

Application Number: 21/11187 Full Planning Permission

Site: PENTAGON COURT, BLACKFIELD ROAD, FAWLEY SO45 1ED

Development: Alterations to provide two additional bedrooms to create 8 bedroom property for short term residential accommodation with shared facilities; external changes to the rear (Sui generis use)

Applicant: Mr Davis

Agent: New Forest District Council

Target Date: 18/10/2021

Case Officer: Judith Garrity

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of the use
2. Design, site layout and impact on local character and appearance of area
3. Impact on trees
4. Highway safety, access and parking
5. Residential Amenity
6. Ecology and Habitat mitigation

This application is to be considered by Committee at the discretion of the Executive Head of Planning, Regeneration and Economy because it relates to a NFDC Housing development scheme.

2 SITE DESCRIPTION

The site is located on the south east side of Blackfield Road. The site has a rear boundary with The Pentagon where there is access to a parking area. The existing building on the site is a single storey pitched roof structure with a hardened forecourt area and a central entrance porch. There is an amenity area to the rear where there is also a mature eucalyptus tree .

The property on the site is currently used to provide six bedrooms for short term residential accommodation which falls within Class C4 of the Use Classes Order (use for multiple occupation for up to 6 people).

3 PROPOSED DEVELOPMENT

The current planning application is for internal alterations to provide two additional bedrooms for short term residential accommodation with shared facilities. The proposals to use the property for 8 bedrooms for shared use would constitute what is known as a sui generis use - a use that doesn't fall within any of the defined classes.

There would be limited external changes to the rear fenestration to change the existing patio door to a window serving bedroom 8.

No changes are proposed to the external areas or parking provision made on the site although new cycle parking provision would be made.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
99/67142 Ground floor additions	08/10/1999	Granted Subject to Conditions	Decided
99/65938 Single storey addition & conservatory	23/04/1999	Granted Subject to Conditions	Decided
89/NFDC/40794 Convert dwelling to 4/5 units of accomm sharing facilities	25/04/1989	Granted Subject to Conditions	Decided
88/NFDC/38993 Add conservatory and change of use of existing outbuildings to B and B.	31/10/1988	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 ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy HOU1: Housing type, size, tenure and choice

Local Plan Part 2: Sites and Development Management 2014

None relevant

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

Relevant Legislation

Relevant Advice

NPPF Ch.12 - Achieving well-designed places

Constraints

SSSI IRZ

Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: No 5 We are happy to accept the decision reached by the District Council's Officers under their delegated powers.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Health and Safety Executive (PADHI): Do not advise against

9 REPRESENTATIONS RECEIVED

No representations received.

10 PLANNING ASSESSMENT

The main issues are:

1. Principle of the use
2. Design, site layout and impact on local character and appearance of area
3. Impact on trees
4. Highway safety, access and parking
5. Residential Amenity
6. Ecology and habitat mitigation

Introduction:

The existing use of the site is for short term residential accommodation with 6 bedrooms with ensuite facilities. The current proposals would result in 8 bedrooms for shared use which would provide 2 additional bedrooms. Whilst the internal works in themselves would not need planning permission, due to the increase in the number of bedrooms at the premises it would require permission because an 8 bedroom property so would be a Sui Generis use and would no longer fall within Class C4 (use for multiple occupation for up to 6 people).

Principle of Development

The site is located in the built up area where the principle of residential accommodation is acceptable subject to consideration of relevant material planning considerations.

In addition, these proposals would upgrade the existing accommodation and create 2 additional bedspaces which will provided for an urgent need for short term residential accommodation in the district.

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

The alterations to the external appearance of the building are limited to fenestration changes which have a minimal visual impact and are located to the rear of the building . There would be no extensions to the built form or changes to the external amenity areas provided which would continue to make appropriate provision to meet the needs of the existing and future residents of the accommodation.

Impact upon trees

There is a large eucalyptus tree located within the amenity area on the site. This tree has public amenity value and would be retained. The tree can be protected during building operations with no storage to take place within its root protection zone. This can be secured by condition.

Highway safety, access and parking

There are no changes proposed to the existing parking and access arrangements although new cycle parking facilities would be provided.

There are no specific parking standards for the proposed use. Given the nature of the accommodation to be provided it is anticipated that there would be relatively low

car ownership by future residents and the application has advised that the existing spaces are rarely used. In addition, the site is located close to bus stops and there aren't any parking restrictions on Backfield Road. Furthermore, new cycle parking facilities would be provided on the site. As such, the retention of existing parking without additional provision being made is considered to be acceptable.

Policy IMPL2 places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles. However, as these proposals are for temporary accommodation where residents are less likely to own cars it is not considered to be a reasonable requirement in this case.

Residential Amenity:

There would be no impact on amenity as a result of the fenestration changes.

The addition of 2 extra bedrooms could lead to an increase in associated noise and activity due to the increased use of the parking and external amenity space. However, any increase would not be material or lead to harm to adjoining residents given the existing use of the site.

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.

Local Plan Policy ENV1 requires ecological enhancements to demonstrate biodiversity net gain (BNG) in line with the NPPF. Under the NFDC interim guidance note on BNG, this development would constitute a 'minor' development where there would not be an expectation to assess biodiversity net gain using the Defra biodiversity metric. However, minor developments such as this are not exempt from the requirement to demonstrate appropriate ecological enhancement measures.

To address this, appropriate ecological enhancements in the form of bird nesting boxes will be provided on the north east facing elevation of the building. Details can be agreed by planning condition.

Recreational 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 will make the required habitat mitigation contribution prior to planning consent being issued.

Air Quality Monitoring:

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects

within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the applicant will make the required air quality monitoring contribution prior to planning consent being issued.

Nitrate neutrality and impact on the Solent SPA and SACs:

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

Developer Contributions

As part of the development, the following will be secured prior to consent being issued:

Habitat Mitigation Infrastructure	£5,260
Habitat Mitigation Non-Infrastructure	£766
Solent Bird Aware	£722
Air Quality monitoring	£170

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

11 CONCLUSION

These proposals would upgrade the existing accommodation and create additional bedspaces which will provided for an urgent need for short term residential accommodation in the district. The site is located in the built up area where the principle of residential accommodation is acceptable.

For the reasons given above, it is considered that the proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2021). The other material considerations, including the Local Plan, do not indicate otherwise, they confirm the indication given by the development plan.

Planning permission should therefore be granted subject to the specified contributions first being made and conditions as set out.

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) a payment to secure the following financial contributions:

Habitat Mitigation Infrastructure	£5,260
Habitat Mitigation Non-Infrastructure	£766
Solent Bird Aware	£722
Air Quality monitoring	£170

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:

P 001A Location and site plan
P 100 Existing Ground Floor Plan and elevations
P 101 Proposed Ground floor plan and elevations
P 102 Proposed floor plans in full
Planning Statement V2 dated 28 July 2021

Reason: To ensure satisfactory provision of the development.

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

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

4. The development hereby permitted shall not be occupied until the cycle parking shown on approved plan P 001A have been provided. The approved spaces shall be retained and kept available for the parking of vehicles and cycles for the dwellings hereby approved at all times unless otherwise agreed in writing by the Local Planning Authority.

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

5. During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the Local Planning Authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. The locations and specifications of the bird nesting features to be provided in accordance with Section 4.5 of the Planning Statement V2 shall be submitted to the Local Planning Authority prior to their installation. Once agreed these ecological enhancement features shall be installed prior to first occupation of the dwellings hereby approved and evidence provided to show them installed as agreed. These approved ecological enhancement features shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

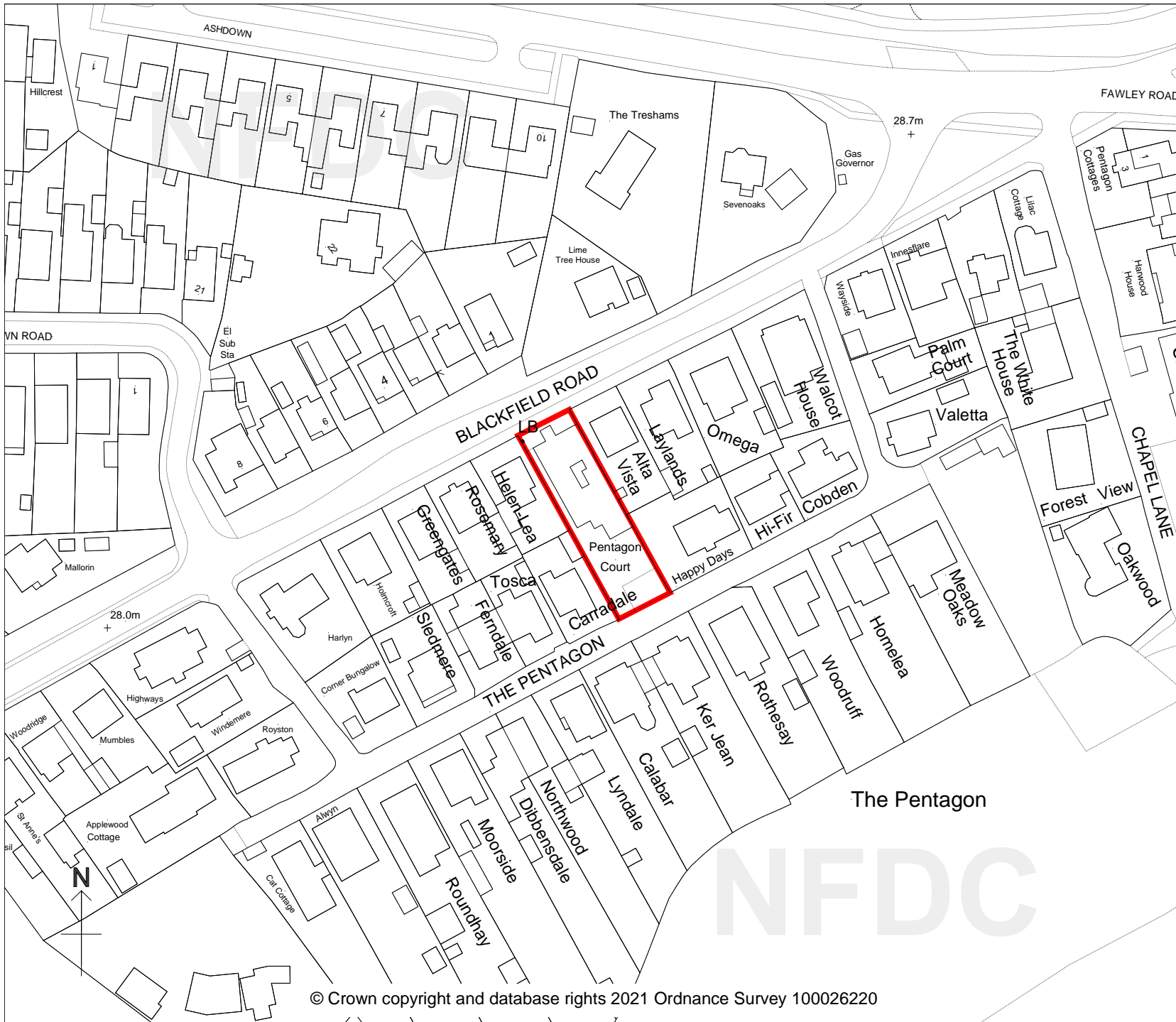
The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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

Further Information:

Judith Garrity

Telephone: 023 8028 5434



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 2021

PENTAGON COURT
 BLACKFIELD ROAD
 FAWLEY SO45 1ED
 21/11187

Scale 1:1250

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