

Application Number: 19/11116 Full Planning Permission

Site: LAND OF 83 OAKLEY CLOSE, HOLBURY FAWLEY SO45 2PJ
Development: Attached dwelling
Applicant: Mr & Mrs Taylor
Target Date: 25/10/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) The principle of development
- 2) The design and appearance of the development and its impact on the local character
- 3) The impact of the development on existing residential amenity
- 4) Level of amenity of future residents
- 5) Car parking and the impact of the proposal on highway safety
- 6) Health and Safety matters

This matter is before Committee as a contrary view has been expressed by Fawley Parish Council

2 THE SITE

The application site currently forms part of the semi-detached dwelling at no.83 Oakley Close and accommodates a single storey side extension and the side garden to that property. There is a variety of house types in Oakley Close: semi-detached, detached and terraces of 3 and 5 dwellings. The site is located adjacent to the turning head of this cul-de-sac and adjacent to a pedestrian route that leads to Holbury Drove and The Precinct local centre.

3 THE PROPOSED DEVELOPMENT

The proposed development includes the demolition of the existing single storey side extension and the erection of a new dwelling. The proposed design reflects that of the existing pair of semi-detached at nos. 81 and 83. The application proposes the removal of existing vegetation adjacent to the footway to create 2 off-street car parking spaces. An area of soft landscaping is indicted between the proposed dwelling and car parking areas. The plans indicate that an additional parking space would be provided to serve no. 83 on land that is outside of the red line but within the control of the applicant.

4 PLANNING HISTORY

Proposal	Decision	Decision	Status
	Date	Description	
07/90264 Attached house	24/07/2007	Granted Subject to Conditions	Decided

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy 1 Achieving sustainable development

Policy 5 Meeting our housing needs

Policy 10 Mitigating the impact of development on International Nature

Conservation sites

Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance and Documents

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Town & Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

The Conservation of Habitats and Species Regulations 2017

Relevant Advice

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

NPPF Ch.12 - Achieving well-designed place

NPPF Ch.15 - Conserving and enhancing the natural environment

National Planning Policy Guidance

NPPG - Determining a Planning Application

NPPG - Design: process and tools

NPPG - Natural Environment

National Design Guide

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council

(No 4) We recommend refusal due to over development of the site, concerns relating to highway safety and insufficient parking provision.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Environmental Health (Pollution) - No Objection

HCC Highways – concern expressed about the original plans regarding impact of vegetation on visibility. Amended plans have been submitted removing the vegetation and at the time of writing this report the HCC Highways re-consultation response is awaited.

HSE - does not advise against the development on safety grounds.

SGN: offer advice

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Representations have been received from 2 residents of Oakley Close. One recommends an additional parking space should be provided to the existing dwelling. The other express concern with regard to the parking, turning no. 81 into an end terrace rather than semi-detached, proximity of the proposed dwelling to a row of garages that attract youths.

11 OFFICER COMMENTS

Introduction

The application seeks permission for a new house with associated off-street parking.

Relevant Considerations

1) Principle of development

The site is located in the built up area where the principle of new residential development is acceptable.

2) The design and appearance of the development and its impact on the local character

The proposed dwelling reflects the design of the existing pair of semi-detached at No. 81 and 83 and is therefore considered acceptable.

There is a variety of property types in Oakley Close, including a terrace of 3 dwellings opposite. The alteration from a pair of semi-detached to the creation of a terrace of 3 would be in-keeping with the existing pattern of development and streetscene.

The proposal includes the removal of existing vegetation from the site frontage and its replacement in part with on site parking. The vegetation can be removed without the need for planning permission at any time and therefore the removal of the vegetation is considered acceptable. An area of soft landscaping would be retained between the proposed parking area and dwelling, and further details can be secured by planning condition. This will ensure the satisfactory appearance of the site frontage and impact on Oakley Close streetscene.

3) Impact of the development on existing residential amenity

The existing plot at no. 83 is more generous than most of its neighbours. A reasonable amount of private garden area would be retained by no. 83 to meet the needs of that property and would be very similar in size to that of other neighbouring dwellings.

The rear garden area would continue to abut another residential garden at Broadley Close. It is not considered that the impact of activity arising from an additional unit would be harmful to the amenity of that property.

Windows on the new dwelling would be positioned on the front and rear elevations and would directly overlook its own gardens areas. Any views towards neighbours would be oblique or at a separation distance such as not be considered harmful.

With consideration given to all relevant material matters, the impact of the proposal on the amenity of existing residential properties is considered acceptable.

4) Level of amenity of future residents

Concern has been expressed by a local resident that the misuse of the nearby garage court by youths would be harmful to the amenity of future residents. It is noted that residential curtilage already abuts these garages. The proposed house would be positioned away from garages and there is an existing brick wall. It is not considered that the impact from youths would be significantly different to that which may currently occur and as such this is not justification to refuse the planning application.

Consideration has been given to the impact of the adjacent service area and local centre on the amenity of future residents and it has been concluded that this would not be harmful.

5) Car parking and the impact of the proposal on highway safety

The Highway Authority expressed concern about the level of visibility available at the proposed driveway on the original proposed layout. It was suggested that this would be improved by removing an existing area of landscaping adjacent to the footway. Revised plans have been submitted showing the landscaping removed and the proposed parking reconfigured. The Highway Authority has been re-consulted and comments are awaited at the time of writing this report.

There is one existing driveway parking space outside of the original integral garage at no. 83. The submitted plans show an additional space to be provided. It is acknowledged that whilst an additional off-street parking space may be beneficial to that property, no off-street parking space would be lost to facilitate this development.

Two off-street parking spaces are proposed to serve the new dwelling. The NFDC parking guidelines advise that 2.5 parking spaces would be required for a 3 bed unit. Whilst there are no on-street parking restrictions along Oakley Close, the site abuts a turning head and therefore on-street parking can be expected to restrict the operation of the turning head. In this context, it would be reasonable for 3 off-street parking spaces to be provided. There is space within the site frontage to accommodate 3 spaces. This can be secured by planning condition.

6) Health and safety matters

The HSE has been consulted as the site is located within the outer Hazard Consultation Zone and has not advised against the granting of planning permission.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

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 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. An informative would be applied to any consent to this effect

Nitrate neutrality and impact on the Solent SPA and SACs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. The regional PUSH (Partnership for South Hampshire) 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. To ensure that the

proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has an existing policy in its Core Strategy CS3 and a new policy in its emerging Local Plan P10 which seeks to safeguard against any adverse impact and requires that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation.

In accordance with the Council Position Statement agreed on 4 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 yet to be agreed with the applicant and no formal Appropriate Assessment which has been agreed. On that basis a permission cannot yet be issued. The recommendation below is therefore one delegated to the Chief Planning Officer to issue a permission once a Grampian condition has been agreed and an Appropriate Assessment has been formally agreed and a mechanism is in place to confirm there will be no adverse impact.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal is considered acceptable with regard to adopted and emerging local planning policy, NPPF, supplementary planning guidance and other material planning considerations.

13 OTHER CONSIDERATIONS

Crime and Disorder

None

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings) of £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwelling the subject of this permission is completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability.

Tables setting out all contributions are at the end of this report.

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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	89.9	25.4	64.5	64.5	£80/ sqm	£6,311.08 *
Subtotal:	£6,311.08					
Relief:	£0.00					
Total Payable:	£6,311.08					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2020 this value is 1.28 (rounded)

14. RECOMMENDATION

That DELEGATED AUTHORITY be given to the Chief Planning Officer to grant planning permission subject to:

- i) An Appropriate Assessment being carried out under Regulation 63 of the Habitat Regulations and confirmation that there will be no adverse impact on matters of nature conservation importance; and
- ii) The imposition of the conditions set out in the report and any additional 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:

tay sht 1 Existing Plans and Elevations
tay sht 2 Proposed Plans and Elevations
tay sht 3 Rev B Site Layout and Block Plan

Reason: To ensure satisfactory provision of the development.

3. 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 DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

4. The development hereby permitted shall not be occupied until:
- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - (b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - (c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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

5. 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 Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. Prior to installation, 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 CS2 of the Core Strategy for the New Forest District outside the National Park.

7. 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 CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. The development hereby permitted shall not be occupied until the spaces shown on plan tay sht 3 Rev B for the parking of motor vehicles and cycles have been provided.
The spaces shown on that plan shall be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety.

Further Information:

Jo Chambers

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

January 2020

Item No:

Land of 83 Oakley Close
Holbury, Fawley
SO45 2PJ
19/11116

Scale 1:1250

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

