

Application Number: 22/10588 Full Planning Permission

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

Development: Erection of a two-bedroom bungalow

Applicant: APE Properties Ltd

Agent: JKL Planning

Target Date: 07/07/2022

Case Officer: Warren Simmonds

Extension Date: 26/08/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

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

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

2 SITE DESCRIPTION

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

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

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

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

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

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

3 PROPOSED DEVELOPMENT

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

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

4 PLANNING HISTORY

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

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Parking Standards

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

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Plan Area

Plan Policy Designations

Built-up Area

Local Shopping Frontage

6 PARISH COUNCIL COMMENTS

Fawley Parish Council

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

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Southern Water

Comment only

Ecologist

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

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

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

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

For: 0

Against: 3

10 PLANNING ASSESSMENT

Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As concluded by the planning Inspector:

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

Highway safety, access and parking

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

Residential amenity

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

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

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

Drainage

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

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

Air quality

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

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

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

Ecology

Habitat Mitigation

a) Managing Recreational Impact

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

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

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

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

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

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

a nitrate budget.

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

Managing Air Quality

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

Biodiversity net gain

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

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

Developer Contributions

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

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

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	87	0	87	87	£80/sqm	£8,887.38 *

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

11 CONCLUSION

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

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

12 RECOMMENDATION

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

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

Proposed Conditions:

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

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

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

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

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

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

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

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

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

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

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

8. The development hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures detailed in Sections 4.4 to 4.8 and Section 5 of the Ecology Co-op Preliminary Ecological Appraisal, dated 25/08/2021 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management) and to provide a suitable measure of biodiversity net gain (BNG) in accordance with the Council's Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021).

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

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

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

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

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10. The development hereby permitted shall not be occupied until:
- (i) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all

measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and

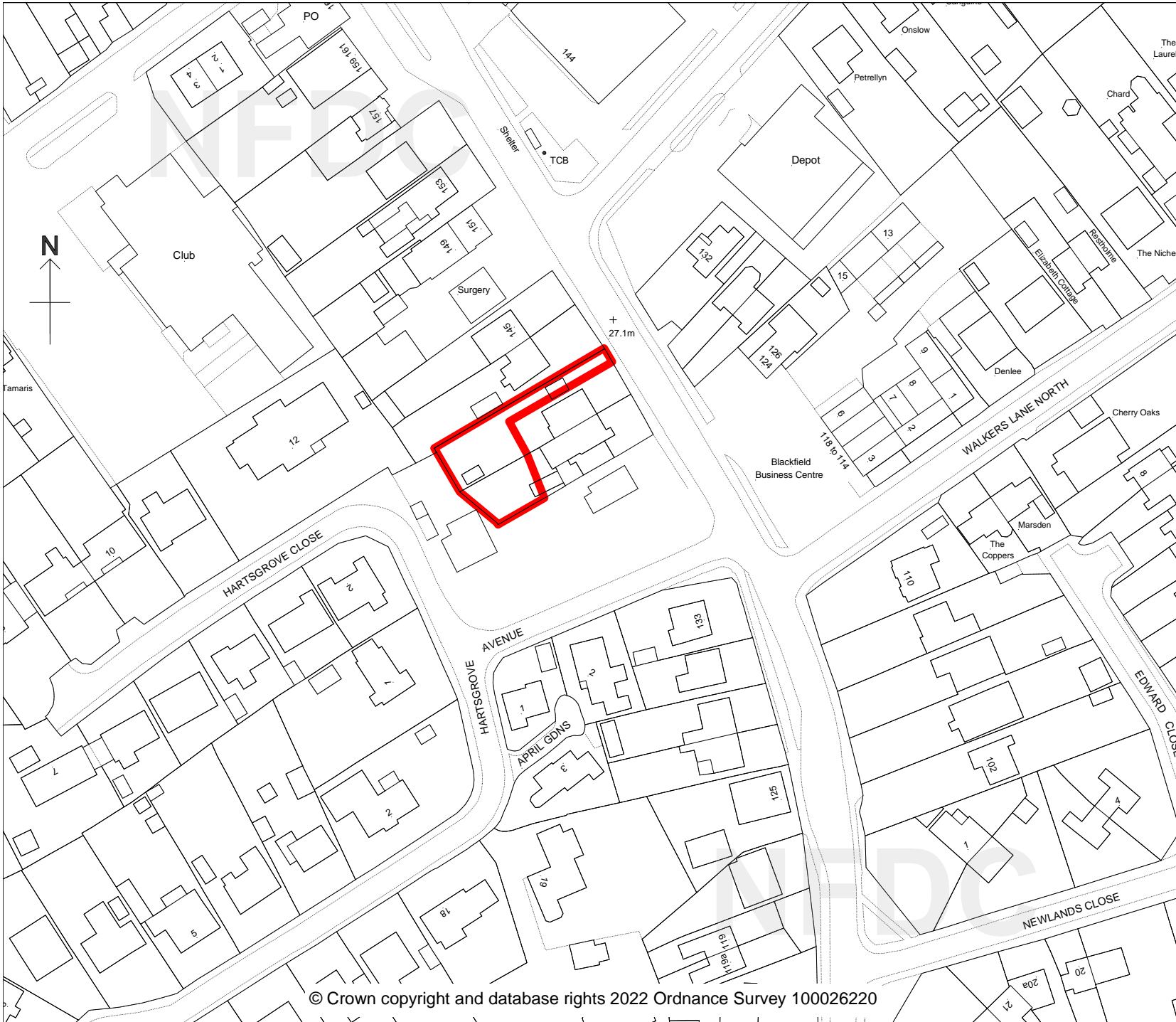
- (ii) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- (iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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

Further Information:

Warren Simmonds

Telephone: 023 8028 5453



© Crown copyright and database rights 2022 Ordnance Survey 100026220



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

August 2022

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

Scale 1:1250

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