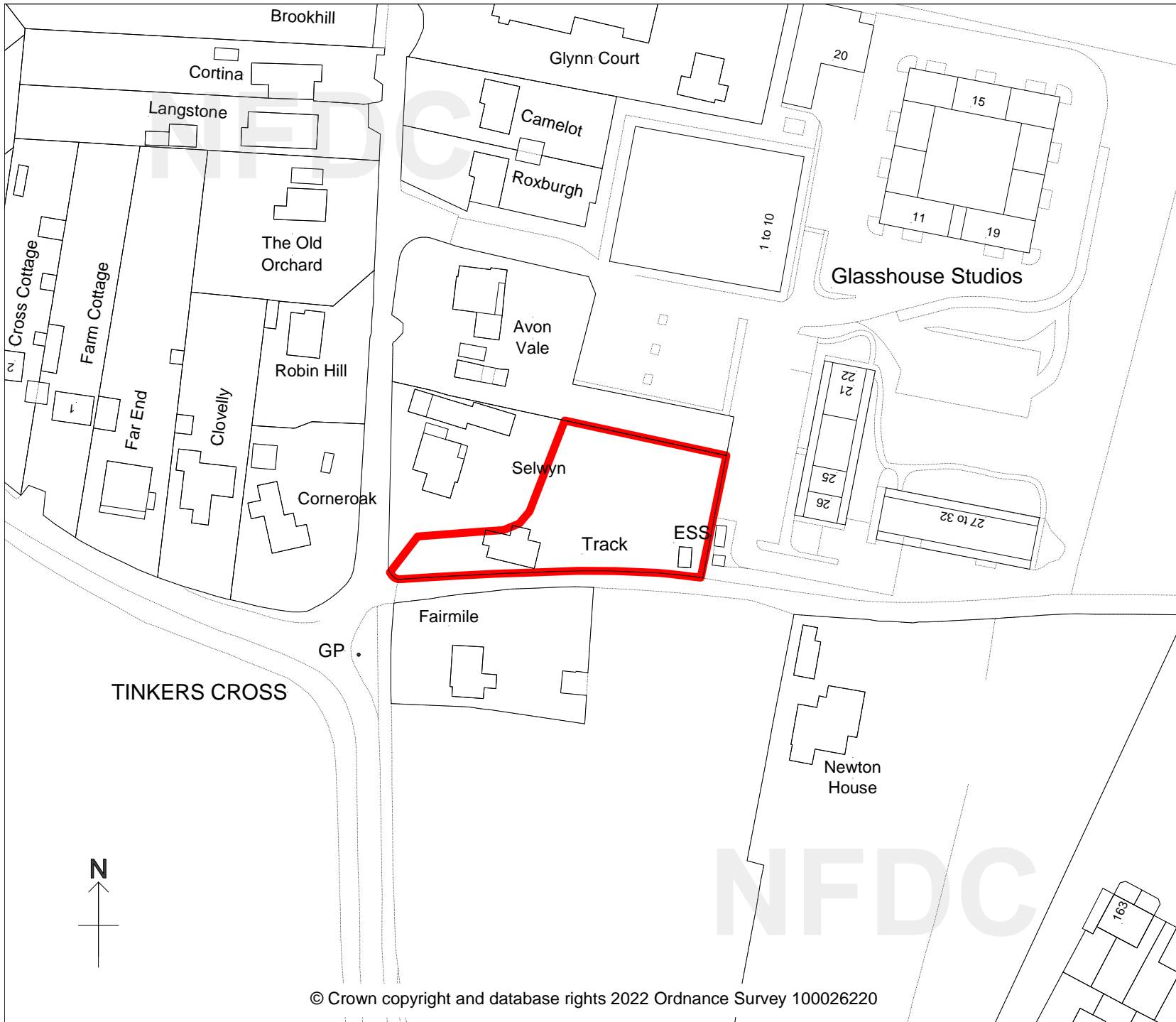
Reason: In view of the size and physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect required levels of car parking and the visual amenities of the area, and the amenities of neighbouring properties, contrary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

13. The access road serving the development shall comprise a sealed porous surface for the first 5 metres from the edge of the site such as to prevent any loose material from entering the public highway and public footpath adjoining the site.

Reason: In the interests of highway safety.

Further Information:

Stephen Belli
Telephone: 023 8028 5430



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New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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

October 2022

Land of Selwyn
 Fryern Court Road
 Burgate, Fordingbridge
 20/11267

Scale 1:1250

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

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Planning Committee 12 October 2022

Application Number: 22/10202 Full Planning Permission

Site: 5A BRIDGE STREET, FORDINGBRIDGE SP6 1AH (NB:
SUBJECT TO UNILATERAL UNDERTAKING)

Development: Use of rear ground floor as flat (Retrospective)

Applicant: Mr Herodotou

Agent:

Target Date: 03/05/2022

Case Officer: Judith Garrity

Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- The Principle of Development
- Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs
- Impact on the character and appearance of the area, including Fordingbridge Conservation Area
- Highway safety, access and parking
- Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
- On Site Biodiversity and protected species
- Air Quality
- Flood Risk
- Habitat Mitigation
- Housing Land Supply

This application is to be considered by Committee as the recommendation is contrary to the view of Fordingbridge Town Council.

2 SITE DESCRIPTION

The proposal relates to the ground floor of a mixed use premises fronting Bridge Street in Fordingbridge. The site is located within the Fordingbridge Conservation Area, Town Centre, Primary Shopping Area and a Secondary Shopping Frontage.

3 PROPOSED DEVELOPMENT

The application is made retrospectively. The building fronts Bridge Street and would be unaltered externally. It is proposed to retain the frontage of the ground floor in retail use, but to utilise a portion of the former rear shop storage area to form a ground floor flat. Access to the ground floor flat, as well as existing bedsit accommodation on the first floor and second floor of the premises is accessed via a separate door from the adjoining shop. No car parking is provided for occupiers of the development.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
18/11076 Use of first & second floor as two flats; rooflight.	01/10/2018	Granted Subject to Conditions	Decided
18/10493 Use as 3 flats; rooflight; single-storey rear extension; internal alterations to ground floor shop	23/07/2018	Withdrawn	

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 STR3: The strategy for locating new development
Policy STR5: Meeting our housing needs
Policy ECON5: Retail development and other main town centre uses
Policy ECON6: Primary, secondary and local shopping frontages

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM14: Primary shopping frontages

Supplementary Planning Guidance And Documents

SPD - Fordingbridge Town Design Statement
SPD - Parking Standards
SPD - Air Quality Assessments in New Development

Relevant Advice

NPPF Chap 6: Building a strong competitive economy
NPPF Chap 7: Ensuring the vitality of town centres
NPPF Chap 12: Achieving well designed places
NPPF Ch.16 - Conserving and enhancing the historic environment

Constraints

NFSFRA Fluvial
Avon Catchment Area
Plan Area
Flood Zone
Conservation Area: Fordingbridge Conservation Area

Plan Policy Designations

Primary Shopping Area
Built-up Area
Town Centre Boundary

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - recommend refusal under PAR4 due to the loss of retail space as per the previous application.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist - No objection, subject to the development mitigating its recreational, air quality and nutrient impacts on the New Forest SAC, SPA and Ramsar, River Avon SAC and Avon Valley SPA and Ramsar.

9 REPRESENTATIONS RECEIVED

None received.

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within Fordingbridge's built-up area, where there is a presumption in favour of new housing. Part of the premises was formerly in commercial use within a Primary Shopping Frontage. The benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections, at the end of which a conclusion on the planning balance is reached.

Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs

Policy ECON05 places emphasis on retaining a good range of Main Town Centre Uses, where complementary to the retail function and would enhance the overall vitality of the centre. Residential development is not defined as a Main Town Centre Use within a Primary Shopping Frontage.

Policy ECON06 states that within the designated Primary Shopping Frontages, proposals for the change of use of ground floor shops and financial and professional services premises to other uses that require planning permission or are subject to Prior Approval, will only be supported where it will not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the shopping frontage as a whole.

The emphasis of the retail protection policies is to ensure that the commercial vitality and function of local shopping frontages is retained and where appropriate enhanced. While the proposal would result in the loss of 72 sq m the ground floor retail space (formerly used as storage), a sufficient area of retail floorspace is retained at ground floor (20.7sq m) and this retail use retains a street frontage. This floorspace is still in use as such. It also needs to be borne in mind that from 1st August 2021 new permitted development rights were introduced under Class MA, which allow a change of use from Use Class E (retail) to residential, even within a key shopping frontage and Conservation Areas, without a requirement for planning permission. It does have a few limitations and conditions, but the principle of this development is fundamentally acceptable under Class MA.

Overall, the proposal would not compromise the vitality and viability of the Primary Shopping Frontage and Area, the proposed development retaining sufficient ground floor retail space and retail frontage. As such, the proposal would comply with Policies ECON05 and ECON06 of the Local Plan Part 1.

Impact on the character and appearance of the area, including Fordingbridge Conservation Area

The impact of the proposal on the character and appearance of the Fordingbridge Conservation Area and the public realm need to be considered under the provisions of Policies ENV3 and DM1. However, the proposal does not entail any external alterations to the premises and is acceptable in relation to the character and appearance of the conservation area in accordance with Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014, Policy ENV3 of the NFDC Local Plan Part 1 2016-2036 and Paragraph 197 of the NPPF.

Highway safety, access and parking

In terms of highway impacts, the proposal does not include any off-street parking, which would not ordinarily comply with the adopted Parking Standards. However, it should be acknowledged that few dwellings in the locality have dedicated off-street parking arrangements, including the first and second floors of this property are already in residential use. The site falls within the main town centre of Fordingbridge as defined in the Parking Standards (April 2022) where it is acknowledged that a reduced parking provision will be acceptable subject to the site being well served by existing public and active modes of travel and certain factors including parking pressures not being exacerbated.

The site is in a sustainable town centre location, with good access to public transport and other services, so in this instance it is not considered that a reason for refusal on the basis of non-provision of off-street parking could be substantiated.

Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

There is no operational development proposed which might impact adjoining amenity in terms of overbearing impact, loss of privacy or light loss and use of the site for residential purposes would not conflict with adjoining occupiers. The amenity space afforded to the new dwelling (small courtyard) would not be of such limited extent that it would result in an unacceptable level of provision in respect of the living conditions of future occupiers given this town centre location.

The proposal would have no significant adverse impacts upon adjoining or future occupiers in accordance with Policy ENV3 of the Local Plan Part 1.

On Site Biodiversity and protected species

As of 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. However the proposal relates to an existing building, with no external alteration and incorporation of measures to incorporate BNG would not be reasonable.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no kerbside development, no solid fuel appliances and accessibility to public transport (modal shift).

Flood Risk

The site is within Flood Zone 2, where the Environment Agency refer the Planning Authority to their Standing Advice for 'more vulnerable developments', which states that details of emergency escape plans for any parts of a building that are below the estimated flood level should be provided to demonstrate that occupants can leave the building if there's a flood. The application is accompanied by a Flood Risk Assessment (FRA) to demonstrate the proposal's acceptability in relation to flood risk, including means of escape for future occupiers, in accordance with the Standing Advice.

Habitat Mitigation

a) Recreational Impacts

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 planning permission would adversely affect the integrity of the New Forest, 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 be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant has completed a legal agreement to secure the contribution.

b) Air quality monitoring

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

c) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission 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 phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable phosphate loading to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	30	30	0	0	£80/sqm	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

11 CONCLUSION

In conclusion, the proposed development would make a modest contribution to housing stock in the District, while preserving the character of the area and Fordingbridge Conservation Area. It would not significantly undermine the vitality or viability of the town's retail offer and has satisfied flood risk concerns. It would not result in any loss of amenity to adjoining or future occupiers, have any significant highway safety implications or impact ecological interests. The proposal has mitigated its impact on protected European sites and is accordingly recommended for approval.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Planning, Design and Access Statement dated 02/03/2022
Drawing no. BEN 1 - Location Plan; 1:500 Block Plan
Drawing no. 1061/01 Rev A - Existing Plans and Elevations
Drawing no. 1061/02 Rev C - Proposed Plans and Elevations
Flood Risk Assessment dated 22/08/2018

Reason: To ensure satisfactory provision of the development.

2. The development hereby approved shall not be occupied unless
 - 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;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;

- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

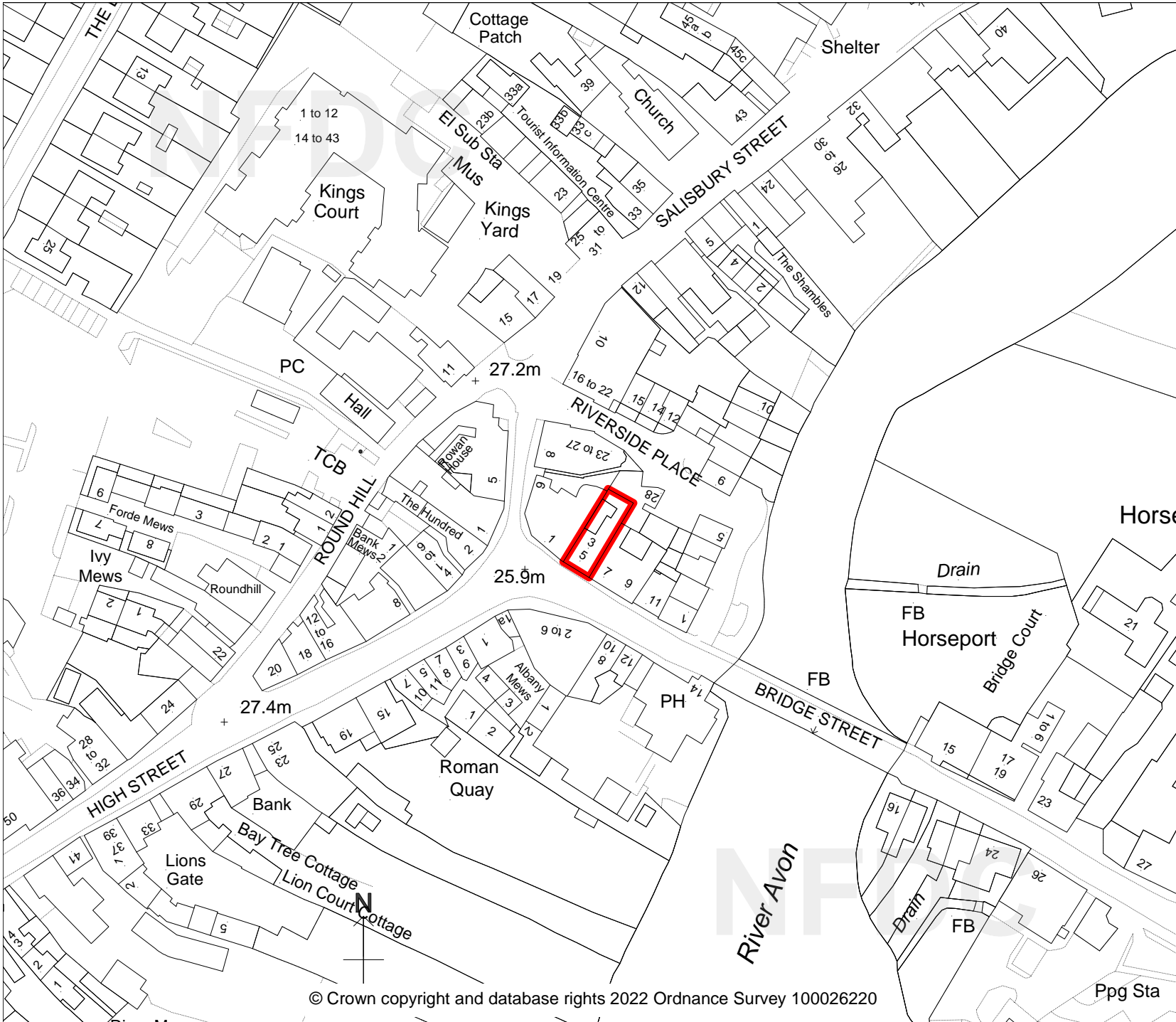
The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

Further Information:

Judith Garrity

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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
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

October 2022

5A Bridge Street
 Fordingbridge

22/10202

Scale 1:1250

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

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Planning Committee 12 October 2022

Application Number: 21/10343 Full Planning Permission

Site: 23 HIGH STREET, FORDINGBRIDGE SP6 1AS

Development: Change of use of part of ground floor from retail to two self-contained flats; fenestration alterations

Applicant: Mr Baggot

Agent: Sennitt Planning

Target Date: 25/06/2021

Case Officer: Judith Garrity

Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs;
- 3) Impact on the character and appearance of the area, including Fordingbridge Conservation Area
- 4) Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
- 5) Flood Risk
- 6) Impact on highway safety, including matters relevant to car parking;
- 7) Impact on ecology;
- 8) Air Quality
- 9) Habitat Mitigation
- 10) Housing Land Supply

This application is to be considered by Committee as the recommendation is contrary to the view of Fordingbridge Town Council.

2 SITE DESCRIPTION

The site lies within Fordingbridge Conservation Area, town centre and within a Primary Shopping Frontage and Primary Shopping Area. The area is characterised by commercial/retail uses. The ground floor premises has been vacant for a number of years, but recently received approval for a sui-generis use as a tattoo studio. The first floor has recently been converted to residential accommodation (2 flats).

3 PROPOSED DEVELOPMENT

The application is made for the conversion of approximately 55% of the ground floor from retail use, to create 2 no. flats to the rear of the premises. Modest external alterations are proposed through the insertion of new window openings and erection of amenity decking for the ground floor flat. Internally, partition stud walls are proposed to facilitate the scheme of conversion. The shop frontage will be retained in retail use.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/10998 Change of use from A1 to Sui-generis (Tattoo Studio)	09/12/2020	Granted Subject to Conditions	Decided
19/11186 Variation of condition 2 of planning permission 18/11424 to allow new door for independent access. To refer to a new drawing reference 4284:14A	22/04/2020	Granted Subject to Conditions	Decided
18/11424 Shop front alterations to allow new front door for independent access to upper floors; new door and window in rear elevation; re-paint existing woodwork white	21/02/2019	Granted Subject to Conditions	Decided
18/10331 Use of first-floor as 2 flats; first-floor rear extension; roof terrace; juliette balcony; window alterations; rooflights	20/07/2018	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV3 - Design quality and local distinctiveness

Policy ECON5: Retail development and other main town centre uses

Policy ECON6: Primary, secondary and local shopping frontages

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

Relevant Advice

NPPF Chap 6: Building a strong competitive economy

NPPF Chap 7: Ensuring the vitality of town centres

NPPF Chap 11: Making effective use of land

NPPF Chap 12: Achieving well designed places

NPPF Chap 14: Meeting the challenge of climate change and flooding

NPPF Chap 16: Conserving and enhancing the historic environment

Plan Policy Designations and Constraints

Flood Zones 2 and 3

Built-up Area

Town Centre Boundary

Primary Shopping Area

Local Shopping Frontage

Avon Catchment

Fordingbridge Conservation Area

Supplementary Planning Guidance And Documents

SPD - Parking Standards
Fordingbridge Conservation Area Appraisal
SPD - Fordingbridge Town Design Statement
SPD - Air Quality Assessments in New Development 2022

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - Recommend REFUSAL under PAR4, as the lack of parking is an issue and more space needs to be kept for retail.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency - objection withdrawn based on additional Flood Risk Assessment submitted. Also give informatives.

Wessex Water - no objections, but give informatives

Environmental Design Team (Conservation) - no objections, although there is a concern about the proposed fenestration alterations, particularly with relation to the left side elevation. The proposed ground floor windows should be aligned more accurately with the existing first floor windows and should more closely reflect the existing width and vertical emphasis of the existing windows. This would help to ensure that the side elevation, which is visible from the High Street, would appear more visually balanced and traditional in appearance.

Council Ecologist - no objections to proposals from an ecological perspective. The only comment relates to nutrient neutrality and phosphates in the River Avon.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- The 3 new ground floor windows on the left side elevation will look out onto a private driveway and rear courtyard. This will result in a significant further loss of privacy and overlooking, which will impinge on the privacy of the neighbouring property.
- There is no parking and concern is raised that cars will park on our property.
- Fordingbridge needs to encourage retail not reduce it.
- Shopkeepers would have to endure noise, dust, traffic and material inconvenience.

For: 0

Against: 1

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within Fordingbridge's built-up area, where there is a presumption in favour of new housing. The site was formerly in commercial use within a Primary Shopping Frontage. The benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections, at the end of which a conclusion on the planning balance is reached.

Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs

Policy ECON05 places emphasis on retaining a good range of Main Town Centre Uses, which are complementary to the retail function and would enhance the overall vitality of the centre. Residential development is not defined as a Main Town Centre Use within a Primary Shopping Frontage.

Policy ECON06 states that within the designated Primary Shopping Frontages, proposals for the change of use of ground floor shops (Class A1) and financial and professional services premises (Class A2) to other uses that require planning permission or are subject to Prior Approval, will only be supported where it will not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the shopping frontage as a whole.

The emphasis of the retail protection policies is to ensure that the commercial vitality and function of local shopping frontages is retained and where appropriate enhanced. The premises could attract a wide range of appropriate Main Town Centre Uses, indicated by the recent approval for use as a tattoo studio. The proposal relates to a building with a very large footprint by comparison with those units about it. While the proposal would result in the partial loss (approximately 55%) of the ground floor space, the premises is large and approximately 90 sq.m of retail floorspace, storage and ancillary space would be retained for use by the end user. There is a presumption against the loss of commercial premises in Primary Frontages, except where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Residential development to the extent proposed would not be complimentary but the retail frontage would be retained. It also needs to be considered that from 1st August 2021 new permitted development rights were introduced under Class MA, which allow a change of use from Use Class E (retail) to residential, even within a key shopping frontage and Conservation Areas, without a requirement for planning permission. It does have a few limitations and conditions, but the principle of this development is fundamentally acceptable under Class MA.

Overall, therefore despite the loss of retail floorspace, the proposal would not compromise the vitality and viability of the Primary Shopping Frontage and Area. The proposed development would retain sufficient ground floor retail space and retail frontage within Fordingbridge's Primary Shopping Frontage to maintain the viability and vitality of the area. As such, the proposal would comply with Policies ECON05 and ECON06 of the Local Plan Part 1.

Impact on the character and appearance of the area, including Fordingbridge Conservation Area

The impact of the proposal on the character and appearance of the Fordingbridge Conservation Area and the public realm need to be considered under the provisions of Policies ENV3 and DM1. Section 72(1) also requires special regard to be paid to

preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework 2021 (NPPF) makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Concern was raised by the Conservation Team about the proposed fenestration alterations, particularly with relation to the left side elevation. Amended plans have been received aligning the ground floor windows more accurately with the existing first floor windows and more closely reflect the existing width and vertical emphasis of the existing windows. This ensures that the side elevation, which is visible from the High Street, would appear more visually balanced and traditional in appearance.

As a result, it is considered that the proposal would be acceptable in relation to the character and appearance of the conservation area in accordance with Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014, Policy ENV3 of the NFDC Local Plan Part 1 2016-2036 and Paragraph 192 of the NPPF.

Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

There is no operational development proposed which might impact adjoining amenity in terms of overbearing impact or light loss and use of the site for residential purposes would not conflict with adjoining occupiers. The introduction of windows in the side elevation could have implications for adjoining amenity. However due to the positioning of the windows they would face the gable end of number 19/21 High Street, across a vehicular access. Number 19/21 is a commercial property, with an extensive curtilage to the rear and the level of overlooking would not be significant or harmful.

The premises has a substantial garden area leading down to the river and the application states that it would be made available communally and as such the amenity space afforded to the new dwellings would be acceptable in respect of the living conditions of future occupiers.

With regard to the comment that building work will cause disruption to adjoining premises, this is an unfortunate consequence of most forms of development but it is a short term impact only and cannot substantiate a reason for refusal.

The proposed change of use would have no significant adverse impacts upon adjoining occupiers in respect of noise, loss of light, overbearing impact or privacy in accordance with Policy ENV3 of the Local Plan Part 1.

Impact on highway safety, including matters relevant to car parking

No off-street parking would be provided for the proposed dwellings, which would not meet with the Council's Parking Standards SPD recommended standard, which require four spaces. Due to the nature of the site, there is little prospect on parking being provided on site, as there is no right of access for vehicles to the rear of the premises. The site falls within the main town centre of Fordingbridge as defined in the Parking Standards (April 2022) where it is acknowledged that a reduced parking provision will be acceptable subject to the site being well served by existing public and active modes of travel and certain factors including parking pressures not being exacerbated.

Therefore, as a proposal is located within a sustainable town centre location in close proximity to shops and public services and considering the modest size of units proposed (1 no. one bed and 1 no. two bed unit), a reduced standard is acceptable in this instance.

Flood Risk and Drainage

Part of the application site lies within Flood Zones 2 and 3. Based on available flood risk maps, the site is wholly within Flood Zone 2, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding.

A key consideration must, therefore, be whether the proposed development is acceptable in the light of its location within a flood zone, having regard to relevant local and national flood risk policies.

The NPPF states that LPA's should only consider development appropriate in areas at risk of flooding where they are informed by a site specific flood risk assessment. The aim of planning policy on development and flood risk is, along with other things, to avoid inappropriate development in areas at risk from flooding, to ensure that the occupiers of new development would not be at risk from flooding and to ensure that the development does not increase the risk of flooding elsewhere.

The planning submission is supported by a flood risk assessment and additional information has been submitted to address the initial objections raised by the Environment Agency. The additional information sets out that the reported finished floor level is 26.60m AOD which is shown to be almost 600mm (540mm) above the Local Authority SFRA (2018) 1 in 1000 year flood level. There is also a direct pedestrian access link at the same level and above to the High Street from the flats. This additional flood risk information includes design flood levels (derived by NFDC and published in the SFRA), finished floor levels, and topographic survey. This information is sufficient to demonstrate the acceptability of the proposal in relation to flood risk, to which the Environment Agency raise no objections.

Impact on ecology

As of 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. However the proposal relates to an existing building, with limited external alteration and incorporation of measures to incorporate BNG would not be reasonable.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no kerbside development, no solid fuel appliances and modal shift, as a car free scheme.

Habitat Mitigation

a) Recreational Impacts

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 planning permission would adversely affect the integrity of the New Forest, 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 be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant will complete a legal agreement to secure the contribution prior to the planning consent being issued.

b) Air quality monitoring

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

c) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission 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 phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 *Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others*).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC).

The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable phosphate loading to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	79	79	0	0	£80/sqm	£0.00 *
Shops	94.8	94.8	0	0	No charge	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

11 CONCLUSION

In conclusion, the proposed development would make a modest contribution to housing stock, while preserving the character of the area and Fordingbridge Conservation Area. It would not significantly undermine the vitality or viability of the town's retail offer and has satisfied flood risk concerns. It would not result in any loss of amenity to adjoining or future occupiers, have any significant highway safety implications or impact ecological interests. The proposal has mitigated its impact on protected European sites subject to the completion of a legal agreement to secure these measures. Accordingly the proposal is recommended for approval.

12 RECOMMENDATION

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

- i) the completion, by 2nd December 2022, of a planning agreement to secure air quality monitoring and habitat mitigation contributions
- ii) the imposition of the conditions set out below.

BUT, in the event that the agreement is not completed by 2nd December 2022, Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **REFUSE PERMISSION** for the reason set out below.

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 / Ramsar site and the Solent Maritime Special Area of Conservation, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

Conditions to be attached to any consent:

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:

Drawing number 001-BAGGOT (Existing Floor Plans and Elevations),
Drawing number 002-BAGGOT rev D (Proposed Floor Plans and Elevations)

Drawing number 003-BAGGOT Rev A (Site Plan)

Drawing number 004-BAGGOT (Location Plan)

Flood Risk Assessment and Drainage Strategy dated 7/6/2021 and supplementary information dated 1/9/21 by Aqua Callidus
Heritage Statement

Reason: To ensure satisfactory provision of the development.

3. Before the occupation of any part of the development hereby approved, the proposed cycle and bin storage shall be provided as shown on approved drawing number 002-BAGGOT Rev D (Proposed Floor Plans and Elevations) and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel, in accordance with Policy ENV3 of the Local Plan 2016-2036 Planning Strategy.

4. 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 A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 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 and character of the Conservation Area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2.

5. 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.

6. The development hereby approved shall not be occupied unless
- 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;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

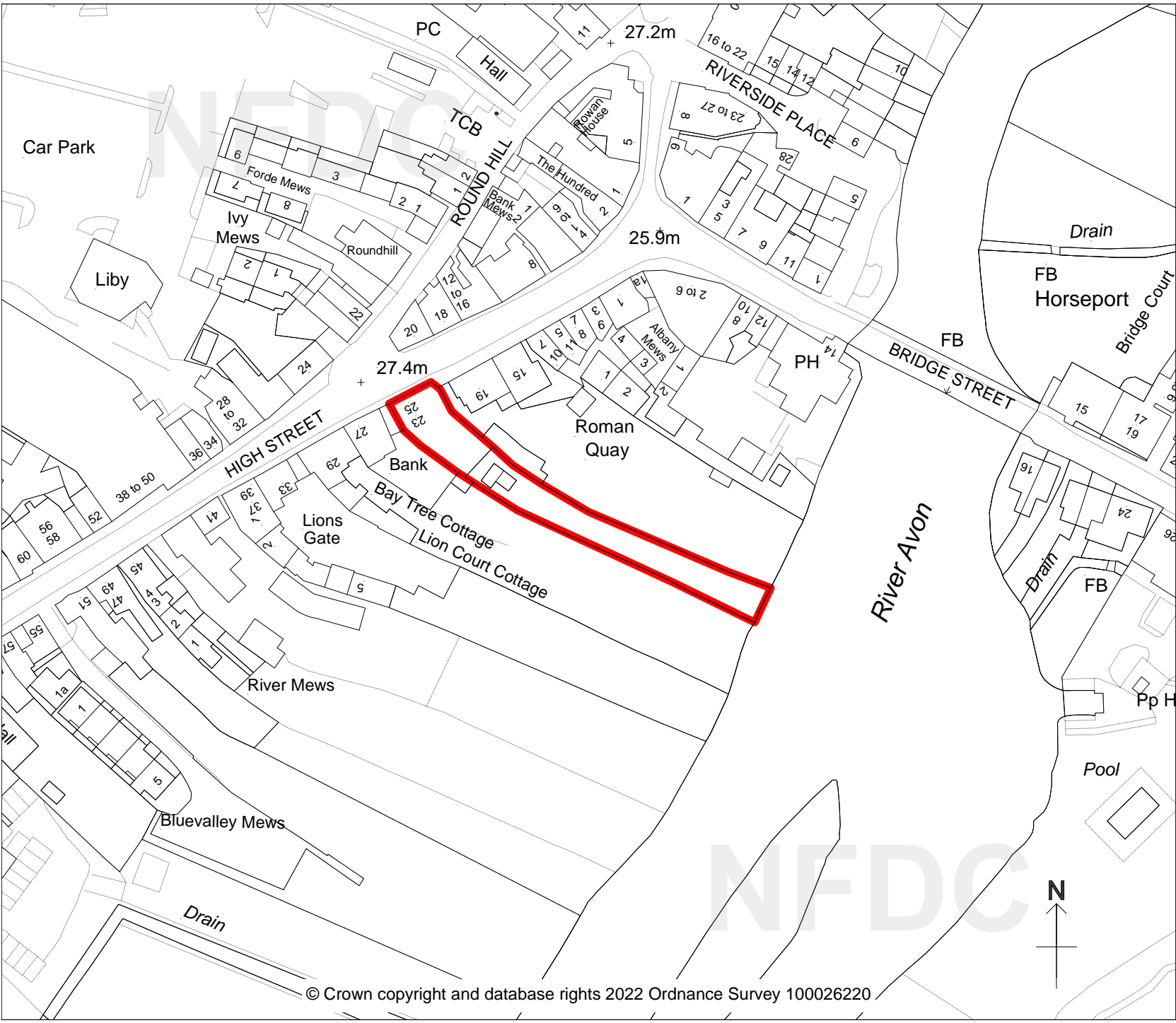
7. The external fenestration shall match those used at first floor level on the existing building, in terms of appearance, material and colour.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy and Policy DM1 of the Local Plan Part 2 for the New Forest District outside of the National Park.

Further Information:

Judith Garrity

Telephone: 023 8028 5434



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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

October 2022

23 High Street
 Fordingbridge

21/10343

Scale 1:1250

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

Planning Committee 12 October 2022

Application Number: 22/10898 Full Planning Permission

Site: LAND OF 24, POPLAR DRIVE, MARCHWOOD SO40 4XH

Development: Demolition of attached garaging and erection of infill dwelling

Applicant: Mr Cornish

Agent: Southern Planning Practice

Target Date: 21/09/2022

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of proposed development
- 2) Impact on character and appearance of the area and trees
- 3) Impact on residential amenities
- 4) Impact on highway safety
- 5) Impact on sewage and drainage, and flood risk
- 6) Air quality
- 7) Impact on ecology on site and sites designated for nature conservation

This application is to be considered by Committee because of the PAR4 objection received from Marchwood parish council.

2 SITE DESCRIPTION

The application site is a detached property that is set within a residential area characterised by properties of a similar design and scale. The property is set within a small cul-de-sac of properties which share access and turning space. The immediately surrounding properties occupy reasonable sized plots and are spacious in their setting. The site abuts a public footpath to the north-west and Long Lane, which is an unclassified road, to the south-west.

3 PROPOSED DEVELOPMENT

The proposed development is a full planning application for the construction of a 3-bed detached dwelling, following a demolition of two garages attached to the side of 24 Poplar Drive.

The proposed new dwelling would be provided with a garden at rear and would be accessed via a shared vehicular access from Poplar Drive. Three on-site car parking spaces would be provided within an area of hardstanding to the immediate front (north east) of the proposed dwelling.

Bins and cycle storage would be provided on site.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
22/10699 Demolition of attached garaging and erection of infill dwelling	25/07/2022	Withdrawn by Applicant	Withdrawn	
20/10136 Demolition of attached garaging and erection of infill dwelling (Outline Application with access & layout details only)	14/07/2021	Refused	Appeal Decided	Appeal Dismissed
08/93393 Detached house; demolition of attached garages (Outline Application with details only of access & layout)	23/02/2009	Refused	Decided	
08/92707 Detached House (Details only of access and layout)	08/09/2008	Refused	Decided	
95/NFDC/57280 Addition of a double garage	13/09/1995	Granted	Decided	
77/NFDC/08546 Erection of 35 houses and construction of pedestrian/vehicular access.	23/12/1977	Granted Subject to Conditions	Decided	
76/NFDC/06336 Residential development of 14 dwellings with the construction of pedestrian/vehicular access.	02/06/1977	Granted Subject to Conditions	Decided	
NFDC/76/04349 Residential development as per development brief for area.	29/07/1976	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
 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
 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 - Air Quality in New Development. Adopted June 2022
 SPD - Parking Standards
 Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021)

Relevant Advice

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

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

Constraints

NFSFRA Fluvial
Flood Zone
Article 4 Direction
Plan Area

Plan Policy Designations

Built-up Area

6 PARISH COUNCIL COMMENTS

Marchwood Parish Council would like to raise a strong objection to this application- PAR 4

Concerns raised previously by the Committee and subsequently submitted to the planning authority for planning application 22/10699 were reiterated. Members were concerned that the material issues raised had not been considered or addressed in the resubmission of the application.

'The proposal is likely to have inadequate provision for the parking and manoeuvring of vehicles clear of the highway (Long Lane) which would result in vehicles interfering with the free flow of traffic on the adjoining highway to the detriment of highway safety and cause inconvenience to other highway users.

In addition to this, the proposed new access and parking arrangements for the new dwelling are likely to encourage vehicles leaving the site to do so in a reverse gear due to the inadequate space for the turning of vehicles within the site and the excessive width of the proposed access onto the highway. The proposal would therefore be contrary to policy CS2 of the New Forest District Council Core Strategy. By reason of its siting and massing the proposed new dwelling would introduce built form into an open area. This would result in an intrusive form of development, that would be imposing within the street scene, and would erode the spaciousness of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 12 of the National Planning Policy Framework.

The proposal would adversely affect the spatial characteristics of the area by virtue of the height, width and depth of the proposed dwelling which would be unsympathetic to its setting and would close an important visual gap. Combined with the design of the proposed dwelling, the development would be considered

contextually inappropriate in this location, contrary to policy CS2 of the New Forest District Council Core Strategy.

The proposed new dwelling would as a result of the increased level of car parking and associated hard surfacing, result in a form of development that would be out of character with the appearance of this area and give rise to a cramped form of development. As a result, the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

No adequate guarantee has been received that will protect the protected trees on site. Whilst the Design Statement shows the trees will be protected above ground it does not mention anything about protecting the root structure of these trees. This is particularly important in protecting the water-seeking roots.

Marchwood Parish Council is working closely with Hampshire County Council and others in promoting a safe walking route through Long Lane. Allowing a development with a dropped curb and associated traffic movements that cross this safe walking route would not benefit its users'.

The Parish Council would like the application to be submitted to the NFDC Planning Committee for determination to allow proper consideration of the concerns raised by the local community and Parish Council who have local knowledge on the issues raised.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency

No objection, subject to a condition.

Environmental Health Contaminated Land, Appletree Court

I have no concerns with this application.

Ecologist

No objection, subject to ecological enhancements being provided to demonstrate biodiversity net gain (can be agreed by condition).

HCC Highways

No objection, subject to conditions.

NFDC Tree Team

No objection Subject to a condition.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- neighbour amenity impacts, overlooking, overshadowing.
- Safety concerns over the use of the gate to the rear of No. 24, adding a hazard to pedestrians, no space for car when opening/closing gate
- Increased vehicular traffic
- Highway safety concerns

- Noise
- Cramped development, negative visual impact, over-development, not in keeping
- Problems with sewerage/drainage system
- Risk of flooding
- Inadequate car parking provision and overflow of parking in the area;
- No established vehicular access from Long Lane, unsafe access
- Loss of hedgerow – negative visual impact

For: 0

Against: 4

10 PLANNING ASSESSMENT

Principle of Development

The application site is located within the defined built-up area of Marchwood where new residential development is supported in principle, subject to compliance with policies safeguarding quality design, residential amenity, highway safety and ecology.

The western corner of the application site is located within Flood Zone 3 according to the Environment Agency Flood Zone Map and Zone 3b as shown on the New Forest Strategic Flood Risk Assessment (NFSFRA).

Comments from Environment Agency are set out below.

Appeal dismissal of 20/10136

The previous outline planning application (under planning reference 20/10136) was refused by members of the Planning Committee on grounds the proposed development would constitute an unduly cramped form of overdevelopment of the site that would consequently be out of character with the pattern of development in the surrounding area.

A subsequent appeal to the Planning Inspectorate (under Appeal reference APP/B1740/W/21/3287728 - the Appeal Decision Letter, dated 6th May 2022, is attached as Appendix A to this report) dismissed the appeal, but only on grounds of the effects of the development in relation to European sites would be unmitigated, giving rise to conflict with the development plan.

In assessing this current planning application, officers would advise it is a significant material consideration that in coming to his decision, the Inspector found the previously refused proposal under planning reference 20/10136 to be acceptable in terms of:

- the effect of the development on the character and appearance of the area
- access and parking provision
- neighbour amenity
- flood risk

The Inspector summarises and concludes at paragraph 28 of the Appeal Decision Letter, that:

'The development would otherwise provide a single additional dwelling in an accessible location, helping to make better use of the site. However, notwithstanding the social and economic benefits this would deliver, including in relation to the

Council's shortfall, they would be clearly outweighed by the potentially adverse environmental effects of the scheme.'

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

The site is currently occupied by a notably large quadruple garage attached to the side of 24 Poplar Drive, which forms part of a group of 3 detached 2-storey properties of two different designs arranged around two sides of a central hard surfaced space. To the immediate rear of the existing attached garage is a further rectangular single storey garage building of approx. 36 sq.m footprint.

These properties in turn form part of a relatively modern (late 20th Century) suburban estate of two storey properties which are generally arranged in small groups off cul-de-sacs from Poplar Drive. As noted by the Planning Inspector, the size, design and spacing of dwellings varies, as does the size and shape of their gardens.

The current proposal is a full planning application and consists of a dwelling which would have a footprint, scale, height, mass, design and general appearance accordant with that of existing dwellings on site and in the immediate surrounding area.

The proposed dwelling would be positioned alongside No 24, similarly facing onto the central space/access area to the immediate NW. Again, as noted by the Planning Inspector, the positioning of the proposed new dwelling would not require atypically close spacing and would complement the existing arrangement.

The proposed scale, design and appearance of the proposed new dwelling are considered generally consistent with that of adjacent dwellings - the final specification of external facing materials can be secured by condition.

In terms of the proposed garden space, whilst this would be more compact than is typical within the wider estate at large, it remains proportionate and would provide an adequate level of outdoor amenity space. As noted by the Planning Inspector, it is unlikely that this would be generally perceived, as the back garden would only be partially exposed to views from Long Lane, which itself lies outside the estate and from this vantage point, the garden would not appear obviously at odds with other gardens which back onto the road. The Inspector concluded:

'For this and the above reasons the development would not appear cramped, or the site overdeveloped.'

Impact on trees

Within the rear garden of 24 Poplar Drive are 2x Hornbeam trees (marked T1 and T2 on the submitted Helen Brown Treescapes report) T2 has been removed under consent for removal due to its poor condition (application TPO/19/0532) replacement tree planting is a condition of this decision.

The proposed new vehicular access onto Long lane and the associated driveway will encroach the root protection area of the retained Hornbeam, however, the applicant has submitted a Tree Survey and Arboricultural Method Statement (Helen Brown Treescapes Ref:HBD1923IAMS1 dated 14th May 2020) which provides a specification for tree protection measures to be taken, including the installation of the specialist driveway.

The Council's Tree officer has considered these matters and is satisfied that if these measures are followed, the proposed layout can be constructed without significantly impacting the trees (on and adjacent to the site).

The Tree officer has noted that additional parking at the front of proposed dwelling will require the partial removal of a Cypress hedge - she does not consider this hedge to constitute a constraint to development.

The Tree Officer is content to raise no objection, subject to a condition to ensure the trees on the site which are shown to be retained on the approved plans are protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement.

Highway safety, access and parking

In terms of car parking provision, the proposed dwelling would accommodate 3 bedrooms and would require the provision of 2.5 on-site car parking spaces to be accordant with the Council's Parking Standards SPD. The proposed site layout plan demonstrates the provision of 3 on-site car parking spaces, which meets this requirement.

In respect of car parking provision for the existing dwelling, 3 car parking spaces have also been shown on the submitted site layout plan. Two spaces have been positioned within the rear garden of 24 Poplar Drive, to the south-west of the dwelling. These spaces would be accessed from Long Lane and would require the construction of a new vehicular access.

Hampshire County Council as Highways Authority have considered the proposals and raise no objection, subject to conditions in respect of details of visibility splays (Long Lane access), a Construction method Statement and access provision (dropped kerb) prior to the commencement of development.

The planning agent has confirmed that the hard surfacing of the access from Long Lane would consist of breathable tarmac to avoid spilling of loose particles onto the highway.

An objection has been raised by Marchwood Parish Council on the basis that the new access and the associated traffic movements would not benefit pedestrian walking along that route. However, as previously noted by Hampshire County Council Highways, this access onto Long Lane (an unclassified road) could be constructed without planning permission, therefore it is considered refusing the application on this basis would not be justifiable in this case.

A third party representation has been made with regard to rights to cross third party land (to the NE of the application site, from Poplar Drive), to provide access to the proposed new dwelling. The Council as local planning authority is content that notice of the application for the proposed development has been appropriately served on the owner(s) of the third party land (under Certificate B, refer to application form). Officers advise that the availability (or otherwise) of legal rights to cross third party land are a private, civil matter between landowners and do not, for the purposes of this application, constitute a material planning consideration.

Residential amenity

Concerns have been raised in third party representations with regard to potential impacts on neighbour amenity arising from the proposed development, and in particular with regard to overlooking and overshadowing impacts.

The proposed new dwelling would be detached and of two storey form, of similar scale, form and design to existing dwellings within the surrounding area. The front (NW) facing elevation would include windows at ground and first floor level which would have views primarily over the access/parking area at the front of the site and would not give rise to the undue overlooking of neighbouring houses or gardens.

The rear (SE) facing elevation would also include ground and first floor windows - these would primarily have views over the rear garden of the property and the road (Long lane) beyond. There would be a degree of mutual overlooking from proposed first floor rear facing bedroom windows (at an angle) of the rear gardens of number 25 and 24, however such arrangements and relationships are commonplace within residential estate developments and this would not, in officer's opinion, constitute an undue degree of overlooking or an unacceptable relationship between the properties.

The west facing side elevation of the proposed new dwelling would abut the public footpath running from Poplar Drive to Long Lane. Within this side facing elevation is a proposed single casement window at first floor level (serving the internal staircase) which it is proposed will be obscure glazed, to preserve the amenity of the adjacent property at number 25. Provided this window is obscure glazed (to be secured by a planning condition), it is considered no undue overlooking would result.

There are no windows or openings within the proposed east facing elevation.

By reason of the appropriate scale and form of the proposed new dwelling, subject to the obscure glazing condition described above, it is considered the proposal would not have undue amenity impacts on adjacent dwellings. In these respects, the proposed development is considered accordant with the provisions of local plan policy ENV3, which has regard to design quality and standards of amenity.

Officer's note that in considering the previously refused proposal, the Planning Inspector considered:

'Further concerns in relation to overlooking could be addressed by condition as appropriate, and there is no reason to believe that any unacceptable effect in relation to shading would occur when taking the relative orientation of dwellings into account.'

Impact on sewage and drainage, and flood risk

The application site is partially within the designated Environment Agency Flood Zone 3 and NFSFRA fluvial flood zone 3b. The affected area is the south westernmost corner of the proposed rear garden of the new property, constituting approximately 6 square metres in area.

The area affected is not within the proposed footprint area for the new dwelling and does not intercept the proposed access/egress for the proposed dwelling.

The Environment Agency (EA) were consulted and raise no objection to the proposal, subject to a condition requiring that the development is carried out in accordance with the submitted Flood Risk Assessment (FRA).

Subject to the condition requested by the EA, the proposed development is considered to be acceptable in terms of flood risk.

Impact on sewage

Objections have been raised on the grounds of existing problems with sewage and drainage and the proposed development increasing the risk of flooding.

Whilst existing problems with sewage/drainage should be raised with Southern Water, it is considered that surface water drainage and foul drainage issues on site can, at this stage, be controlled through an appropriate Condition requiring details of a foul and surface water drainage strategy to be agreed prior to the commencement of development.

Officers note that Southern Water were consulted on the application and, whilst no specific response has been received for this current application, they have previously not raised an objection (20/10136), subject to a standard informative to the applicant in respect of new connections to public sewer and with regard to soakaways and possible existing sewer location.

Air quality

In accordance with the Council's Air Quality in New Development Supplementary Planning Document (SPD), adopted on 1 June 2022, the proposed development will be required to demonstrate, through the submission of an Air Quality Statement, how mitigation measures to be implemented by the applicant to reduce emissions to air from the proposed development.

The requisite Air Quality Statement can be made a requirement by planning condition.

Ecology

On Site Biodiversity and protected species

The Council's Ecologist has assessed the proposal and considers the likelihood of significant ecological impacts to be low. The Ecologist recommends that in-built ecological enhancements are provided to demonstrate biodiversity net gain in line with the NPPF and the Local Plan e.g. bird boxes. Integrated swift bricks are strongly favoured as they are readily used not just by Swifts by other species of bird, including starling, house sparrow and tits.

Therefore, in accordance with the Council's Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021), an appropriate biodiversity enhancement scheme is recommended to be secured by a planning condition.

Affect the integrity of the New Forest and Solent Coast European sites

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

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

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether

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

Developer Contributions

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

- Infrastructure contribution of £5,597
- Non-infrastructure contribution of £813
- Bird Aware Solent contribution of £735
- 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	92.6	88.5	4.09	4.1	£80/sqm	£418.83 *
Subtotal:	£418.83					
Relief:	£0.00					
Total Payable:	£418.83					

11 CONCLUSION

The application site is located within the defined built-up area of Marchwood where new residential development is supported in principle.

The proposal would provide a single additional dwelling in an accessible location, helping to make better use of the site and would be accordant with policies safeguarding quality design, residential amenity, highway safety and ecology.

The flood risks associated with the proposed development can be adequately mitigated in accordance with the measures set out within the submitted FRA.

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 habitats mitigation and air quality monitoring contributions, as set out within Section 10 of 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:

NF-NM-343.1.01 SITE LOCATION PLAN
NM-343.1.03 PROPOSED BLOCK PLAN
NF-NM-343.1.04 PROPOSED SITE PLAN
NF-NM-343.1.05A PROPOSED PLANS & ELEVATIONS
ARBORICULTURAL IMPACT ASSESSMENT & METHOD STATEMENT
FLOOD RISK ASSESSMENT
FLUVIAL FLOOD RISK ASSESSMENT REPORT
APPENDIX 1- DETAILED FLUVIAL & SURFACE WATER FLOODING MAPPING

Reason: To ensure satisfactory provision of the development.

3. Before development commences above ground level, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

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

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

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

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

5. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (entitled 'Fluvial Flood Risk Assessment', dated 31 March 2021, by Simon Jones-Parry (Chartered Civil Engineer)), and the following mitigation measure it details:

Finished floor levels shall be set no lower than 11.66 metres above Ordnance Datum (AOD) (Section 1.3 of the FRA).

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6. 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 arboricultural statement.

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

7. The new dwelling hereby permitted shall not be occupied until the spaces shown on plan NF-NM-343.1.04 (Site plan as proposed) for the parking of motor vehicles have been provided. These spaces shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved at all times.

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

8. The development hereby permitted shall not commence until the spaces shown on plan NF-NM-343.1.04 (Site plan as proposed) for the parking of motor vehicles associated with the existing dwelling at 24 Poplar Drive have been provided. These spaces shall be retained and kept available for the parking of motor vehicles for the existing dwelling at all times.

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

9. No development shall take place until scheme for biodiversity protection and enhancement has been submitted to and approved in writing by the local planning authority. The measures thereby agreed shall be implemented as part of the development and maintained thereafter.

Reason: To enhance existing features of nature conservation value within the site in accordance with the Council's Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021) and saved policy DM2: Nature Conservation of the Local Plan Part 2: Sites and Development Management.

10. Prior to first occupation, provision shall be made for the convenient installation of charging points for electric vehicle(s) (associated with the new dwelling) 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

11. 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.

12. The first floor window on the north west facing side elevation of the approved dwelling shall be permanently glazed with obscured glass.

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

13. 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.

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

- (1) A programme of and phasing of demolition (if any) and construction work;
- (2) The provision of long term facilities for contractor parking;
- (3) The arrangements for deliveries associated with all construction works;
- (4) Methods and phasing of construction works;
- (5) Access and egress for plant and machinery;
- (6) Protection of pedestrian routes during construction;
- (7) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (8) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.

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

Reason: In the interests of amenity and Highway safety.

15. The new access (off Long Lane), including the footway and/or verge crossing shall be constructed with lines of sight of 2.4 metres by 43.0 metres and the lines of sight splays shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety

16. 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.

17. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each 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).

Further Information:

Warren Simmonds

Telephone: 023 8028 5453



Appeal Decision

Site visit made on 20 April 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 May 2022

Appeal Ref: APP/B1740/W/21/3287728

24 Poplar Drive, Marchwood SO40 4XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Cornish against the decision of New Forest District Council.
 - The application Ref 20/10136, dated 5 February 2020, was refused by notice dated 14 July 2021.
 - The development proposed is described as demolition of attached garaging and erection of infill dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with appearance, scale and landscaping reserved for future determination.

Main Issue

3. The main issues are the effects of the development on:
 - the integrity of European sites in relation to: (a) nutrients, (b) recreation and (c) air quality; and
 - the character and appearance of the area.

Reasons

European sites

4. The development would support an increase in population within reasonably close proximity to a number of European sites. In this regard, considered alone and in combination with other plans or projects, the development would have a likely significant effect on the integrity of the Solent and Southampton Water SPA and Ramsar sites, Solent and Isle of Wight Lagoons SAC, and Solent Maritime SAC (the nutrient-sensitive sites) as a result of nutrients in wastewater entering the catchment via water treatment works, and on the New Forest and the Solent and Southampton Water SPA/SAC/Ramsar sites (the recreation-sensitive sites), as a result of increased recreational pressure.

In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) Appropriate Assessment (AA) is therefore required.

5. The designation of the above sites relates to the range of protected priority habitats and species that they support. Where available, their conservation objectives seek to maintain or restore integrity, including that of qualifying features. Increased recreational use and eutrophication would, respectively, be at odds with these objectives.
6. Two separate AAs of the scheme in relation to nutrients and recreation have been undertaken by the Council. These have helped to inform my assessment.

(a) Nutrients

7. Recent guidance produced by Natural England (NE) both sets out its position in relation to nutrients, and provides advice on calculating nitrogen budgets, offsetting, and achieving nutrient neutrality. Though the Council is working on strategic solutions in line with NE's advice, this work has not been concluded. Whilst the Council has made further general reference to schemes which enable credits to be purchased, no details of these schemes, their current availability, or the eligibility of the development in question to access them has been provided. Thus, aside from implementing generic water efficiency measures which would limit but would not eliminate the production of wastewater, no means of mitigation has been proposed, specifically identified or secured in relation to either appeal scheme.
8. The Council has instead suggested that mitigation could be secured at a later stage by use of a Grampian condition. This would not explicitly require the appellant to enter into a planning obligation or other agreement, though it is unclear how else mitigation would be secured. Here the Planning Practice Guidance (PPG) states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases, and only then in exceptional circumstances.
9. The Council has highlighted a 2020 appeal decision in which the Inspector agreed to use of a Grampian condition in relation to nutrients. However, that case differed markedly from the cases subject of the current appeals in that whilst a scheme of mitigation actually appears to have been secured, it was considered that this would be better secured in the context of an emerging overarching agreement. There is therefore no direct parallel between the schemes. In the absence of any other evidence, it is otherwise unclear how representative this 2020 appeal decision is, particularly given the unusual circumstances.
10. The Inspector in the 2020 appeal additionally considered that the Council's lack of a demonstrable 5-year supply of deliverable housing sites (5YHLS) provided exceptional circumstances justifying a departure from the PPG. The Council continues to lack a 5YHLS. Exactly what role nutrients plays in this unclear. Insofar as the need to secure mitigation otherwise acts as an impediment to housing delivery, use of the

proposed condition would not resolve the issue. Nor would it address other issues which might have a bearing on the Council's 5YHLS position. I therefore find that the Council's lack of 5YHLS is not an exceptional circumstance justifying use of the proposed condition.

11. As such, use of the proposed condition would be clearly contrary to the PPG. As I have no clear indication of what form mitigation would take, the proposed condition would further fail to meet the test of precision and would provide no

certainty of mitigation. Given that nutrient neutrality has not been secured and given the absence of an appropriate mechanism by which it could be secured, adverse effects on the integrity the nutrient-sensitive sites cannot be excluded.

12. Alternative solutions which would have a lesser impact on the integrity of the nutrient sensitive sites clearly exist. Indeed, properly evidenced, scaled, and secured avoidance/mitigation could potentially address the likely significant effects identified above. As such and given the failure of the scheme in this regard, allowing the appeal would be contrary to the Habitats Regulations. It would also conflict with saved Policy DM2 of the New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management 2014 (the SDM), and Policy ENV1 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy (the LP) which together support the process of AA and require development to mitigate its impact on international nature conservation sites.

(b) Recreation

13. The Council's strategy for achieving mitigation of increased recreational pressure on European sites is currently set out within the Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document 2021 (the SPD), and the Solent Recreation Mitigation Strategy 2017 (SRMS). In each regard mitigation comprises funding for provision of sites of alternative natural green space (SANGS), and provision of site access management and monitoring measures (SAMM). The SPD indicates that funding will be through a mix of CIL and financial contributions, and the SRMS, through financial contributions.
14. The SRMS contains a general endorsement from NE, and NE has provided general advice to the Council confirming that it will not object to schemes provided mitigation is secured in line with local strategy.
15. Though work commenced on preparation of a Unilateral Undertaking (UU) to secure the required contributions during 2021, none has been provided to date. In the absence of full mitigation for the increased recreational pressure to which the scheme 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.

16. The scheme would therefore fail to mitigate the likely adverse effect it would have in relation to the recreation-sensitive sites. Again, alternative solutions would have lesser effect exist, insofar as provision of appropriately secured mitigation would address the scheme's likely significant effects. As such and given the failure of the scheme in this regard, allowing the appeal would be contrary to the Habitats Regulations. It would therefore again conflict with saved Policy DM2 of the SDM and Policy ENV1 of the LP as outlined above.

(c) Air quality

17. The decision notice additionally references a failure to mitigate adverse effects in relation to air quality, though this is not addressed within the Council's AAs.

18. Air quality is however covered within Policy ENV1 of the LP in relation to the New Forest SPA and SAC. The supporting text states that the deposition of nitrogen and ammonia from vehicle exhausts is a risk factor which requires a financial contribution to cover monitoring.

19. Notwithstanding the Council's reason for refusal, the stated purpose of monitoring is to identify whether adverse effects are occurring or likely to occur, rather than to mitigate them. Whilst likely significant effects on the integrity of the New Forest SPA and SAC cannot therefore be ruled out, given evident uncertainty, it is unclear whether any mechanism exists by which adverse effects can in fact be excluded.

20. Thus, had I been otherwise minded to allow the appeal it would have been necessary for me to seek further information and evidence in relation to this matter, and to extend my AA accordingly. Given my findings in relation to matters (a) and (b) above however, this is unnecessary.

Character and appearance

21. The site is currently occupied by a garage attached to the side of 24 Poplar Drive. This forms part of a group of 3 detached 2-storey properties of two different designs arranged around two sides of a central hard surfaced space. These properties in turn form part of a relatively modern suburban estate of 2-storey properties which are arranged in small groups. The size, design and spacing of dwellings varies, as does the size and shape of their gardens.

22. The proposed dwelling would be positioned alongside No 24, similarly facing onto the central space. This would not require atypically close spacing and would complement the existing arrangement. Scale and appearance are both reserved matters, however in each regard a design generally consistent with that of adjacent dwellings could be secured.

23. The proposed garden space would be more compact than is typical within the estate at large. However, it is unlikely that this would be generally perceived. Indeed, the back garden would only be partially exposed to view from Long Lane, which itself lies outside the estate. From this vantage point the garden would not appear obviously at odds with other gardens which back onto the road. For this and the above reasons the development would not appear cramped, or the site overdeveloped.

24. I conclude therefore that the effect of the development on the character and appearance of the area would be acceptable. It would therefore comply with Policy ENV3 of the LP which amongst other things requires development to be sympathetic to its context.

Other Matters

25. Interested parties have raised a number of concerns not shared by the Council. These include the lack of safe or convenient parking, and related adverse effects on neighbour amenity in relation to traffic, light and air pollution. Given that space already used for parking would be utilised, additional parking would be provided to the rear of No 24, and screening could be introduced, I see no reason to reach a different view. Further concerns in relation to overlooking could be addressed by condition as appropriate, and there is no reason to believe that any unacceptable effect in relation to shading would occur when taking the relative orientation of dwellings into account.

26. A small part of the rear of the site falls within Flood Zone 3. In this regard the Environmental Agency and Council disagree over the acceptability of the development based on the submitted Flood Risk Assessment. On the basis that the proposed dwelling would have a smaller footprint than the building it would replace, both it and its access would fall outside Flood Zone 3, that a precautionary approach could be taken in relation to finished floor levels, and that No 24 would continue to have access from the front, I share the Council's view that the development would not be subject of or give rise to unacceptable risks in relation to flooding.

27. As noted above, the Council lacks a 5YHLS, and the appellant has accordingly drawn my attention to the 'tilted balance' set out in paragraph 11 of the National Planning Policy Framework (the Framework). However, given my findings in relation to European sites, and the application of paragraph 182 and Footnote 7 of the Framework, the tilted balance is not applicable in this instance.

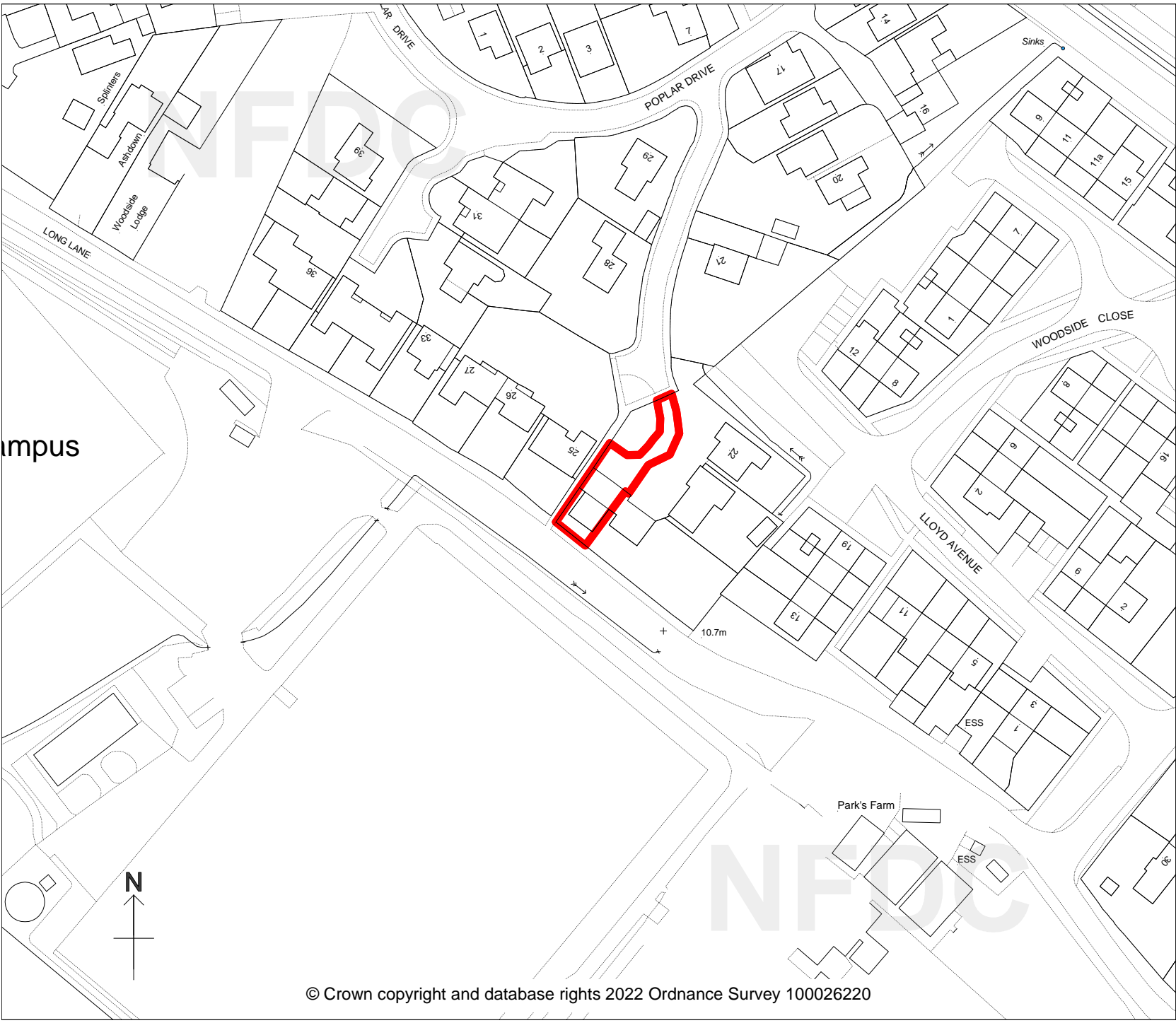
28. The development would otherwise provide a single additional dwelling in an accessible location, helping to make better use of the site. However, notwithstanding the social and economic benefits this would deliver, including in relation to the Council's shortfall, they would be clearly outweighed by the potentially adverse environmental effects of the scheme.

Conclusion

29. The effects of the development 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 the appeal should be dismissed.

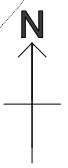
Benjamin Webb

INSPECTOR



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New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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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

October 2022

Land of 24 Poplar Drive
 Marchwood

22/10898

Scale 1:1250

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 the internet, it will not be to
 scale.

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Planning Committee 12 October 2022

Application Number: 22/10863 Variation / Removal of Condition

Site: 14 MEADOW CLOSE, RINGWOOD BH24 1RX

Development: Variation of condition 2 of planning permission 21/10969 to allow fenestration changes to the west elevation & additional windows to the rear elevation

Applicant: Mrs Carter

Agent:

Target Date: 03/10/2022

Case Officer: Vivienne Baxter

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the residential amenities of the area
- 3) Impact on the character and appearance of the area

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

2 SITE DESCRIPTION

The site lies within the built up area of Ringwood in a residential area. It is at the end of a cul de sac to the rear of which is the end of another cul de sac. Both Meadow Close and Hampton Drive to the rear are predominantly bungalows although many have undergone significant alterations in order to provide accommodation at first floor level.

3 PROPOSED DEVELOPMENT

The proposal entails the variation of the plan numbers condition in order to allow changes to the approved windows in the rear dormer. The openings to the east and south (front) elevations are not proposed to be changed.

The window to bedroom 2 would be 0.3m wider and 0.2m deeper, that to bedroom 1 (approved dimensions 2.5m by 0.9m) would be changed to be three narrower windows, two of them measuring 0.8m wide and 1.1m deep with the central one being 0.9m wide and 1.7m deep (around 0.5m above floor level). The en suite window would be 0.5m wider and 0.2m deeper and is shown to be obscure glazed.

It should be noted that the roof light above the first floor en suite, the utility room window and the enlargement of the ground floor shower room shown on the proposed west elevation were agreed as a non-material minor amendment.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10969 Variation of condition 2 of planning permission 21/10514 to allow amended plans raising the ridge height of the extension on the front elevation.	13/10/2021	Granted Subject to Conditions	Decided
21/10514 Loft conversion with dormers; single-storey rear extension and update of existing facades	28/05/2021	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

Supplementary Planning Guidance And Documents

SPD - Ringwood Local Distinctiveness

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Avon Catchment Area

Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

Refusal(4) Recommend refusal. The Committee felt the application, which is now retrospective, does not address the concerns raised with the previously submitted plans. The proposal would be overdevelopment, have a detrimental impact on the street scene and amenities of neighbouring properties, particularly overlooking of No35 and No37. There was also concern that what has been built is not in accordance with the extant planning permission.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- it would result in a greater loss of privacy
- potential for use of roof as a terrace
- dropping the sills would be even more overbearing

Against: 2

10 PLANNING ASSESSMENT

Principle of Development

There are no objections to the principle of making alterations to this non-listed building within the built up area and outside of any conservation area.

Residential amenity

The proposal represents changes to the approved windows for three rooms. The overall width of the proposed openings is 5.8m, an increase in size of just 0.1m compared to the extant permission. Of this width, 1.2m would be obscure glazed compared to the 0.7m previously approved.

Aside from the central window to the main bedroom, the sill level would be dropped for all windows from 1.2m above floor level to 1m above floor level. The central main bedroom window would have a sill 0.5m above floor level - this is roughly in line with the top of the parapet wall surrounding the flat roofed rear addition.

The dormer windows are approximately 13m from the rear boundary with the ground floor of the property around 2m from the boundary. To the north of this is part of the garden to 35, Hampton Drive although in view of the presence of the ground floor element of the dwelling, views into this part of the adjoining garden are restricted and this can be seen in the submitted photographs. The creation of three windows rather than one large window to the main bedroom would also result in additional restrictions to viewing opportunities compared to the extant scheme.

Given the limited changes to the approved openings, coupled with the rear projection and associated parapet wall, the proposed changes are not considered to have a significant impact on the amenities of the occupiers of properties to the rear. The windows do not face directly towards either property having views beyond the front garden hedge to no.35.

However, in view of the concerns raised in respect of the possibility of the flat roof being used as a terrace, it is considered appropriate to restrict that the central window is not a door and that the roof is not used as a terrace.

Design and impact on local character and appearance of area

The approved scheme at the property results in a modern design. The proposed changes to the rear would be seen in the same context as Hampton Drive where no.38 is of a very different design to the more traditional bungalows originally built in that road. The small changes to the approved scheme are not considered to adversely affect the character of the area.

11 CONCLUSION

The proposed fenestration alterations are not considered to be so different to the approved scheme and do not cause any additional amenity issues. As such as to warrant refusal of the application and approval is therefore recommended.

12 OTHER CONSIDERATIONS

N/A

13 RECOMMENDATION

GRANT the VARIATION of CONDITION

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:

unnumbered landscaping drawing
2103 AP.02 A - approved plans
2103 AP.03 A - approved elevations
2103 AP.04 A - approved sections
2101 AP.01 A - proposed site plan
2103 AP.02 B - proposed plans
2103 AP.03 B - proposed elevations
photographs from within the dormer

Reason: To ensure satisfactory provision of the development.

3. Prior to the provision of the timber cladding, exact details of its colour and finish 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The approved landscaping scheme to the front of the property shall be implemented in the first planting season following the substantial completion of the development unless an alternative scheme is previously approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

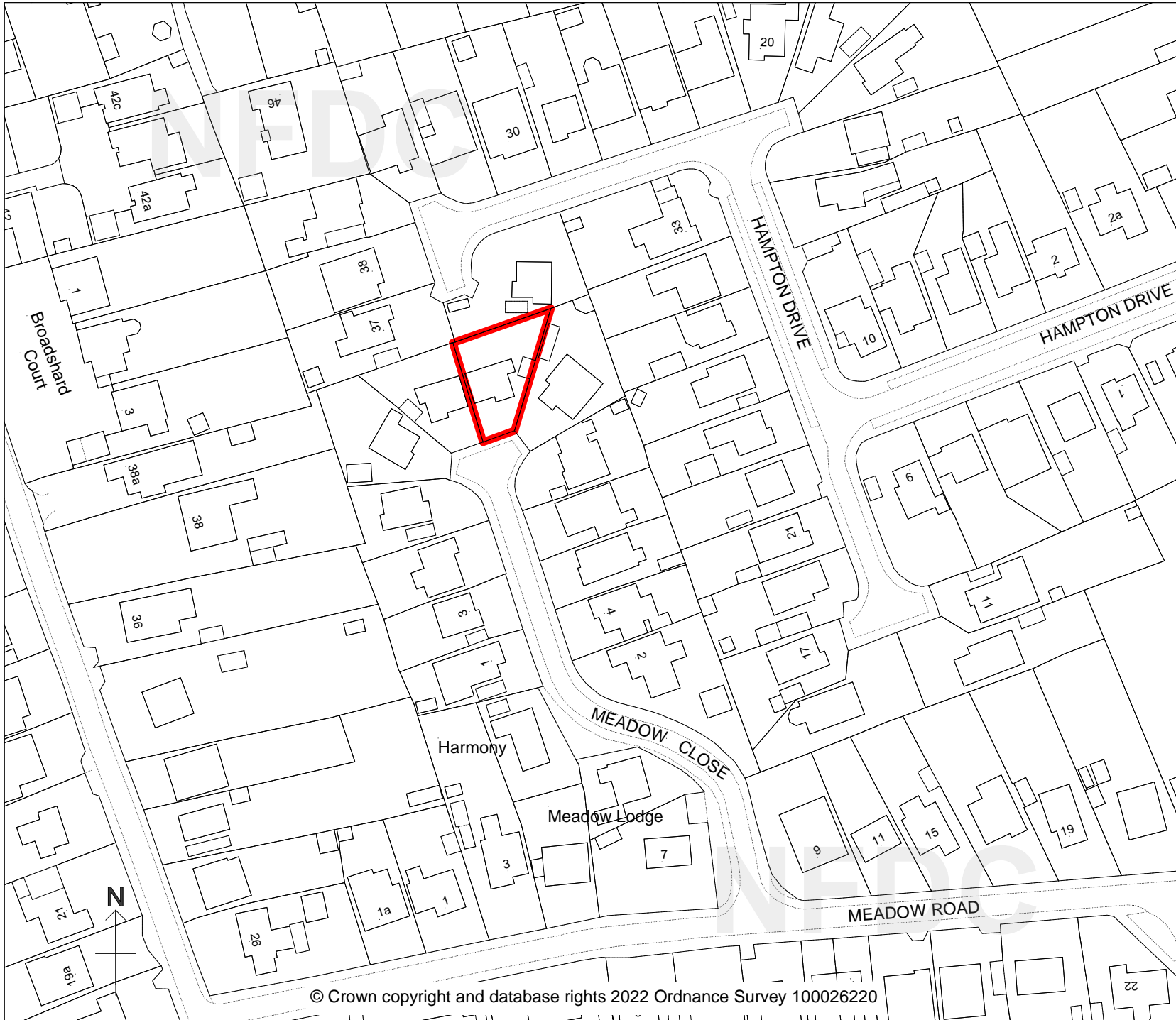
5. The central opening to the main bedroom shall be fixed shut and permanently maintained as such so as to prevent access to the outside. Notwithstanding the General Permitted Development Order 2015 (as amended) and any subsequent re-enactment, the first floor flat roof shall not be used as a roof terrace or any other external amenity space for any persons.

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5442



New Forest

DISTRICT COUNCIL

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Claire Upton-Brown
Executive Head of Planning,
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New Forest District Council
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PLANNING COMMITTEE

October 2022

14 Meadow Close
Ringwood

22/10863

Scale 1:1250

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the internet, it will not be to
scale.

Planning Committee 12 October 2022

Application Number: 22/10884 Full Planning Permission

Site: 3 FAIRLIE PARK, RINGWOOD BH24 1TU

Development: Roof alterations to raise ridge height; front dormers and roof lights in association with new first floor; rear extension

Applicant: Mr & Mrs Brown

Agent: Brian Turner

Target Date: 20/09/2022

Case Officer: Jessica Cooke

Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Design, site layout and impact upon the character of the area
- 3) Neighbour amenity
- 4) Visual intrusion and loss of privacy

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

2 SITE DESCRIPTION

The application site comprises a single-storey brick bungalow located within the defined Ringwood Built-up Area and within the Ringwood Local Distinctiveness SPD - Character Area 8, North Ringwood.

The site is located on Fairlie Park but is sited close to the junction of Fairlie Park and Fairlie, and is visible within both streetscenes. The property is set within a street of varying architectural styles and house types ranging from two-storey dwellings to one-storey bungalows, the majority of which are detached.

Immediately adjacent to the application site lies a single storey bungalow at no. 5 to the west and a two-storey traditional style dwelling at no. 1 to the east. To the south of the property, single storey mobile park homes are sited at Pilgrim Park. Adjacent to the southeast and east of the site lies Lumby Drive, a meandering road defined predominantly by single storey bungalows and chalet bungalows. Opposite the property to the north, are detached two-storey dwellings, both of a modest size. The character of the area is mixed in style, house types, ages of the dwellings and materiality and as such, it is not considered that there is a defined style or character.

A number of dwellings in the vicinity of the application site have benefited from extensions and alterations, including raised ridge heights and two-storey side and rear extensions including at no. 66 where a similar development has been implemented.

The property has previously benefited from a side extension to the east which is flush with the principle elevation and rear elevation. A non-habitable loft room and associated side dormer window was added to the property at the same time.

In addition, a flat-roofed conservatory has been constructed adjoining the dwelling to the existing formerly detached garage which features a dual-pitched roof. As a result of this addition, the aesthetic of the facade of the existing dwelling is unbalanced in its appearance.

3 PROPOSED DEVELOPMENT

The proposed development comprises a series of alterations and extensions to create a chalet style bungalow to would provide additional accommodation within the property for a 3no. generation, multi-generational household.

This application forms a resubmission of a previous application (reference. 22/10339) which was withdrawn by the applicant following recommendations by NFDC to amend the scheme to overcome concerns in respect of the overall design, with particular regard to scale and massing and impacts upon residential amenity to no. 7 Pilgrim Park.

In respect of the resubmission, the proposal includes increasing the ridge height over the original dwelling (excluding that of the existing conservatory and garage) by 900mm to a height of 7m to accommodate a first floor.

In addition, an additional floor is proposed above the existing conservatory and garage which equates to 6.1m in total height and incorporates the garage into the dwelling. The roofline of this extension is stepped down from the proposed increased ridge height. The pitch of the roof forms a natural extension of the pitched roof of the existing garage and mirrors that of the original dwelling. 4 dormers are proposed to the front of the dwelling.

To the rear of the property, a single storey extension would accommodate a large kitchen/dining area. At first floor level, three bedrooms are proposed to the rear and feature two rooflights per bedroom.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10339 Raise ridge height, dormers in association with new 1st floor; extensions	12/05/2022	Withdrawn by Applicant	Withdrawn
01/73126 Two storey addition	23/11/2001	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 HOU1: Housing type, size, tenure and choice

Supplementary Planning Guidance And Documents

SPD - Ringwood Local Distinctiveness

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
SSSI IRZ Minerals Oil and Gas
Avon Catchment Area
Aerodrome Safeguarding Zone
Plan Area
SSSI IRZ Air Pollution
SSSI IRZ Discharges
SSSI IRZ Infrastructure
SSSI IRZ Compost
SSSI IRZ All Consultations
SSSI IRZ Combustion

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

Refusal (4) The Committee felt the proposal would be overdevelopment of the site, have a detrimental impact on the street scene, is out of keeping of the area and there would be a loss of amenity for the neighbouring properties, with particular regard to overlooking.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 2

Against: 2

Objections

- Objection in respect of intrusive overlooking issue to properties on Lumby Drive.
- Further objection relation to detrimental impacts on visual intrusion and privacy to home and garden on Lumby Drive.

The above dwellings at Lumby Drive are located 30-40m from the proposed development which is acceptable in planning terms for the built-up area and NFDC have no concerns relating to loss of privacy or overlooking in respect of the properties sited on Lumby Drive.

Support

- Well considered change to the property with the revised plans taking the previous objections into account and the alterations providing solutions to these objections.
- The proposal would be in keeping with the area.
- Support for retaining family home as opposed to overdeveloping the site with multiple dwellings.
- Support for the plans and considers the proposal to be a sympathetic use of the large plot.
- Fairlie Park has benefited from developments over recent years and the proposal would further improve the aesthetic of the road.
- The incorporation of the garage is resourceful as opposed to taking the option of a replacement dwelling.

10 PLANNING ASSESSMENT

Principle of Development

The proposed development is located within the built-up area of Ringwood where there is a presumption in favour of development, subject to the consideration of material planning considerations, including those relating to residential amenity and character and appearance of the area.

As previously mentioned, this application is a resubmission of application reference 22/10339. The previous proposal was withdrawn by the applicant following officer concerns in relation to the design of the proposal and loss of privacy to no. 7 Pilgrim Park. Feedback was provided to the applicant to overcome these concerns and the suggested amendments have been incorporated into the new proposal.

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

The proposal comprises alterations to the principle elevation including increasing the roof height over the existing dwelling by 900mm, the addition of a first floor over existing built form and a rear single storey extension. The existing principle facade is 23.5m wide, as a result of the existing conservatory adjoining the formerly detached garage and the original dwelling. This has provided an unbalanced aesthetic to the principle elevation which is a noticeable feature of the dwelling and the proposal is considered to improve the appearance of the dwelling as a whole.

Ringwood Town Council objected to the proposal insofar as the Committee felt the proposal would be an overdevelopment of the site, have a detrimental impact on the street scene and would be out of keeping with the area. However, the plot is 1225m² and the proposed footprint is 299.49m². The proposal is sited centrally and a sizeable amount of space at 925.51m² would remain around the proposed dwelling. Therefore, it is not considered that the proposal would constitute overdevelopment. In respect of the impact on the streetscene and the character of the area, there is no defined character in the area in respect of house types, styles or ages and therefore it is not considered the proposal would be out of keeping with the area.

The proposal is considered to be a much improved scheme to that initially proposed in application 22/10339, which received Parish support with a PAR1 recommendation for approval. However, the design of the previous proposal was considered by NFDC to be homogenous in nature with a flush roof at both the ridgeline and the elevation, which created a monotonous appearance and the cumulative scale and massing was considered to be incongruous. In addition, the

arrangement of the fenestration and dormers created an unbalanced appearance. The applicant has implemented a number of changes in the new proposal to reduce the scale and mass of the scheme and altered the design to provide a more balanced and harmonious facade as set out below.

The proposed ridgeline is now stepped down and stepped back from the proposed increased ridgeline, which results in the extension appearing as a sympathetic and subservient addition to the original dwelling, creating depth and variation of the form of the principle elevation. The fenestration has been altered to appear more proportionate and evenly spaced where additional front dormers have been introduced. The proposed design has the appearance of a chalet bungalow by reason of its relatively low height and this would not appear incongruous within the streetscene.

As previously mentioned, the streetscene has significant variety in featuring both single-storey bungalows and two-storey dwellings of differing sizes and scales. In the immediate setting of the site, no. 1 Fairlie Park is a two-storey detached dwelling and no. 5 Fairlie Park is a single storey bungalow. The increased roof height of the proposed development would be adjacent to the two-storey dwelling and the ridgeline would be stepped down adjacent to the neighbouring bungalow, providing a cohesive transition between its neighbouring properties in respect of the building heights.

The application site falls within Character Area 8 - North Ringwood of the Ringwood Local Distinctiveness SPD. As described in para 4.8.9 subsection (b) and (c) this area is defined as having a variety of built form which does not undermine the sense of place in the area by virtue of its restrained ratios of taller two-storey dwellings, which are noted to punctuate rather than dominate the skyline and its chalet bungalows. Policy ENV3 and the Ringwood Local Distinctiveness SPD stipulates that new development will be required to be well-designed to respect the character, identity and context of the area's localities. The proposal complies with policy in respect of its design and impact upon the character of the area.

Whilst the proposal would increase the size and scale of the property, the application site is large in size and can comfortably accommodate the proposed development. The extensions and alterations have been designed as a sympathetic and proportionate addition to the existing dwelling and with particular regard to the roofline, provides a cohesive transition between the two-storey dwelling at no. 1 Fairlie Park and the single-storey bungalow at no. 5 Fairlie Park.

The proposed alterations to the principle elevation would be visible within the streetscene, however a number of properties have benefited from extensive development in the locality, including a similar development at no. 66 Fairlie and a replacement dwelling at no. 7 Fairlie Park. In addition, there is no defined character or style of the area, therefore, given this mixed character, the impact of the proposal would not detract from the character of the area or appear overly prominent within the streetscene.

Residential amenity

The proposal comprises alterations to provide first floor accommodation with front dormer windows and rear rooflights. There is an existing side-facing dormer to the east elevation which currently serves a non-habitable loft room. There are level changes between the properties on Fairlie Park and Lumby Drive to the rear whereby Fairlie Park is slightly higher.

Parish concerns were raised whereby it was felt there would be a loss of amenity for the neighbouring properties, with particular regard to overlooking. Neighbour objections were received by the occupants of properties located to the rear of the application site on Lumby Drive, in respect of visual intrusion and loss of privacy. However, these properties are located between 33m and 42m from the proposed development which is an acceptable distance in planning terms for the built-up area and raise no concerns in respect of neighbour amenity.

In any case, notwithstanding the above neighbour concerns, rooflights could be added to the rear elevation using Permitted Development Rights.

The previous proposal comprised rear facing dormer windows that would have been sited 14m-15m from the side facing windows of habitable rooms at 7 Pilgrim Park, a mobile park home sited adjacent to the rear boundary of the application site. It was considered that the rear dormers would have facilitated views into the mobile home and this would result in unacceptable impacts upon the amenity of the occupants of 7 Pilgrim Park. In respect of this, the applicants amended the proposal to remove the rear dormers and rooflights are proposed instead which diminish any outlook. The proposed scheme is now considered to have overcome this issue and would not result in unacceptable amenity impacts to 7 Pilgrim Park.

There is an existing side facing dormer which currently serves the non-habitable room and is therefore not obscure glazed. The proposal seeks to utilise this window to serve a store room. As this window is existing and has the benefit of time, it is not possible to apply a planning condition to obscure glaze this window, however, as it is not proposed as a habitable room, it is not considered to impact upon the amenity of the occupiers at no. 1 Fairlie Park.

The proposed alterations as described above, would not lead to additional amenity impacts by virtue of the spatial characteristics of the application site, its location and positioning in relation to the neighbouring properties. The design of the proposed development has been altered to overcome impacts in respect of loss of privacy at no. 7 Pilgrim Park by removing the proposed rear dormers and replacing them with rooflights. As such, the proposal would not cause unacceptable effects on privacy, loss of light and outlook available to the adjacent properties.

Highway safety, access and parking

Fairlie Park is a residential road with no parking restrictions. The property currently benefits from two existing accesses and an in-out driveway.

The proposal comprises 5no. bedrooms and would result in the loss of the existing garage as this would be incorporated into the dwelling. In accordance with NFDC Parking Standards SPD (April 2022), the requisite parking spaces for a 5-bedroom dwelling is 3no. on-plot spaces. The plot is large in size and can accommodate a number of vehicles. The submitted site plan demonstrates the sufficient number of parking spaces can be provided on the plot and as such, the proposal meets the requirements of NFDC Parking Standards.

Developer Contributions

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
Self Build (CIL Exemption in place)	452	158	294	294	£80/sqm	£30,033.23 *

Subtotal:	£30,033.23
Relief:	£30,033.23
Total Payable:	£0.00

11 CONCLUSION

This application as described above, is a resubmission of application 22/10339 which was withdrawn and resubmitted with amendments as set out above. The proposal provides a much improved development to that of the existing dwelling and is considered to have overcome the previous concerns relating to the previous proposal. The application is therefore recommended for approval.

12 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:

- Location Plan
- 1408:08A Proposed Site/Roof Plan
- 1408:09B Proposed Elevations
- 1408:10B Proposed Elevations
- 1408:06A Ground Floor Plan
- 1408:07A First Floor Plan
- 1408:04A Elevations as Existing
- 1408:03 Floor Plans as Existing

Reason: To ensure satisfactory provision of the development.

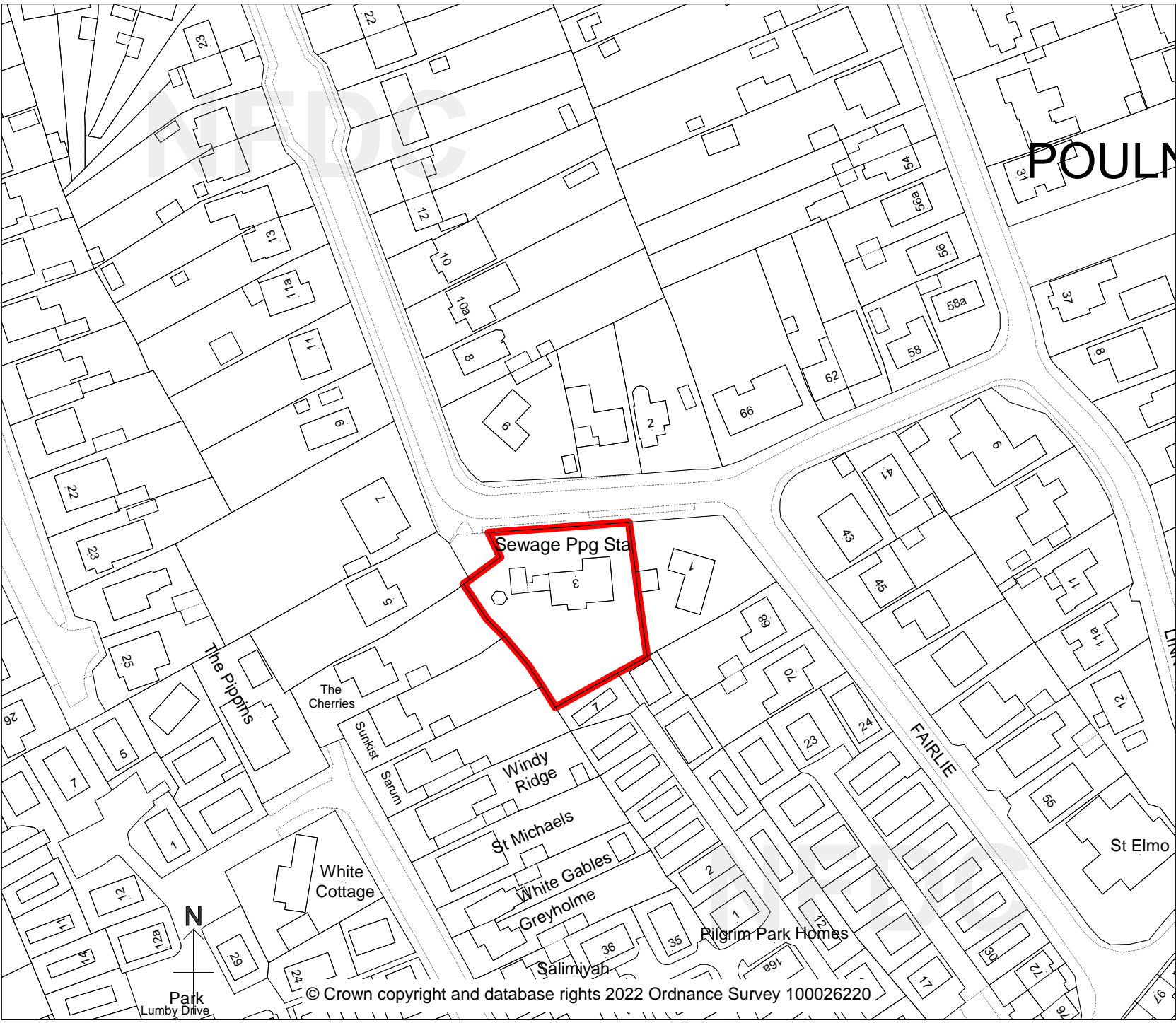
3. The external facing materials shall match those used on the existing building unless agreed otherwise by the Local Planning Authority.

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

Further Information:

Jessica Cooke

Telephone: 02380285909



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New Forest

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 Regeneration and Economy
 New Forest District Council
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PLANNING COMMITTEE

October 2022

3 Fairlie Park
 Ringwood

22/10884

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 scale.

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Planning Committee 12 October 2022

Application Number: 22/10857 Full Planning Permission

Site: 196 RINGWOOD ROAD, TOTTON SO40 8EB

Development: 1.825m high fence across the front boundary, to include a 3.75m access that will incorporate a gate (Retrospective)

Applicant: Mr. Parsons

Agent:

Target Date: 21/09/2022

Case Officer: John Fanning

Extension Date: 19/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Visual impact of the development within the surrounding street scene
- 2) Highways safety

This application is to be considered by Committee because Totton and Eling Town Council recommended refusal on the basis of the visual impact of the development within the street scene and highways safety. Officers are recommending refusal of the application on the grounds of the visual impact of the development but do not believe that we can reasonably pursue the highways safety reason for refusal. Officers have liaised with the Town Council who confirmed their desire for the item to be referred to Committee if highways safety was not to be included as a reason for refusal.

2 SITE DESCRIPTION

The site lies within Totton and forms part of the defined built-up area. The northern side of Ringwood Road typically features detached two-storey residential dwellings of which the application site is one. In the vicinity of the application site the southern side is occupied by a vegetated screen.

The application site is well set back from the highway, with a wide verge crossed by a wide area of hard surfacing and dropped kerb to provide access.

Abbotswood Junior School and Forest Park Primary School are situated in immediate proximity and occupy large plots to the north and east of the site.

3 PROPOSED DEVELOPMENT

The site has historically had a low level fence running across the frontage, with a large tall hedge just behind. Following the bottom section of the hedge being trimmed a new taller fence was installed across the site frontage. The application seeks retrospective consent to retain the fencing in addition to a proposed gate.

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

ENV3: Design quality and local distinctiveness

ENV4: Landscape character and quality

CCC2: Safe and sustainable travel

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Plan Area

Plan Policy Designations

Built-up Area

Landscape Feature

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The majority of properties in the area have a wall or fence around 1 metre in height. The fence has an impact on the street scene in terms of appearance. The main area of concern is highway safety when entering/exiting the site due to reduced visibility. This causes concern for the safety of passing pedestrians and cyclists.

RECOMMENDATION PAR4: We recommend REFUSAL, for the reasons listed

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways

Upon review of this application, it was seen that the increase in fence height is a betterment than the existing situation of the hedge. The fence will maintain greater visibility splay than the hedge, as if the hedge is not maintained will overhang and increase in size, thus reducing the visibility splay. Therefore, as there was a slight improvement over the existing situation improving visibility splays the Highway Authority have no objections.

9 REPRESENTATIONS RECEIVED

The application received 1 letter of representation. The following is a summary of the representations received.

- Neighbouring footpath is commonly used by school children, parents and cyclists which places particular importance on having good quality sightlines to avoid accidents
- No in principle objection to fence however height should be lowered adjacent to neighbouring properties to improve sightlines

10 PLANNING ASSESSMENT

Class A of Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) outlines that a fence can be erected at a height of 1m where its adjacent to a highway used by vehicular traffic or 2m high elsewhere. It is the position of the Local Planning Authority that taking into account the circumstances of the application site a fence of more than 1m in height in this location would require planning permission.

As such it is felt that the proposal must be assessed against the following key criteria:

Character and appearance

The Ringwood Road frontage in this location typically features properties well set back from the site frontage, with low level boundary treatments creating a generally open and spacious appearance within the street scene. Generally speaking the frontage of the properties are occupied by a mix of vegetation/landscaping and hard surfacing for parking.

The application site has a very substantial tall hedge that runs along the site boundary with Ringwood Road, providing a solid visual barrier in the context of the surrounding street scene. The planting and maintenance of hedging typically falls outside of the remit of the planning system to control.

Notwithstanding the context of the hedge set behind, it is considered that the additional height of fencing would not be in character with the pattern in the context of the surrounding street scene. It is not considered that a full height fence along this frontage would be sympathetic to the character of the surrounding street scene and a reason for refusal is recommended in this regard.

The applicant has identified that they feel that the hedge and fence are necessary to provide adequate privacy and protection from anti-social behaviour however based on the available information it is not felt these matters are sufficient to overcome the harm identified.

Highways safety

Concerns have been raised by local residents and the Town Council with regard to highways safety, specifically in relation to the proposed fencing reducing sightlines with regard to cyclist and pedestrians using the footway. This is of particular relevance in the context of the nearby schools.

The Councils Highways consultants have reviewed the proposal as outlined above and raised no objection on the grounds that the fence will not represent a worsening of the existing situation when considered in the context of the retained hedge. They identify that the proposal would represent a marginal improvement by preventing future overhanging of the highway from the hedge.

With reference to the consultation response, it is not considered that the Local Planning Authority can substantiate additional harm to the highways safety of the existing lawful access as a result of the proposed development. On this basis it is not considered that an objection can be raised in this regard.

Retrospective application

It is not considered there is any evidence to suggest the applicant intended to intentionally subvert the planning system. As such it is not considered that the Local Planning Authority could reasonably attach any special weight to the retrospective nature of the application.

11 CONCLUSION

For the reasons outlined above it is considered that while the proposal is not ideal in terms of providing wide visibility splays associated with the existing access, it is not felt that the Local Planning Authority could reasonably sustain an objection to the proposal on those grounds. It is felt that the proposal represents a visually intrusive form of development that fails to respect the design and character of boundary treatments along the Ringwood Road frontage in the immediate context of the application site.

As such it is recommended that the application be refused on the grounds of the impact on the character and appearance of the surrounding street scene.

12 OTHER CONSIDERATIONS

None.

13 RECOMMENDATION

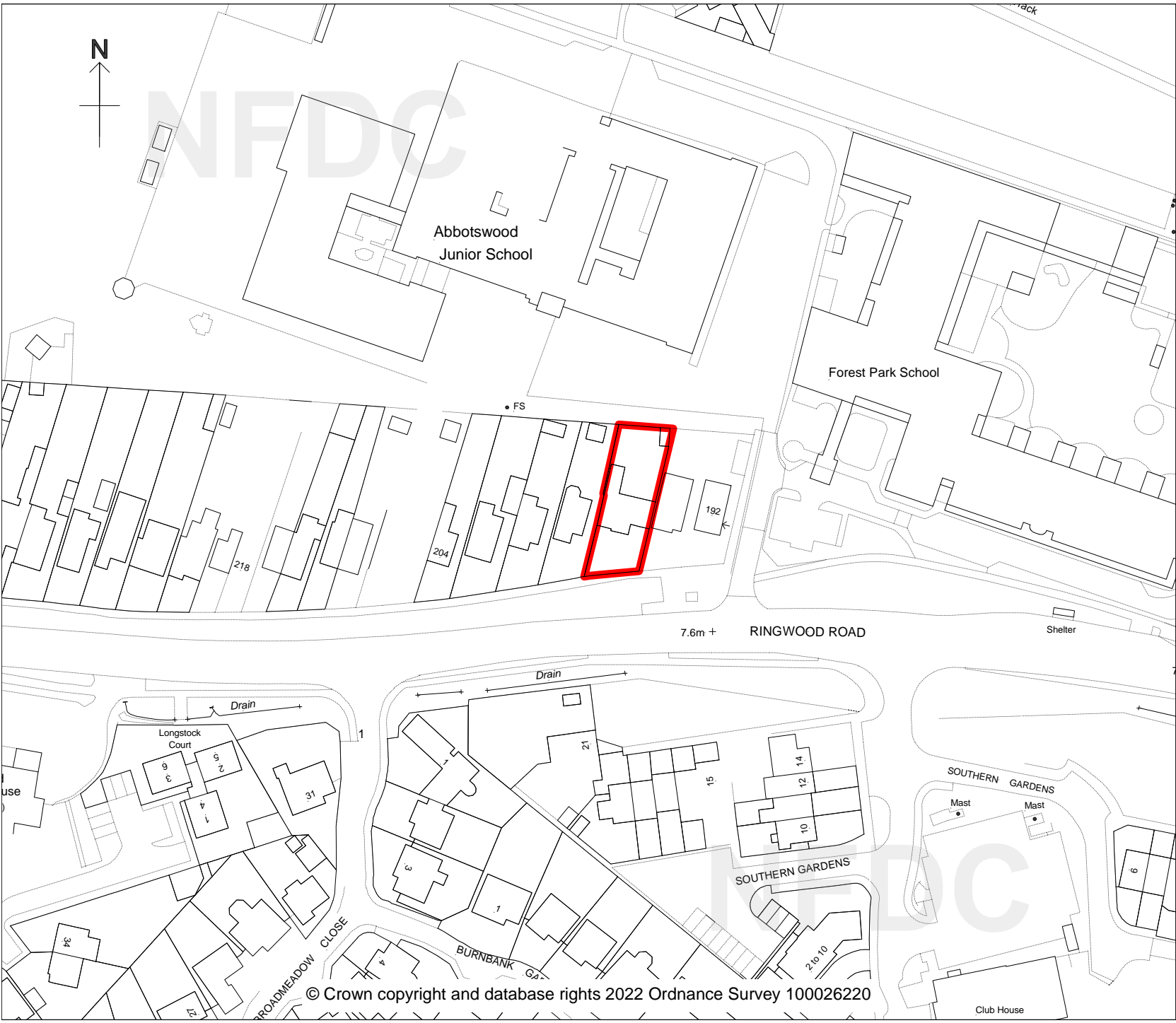
Refuse

Reason(s) for Refusal:

1. By reason of its excessive height and prominent position adjacent to the highway, the proposed fence would create an intrusive element with a harmful visual impact which would be out of keeping with the low level open boundary treatments in the surrounding streetscene. As such, the proposed development would be contrary to Policy ENV3 of the Local Plan Part 1: Planning Strategy for the New Forest outside of the New Forest National Park.

Further Information:

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PLANNING COMMITTEE

October 2022

196 Ringwood Road
 Totton

22/10857

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 scale.

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Planning Committee 12 October 2022

Application Number: 22/10346 Full Planning Permission

Site: LAND REAR OF, 87-99 LONG LANE, HOLBURY
(PROPOSED LEGAL AGREEMENT)

Development: Erect 4 Flats and 1 house with associated parking

Applicant: Mr Joyner

Agent: Sanders Design Services Ltd

Target Date: 23/09/2022

Case Officer: James Gilfillan

Extension Date: 01/08/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of development
- 2) The impact on the character and appearance of the area
- 3) Residential amenity
- 4) Highway safety

This application is to be considered by committee due to the objection of the HSE.

2 SITE DESCRIPTION

The site is on the west side of Long Lane in the built-up area of Holbury. It is located to the rear of a parade of commercial units. There is a deep forecourt in front of the commercial units and a service road, parallel to Long Lane, serving the units.

The application site is a rear courtyard in use by some of the commercial units for parking, storage and access, though it appears largely informal and most have rear boundary enclosure. Vehicle access passes between the frontage buildings crossing the forecourt to join the Long Lane service road.

To the west is a church, the north residential properties on Holbury Drove and the south residential properties on Waltons Avenue. Planning permission has been granted for housing to the rear of the dwellings on Waltons Avenue.

On the opposite side of Long Lane is band of mature vegetation and trees along the boundary with Fawley Oil refinery. The commercial units are designated as a Local Shopping Frontage.

3 PROPOSED DEVELOPMENT

Erect 4 flats (1x2storey block of 2 bed flats) and 1 house, with associated parking, accessed via existing drive from Long Lane.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10970 10 Flats (1 block of 6 and 1 block of 4 flats); associated parking	10/11/2021	Withdrawn by Applicant	Withdrawn
20/10105 Demolition of 18 Waltons Avenue to create access to land at rear for development of 5 dwellings	29/04/2021	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

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

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Local Plan Part 2: Sites and Development Management 2014

DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Air Quality in New Development. Adopted June 2022

Relevant Advice

NPPF 2021

Constraints

SSSI IRZ Waste

SSSI IRZ Water Supply

SSSI IRZ Rural Residential

SSSI IRZ Minerals Oil and Gas

SSSI IRZ Residential

SSSI IRZ Rural Non Residential

SSSI IRZ Wind and Solar Energy

SSSI IRZ Infrastructure

HSE Consultation Zone

Historic Land Use

Plan Area

Aerodrome Safeguarding Zone

SSSI IRZ Combustion

SSSI IRZ Compost

SSSI IRZ Discharges

SSSI IRZ All Consultations

Planning Agreement

SSSI IRZ Air Pollution

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Express disappointment at not being able to be involved in identifying mitigation for the development to be secured within a S.106 agreement.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist: no objection subject to securing contributions to mitigate the effect of the development on protected habitats and conditions.

Environmental Health Contaminated Land: no objection subject to a standard condition regarding potential contamination

Environmental Health (Pollution): identifies potential sources of noise disturbance that have not been assessed, recommends a condition seeking a survey and mitigation as appropriate and secure a Construction Environmental Management Plan.

Southern Water: comment only

Health & Safety Executive: the site is in the consultation zone around Fawley refinery, due to the amount of the site straddling the 'inner zone', advise against granting permission, but should the LPA choose to support the application the matter would not be taken any further.

9 REPRESENTATIONS RECEIVED

None received.

10 PLANNING ASSESSMENT

Principle of Development

The site is in the built up area of Holbury, the principle of development is appropriate.

It is brownfield, previously developed land, close to services and facilities, public transport, community and leisure uses. The character of the area is predominately residential. Use of the site for residential development would be in accordance with the strategic intentions of STR3 and STR4. Significant weight should be applied to the benefits of securing development on such land.

The council is currently unable to demonstrate a 5yr supply of land for housing and the provision of 5 units, on a windfall site, would make a small contribution to addressing the shortfall. This would comply with the overall approach to the delivery of housing set out by STR5, particularly para iv.

The provision of housing has minor economic benefits during construction, due to its location adjacent to the local shopping frontage, it is highly likely to result in footfall and spend in those services.

The scheme would have environmental benefits of delivering housing in the urban area, close to services and facilities and public transport reduces reliance on the private car. Making use of previously developed land in the urban area protects the countryside and scenic beauty of the New Forest National Park.

The provision of small units in a sustainable location provides smaller, more affordable homes close to services supporting the social and community welfare of residents.

Proximity to Fawley Oil Refinery

The site straddles the inner and medium risk consultation zones around Fawley Oil Refinery. The scale of the scheme is below the density threshold accepted by the Health & Safety Executive, however more than 10% of the site is within the inner zone. Whilst none of the built form and residential accommodation is on the land in the inner zone the HSE maintain an objection.

Adopted policy CCC1 indicates that the Local Planning Authority should follow the advice of the HSE consultation process. However in this case it is noted that the objection arises from the amount of the site that straddles the boundary with the inner zone where the scale of development acceptable is lower. Had the application site included land to the south east, or was accessed via land to the rear, it is highly likely not to result in an objection, but would remain as close as currently proposed, furthermore development is not precluded from the inner zone, but the scale of development has to be lower.

The application of a precautionary approach in respect of the hazard and risk to human safety is entirely reasonable, and conflict with policy CCC1 should weigh against the scheme.

Should the LPA seek to support development that the HSE have advised against supporting, in accordance with para 72 of the Planning Practice Guidance on Hazardous Substances, the LPA shall notify HSE and give them the opportunity to invite the Secretary of State to 'call-in' the application for a decision. The HSE have been given such notification and have advised that they would not seek it be called-in, however maintain their objection.

Whilst the principle of the development has significant benefits, support for residents, local services and infrastructure, protection of rural areas and provision of housing contributing to supply, the principle is not established due to the conflict with policy CCC1.

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

The development surrounding the site has a mixed character. Much of it is residential in its appearance, but has been adapted for commercial uses. There are also flat roof terraces of limited architectural merit along Holbury Drove and more attractive pitched roof terraces along Waltons Avenue. However, the site is at the rear of these existing adjoining buildings where the appearance of the buildings is even more varied as a result of alterations and extensions over time.

The existing site does not add much to the character of the area, beyond historic back to back separation between the development fronting the respective surrounding roads. However, it is noted that the erection of the Jehovah's Witnesses hall and consent for housing to the rear of properties on Waltons Avenue, indicates that the character of the area can accommodate development to the rear of the existing built form.

The land has already been assembled in to a single plot with little by way of boundary separation defining what would like have been long linear rear gardens, as evident to the rear of properties to the west.

The residential development proposed would sit comfortably in the character of the area and recognising the benefits of the location, as identified above, the principle of the development would be preserve the character of the area.

The proposed design is basic and largely identical between the block of flats and the house. The flats divided in to two distinct blocks of 2 flats with a recessed communal access core. This works well in terms of delivering a cohesive design with gaps between the buildings, including their roof form thus breaking up their overall mass.

The design and roof scale, does not readily respond to surrounding development, however due to the position of the site, the proposed development would not be readily viewed alongside the existing development, in any form of streetscene. Glimpses across the rear of neighbouring sites may be possible, however the proposals would not be prominent features of any street scenes, beyond being on the site.

The site is already predominately hard surfaced, as such the extent of hard surface car parking is not detrimental to the wider character. The scheme does make provision for landscape setting within the scheme, providing a buffer to the ground floor accommodation and the parking and manoeuvring space, enhancing the appearance of the site.

Landscape impact and trees

The site is largely hard surfaced and being used for the storage, as such there is almost no landscape of any quality. The area surrounding the application site is largely residential rear gardens and lawn at the church to the west. The scheme would include some landscape setting and amenity space for residents. Such landscape would have little contribution to the wider landscape of the area, but in any event it would be an enhancement over the existing situation.

There are no trees of significance or protected by a Preservation Order close to the site that would be effected by the proposals.

Highway safety, access and parking

The site is already accessed by a driveway between the frontage buildings from Long Lane. Due to the nature of the existing use and the scale of the proposals the narrowness of the access drive is not considered to be unacceptable.

It is recognised that existing frontage properties access directly on to the drive, however that is an existing situation and the level of vehicle movements generated by the development would not unduly exacerbate any problems that may arise as a result of this relationship.

The site is in a location that reduces reliance on the private car for many trips, by being within walking and cycling distances of education, employment, social, recreational and shopping opportunities and services.

Sufficient parking spaces are provided for shared use in accordance with the recently adopted parking standards. That includes visitor and disability accessible spaces. Cycle storage is included for all properties and visitors.

At the time of the officer's site visit there were numerous large wheeled 'euro-bins' on the site, however it was not clear how they are collected, whether they are presented to Long Lane for collection or if a refuse wagon enters the site to empty the waste. A bin collection/storage point is indicated on the site adjacent to the access. Whilst the most appropriate combination of wheeled bins for this development is not clear, a condition securing revised details could allow for flexibility in reviewing the most efficient means for storage and collection of waste.

A further condition could be used to ensure appropriate technology is installed to support charging of electric vehicles on site. This would enable a review of the best means by which provision can be made in the shared car park.

Residential amenity

There are residential properties above the commercial premises fronting Long Lane and backing on to the north boundary of the site.

Due to the position of the buildings on the site, their design and layout, the separation distances and orientation, the privacy, daylight and outlook of the existing residents would largely be preserved. Window to window distances at first floor level would preclude a loss of privacy to flats fronting Long Lane.

Some shading would occur on to the gardens of no's 1 and 3 Holbury Drove to the north and the building would be a significant feature of the out look for the occupiers, however at circa 16m separation distance, the impacts would not be so significant, for extensive periods of the day to be harmful.

Ground floor flats would have access on to private gardens, the first floor flats would have juliet balconies, as well as access to a secure shared garden. The house would have its own garden. All properties would benefit from SW aspect to living rooms ensuring good daylight and sunlight and rearward outlook across the open grounds of the JW hall.

There would be a degree of overlooking of gardens from first floor flats, but such an arrangement is commonplace in urban areas and flatted developments. Internal privacy would be achieved for residents.

Ecology

The urbanised hard surfaced nature of the site does not provide any important or sensitive habitats, nor is likely to support any important species. Introduction of landscaped grounds would enhance bio-diversity and support species using surrounding gardens. Measures such as bird and bat boxes and hedgehog routes are likely to positively support bio-diversity net gain. The plans show inclusion of 3 swift bricks. A condition could be used to secure proportionate enhancements.

Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

New Forest Habitats 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_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Other Matters

The plans indicate inclusion of solar PV, this is a significant benefit of the scheme, reducing reliance on centralised non-renewable sources of energy generation and contribute to the sustainability of the scheme.

The location close to Fawley Oil refinery justifies the proposed contamination conditions.

Whilst the scheme is relatively small so construction would not be long in duration or intensity, it is close to existing residential properties and their rear gardens. Furthermore the access is narrow, as such a Construction Management Plan is entirely appropriate in order.

In accordance with the recently adopted Air Quality SPD, the site protects residents from any air pollution along Long Lane, by not fronting that road. Securing delivery of charging points for electric vehicles on site reduces emissions from engines. The scheme does not indicate inclusion of chimneys or flues so would be unlikely to incorporate solid fuel burners. Coupled with modern boilers and compliance with building regulations in respect of insulation standards, the scheme would minimise the exposure of residents to and contribution to air pollution.

Concerns have been raised about disturbance being caused by commercial activities in the frontage terrace. It would reasonable to ensure such noise sources are properly considered and any required mitigation built in to the scheme, in order to avoid compromising the operation of the businesses and their contribution to the sustainability of the location. A condition could be imposed.

The Parish Council have expressed concerns regarding ensuring sufficient mitigation for the development is secured. Due to the scale of the development it is not required to secure mitigation for its impact on education, recreation or highway enhancements. Furthermore it has not been demonstrated what unacceptable harm the scheme would cause to justify securing a contribution, beyond those identified below. It should also be noted that subject to any exemptions, the scheme would be liable for the Community Infrastructure Levy payment, of which a proportion is made available to Parish Councils to spend on identified Infrastructure projects.

Developer Contributions

As part of the development, the applicant has indicated a willingness to secure the following by way of a unilateral undertaking in accordance with Section 106:

- New Forest Recreational Infrastructure: £20,667.00
- New Forest Recreational Non-infrastructure £3,169.00
- Solent recreation: £2,987.00
- New Forest Air Quality monitoring: £455.00

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	544	0	544	544	£80/sqm	£55,571.69 *

Subtotal:	£55,571.69
Relief:	£0.00
Total Payable:	£55,571.69

11 CONCLUSION

The site has significant sustainability benefits for residential development, it has economic benefits during construction and increased footfall in local shops and services, environmental benefits of delivering development on a brownfield site in the urban area, close to shops, services and facilities reducing reliance on the private car and pressure on more sensitive edge and green field sites and has social benefits of delivering new housing.

The scheme makes efficient use of the site within the constraints, preserves the character and appearance of the area and amenity of surrounding residents and is recommended for approval.

Based on the layout placing all of the residential accommodation in the middle hazard consultation zone, the weight applied to the conflict with policy CCC1 due to part of the site straddling the inner zone, is considered to be outweighed.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

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

- i) the completion and submission of a Unilateral Undertaking in accordance with S.106, accompanied by the following payments:
 - New Forest Recreational Infrastructure: £20,667.00
 - New Forest Recreational Non-infrastructure £3,169.00
 - Solent recreation: £2,987.00
 - New Forest Air Quality monitoring: £455.00
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location maps Drg No: jll sht 1 rev B rec'd 29/06/22
Site Layout Drg No: jll sht 2 rev B rec'd 29/06/22
HSE blast zone map Drg No: jll sht 4 rev B rec'd 29/06/22
Streetscenes Drg No: jll sht 6 rev A rec'd 29/06/22
Proposed Block A Drg No: jll sht 7 rec'd 29/06/22
Elevations and Floor Plans - 3 bed Drg No: jll sht 8 rec'd 29/06/22

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking of motor vehicles have been provided.

The spaces shown for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

4. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each 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).

5. Notwithstanding the approved plans, details of shelters and the racks to be provided for the storage of bikes for all residents and visitors shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be provided before first occupation of the development hereby approved and thereafter maintained and retained for that purpose.

Reason: In order to ensure appropriately sized and accessible stores are provided for bikes, to encourage their use and reduce reliance on the private motor vehicle and in accordance with ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

6. Notwithstanding the approved plans, details and dimensions of the means for storing and collecting residents refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and available for use prior to first occupation and thereafter retained for those purposes.

Reason: In the interests of efficient and effective storage and collection and in the interests of the appearance of the area and highway safety in accordance with Policies ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and to ensure compliance with the waste Collection Authority's specifications and regime.

7. Before development commences above damp proof course, 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;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. 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.

9. Prior to occupation the swift bricks indicated for inclusion on the approved plans shall have been installed.

Reason: In the interests of achieving bio-diversity net gain and in accordance with STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

10. Prior to the commencement of the development, an assessment including the four key elements in accordance with 'Professional Practice Guidance on Planning & Noise: ProPG Planning and Noise' to ensure that internal and external noise levels for the residential accommodation shall not exceed the designated minimum standards stated shall be submitted to and approved in writing by the local Planning Authority.

The approved scheme shall be implemented alongside the development hereby approved, maintained and retained.

Reason: In order to assess nearby sources of noise nuisance and ensure amenity of residents and in accordance with STR1 and CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

11. Prior to construction (including demolition) commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of the amenity and safety of nearby residents and visitors and in the interests of highway safety and the servicing needs of the adjoining business uses and in accordance with ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out to the standards described in BS10175: 2011 which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If the site is required to be remediated a validation report shall be submitted to and approved in writing by the local planning authority prior to occupation.

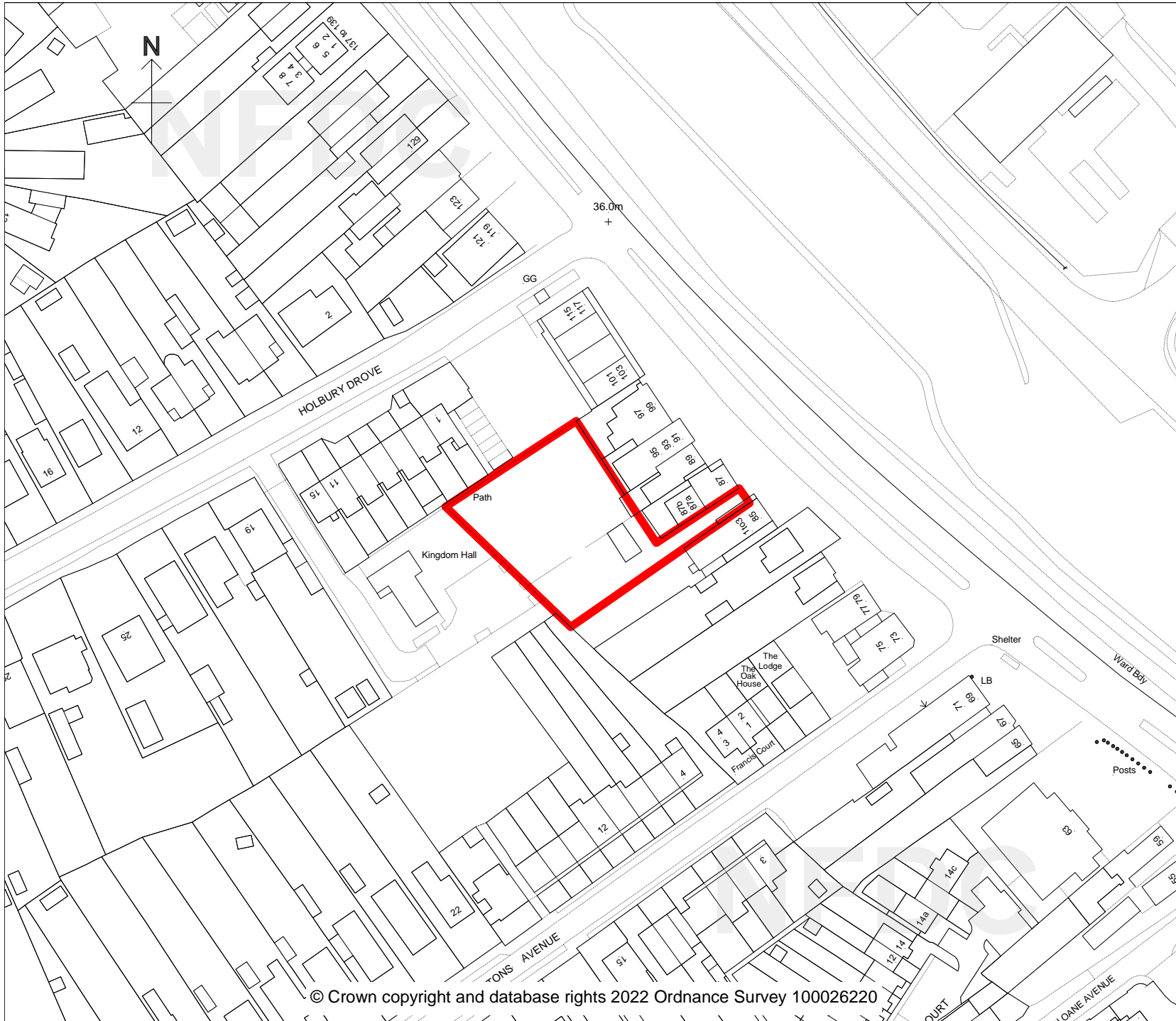
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures, including validation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

Further Information:

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

October 2022

Land rear of 87-99 Long Lane
 Holbury

22/10346

Scale 1:1250

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