

Application Number: 22/10587 Full Planning Permission

Site: 137A HAMPTON LANE, BLACKFIELD, FAWLEY SO45 1WE
Development: Change of use of ground floor from Class E retail to 2x one bedroom flats; single-storey rear extension; single-storey front extension
Applicant: APE Properties Ltd
Agent: JKL Planning
Target Date: 07/07/2022
Case Officer: Warren Simmonds
Extension Date: 26/08/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

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

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

2 SITE DESCRIPTION

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

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

3 PROPOSED DEVELOPMENT

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

4 PLANNING HISTORY

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

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

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ECON6: Primary, secondary and local shopping frontages

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR4: The settlement hierarchy

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Parking Standards

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

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Plan Area

Plan Policy Designations

Built-up Area

Local Shopping Frontage

6 PARISH COUNCIL COMMENTS

Fawley Parish Council

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

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist

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

HCC Highways

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

9 REPRESENTATIONS RECEIVED

No third party representations were received.

10 PLANNING ASSESSMENT

Principle of Development

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

With regard to ECON6, it is of note that this policy specifically refers to occupied shops or service uses, however the application premises have been vacant since late December 2021 since the previous tenant ceased trading.

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

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

A further significant material planning consideration is the Council's current lack of a 5 year housing land supply. The Council cannot demonstrate a five-year supply of deliverable housing land - In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

Resolution to grant planning consent under 22/10012

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

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

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

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

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

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

Highway safety, access and parking

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

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

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

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

Residential amenity

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

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

Air quality

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

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

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

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

Ecology

Habitat Mitigation

a) Managing Recreational Impact

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution can be secured through a S106 or Unilateral Undertaking.

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

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget.

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

Managing Air Quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_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.

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

Biodiversity net gain

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

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

Developer Contributions

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

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

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	136	117	19	19	£80/sqm	£1,940.92 *
			0	0		£0.00 *

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

11 CONCLUSION

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

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

12 RECOMMENDATION

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

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

Proposed Conditions:

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

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

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

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

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

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

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

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

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

Further Information:

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New Forest DISTRICT COUNCIL

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PLANNING COMMITTEE

August 2022

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BLACKFIELD, FAWLEY
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22/10587

Scale 1:1250

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

