

Application Number: 21/11329 Full Planning Permission
Site: GANG WARILY FARM, NEWLANDS ROAD, FAWLEY
SO45 1GA
Development: Construction of 19 affordable dwellings (10 houses and 9
apartments); adjusted vehicular access; associated amenity
space and landscaping; demolition of the existing on-site
dwelling and associated outbuildings
Applicant: Reflect Homes Ltd
Agent: Lucid Planning Ltd
Target Date: 18/01/2022
Case Officer: James Gilfillan
Officer Recommendation: Refuse
**Reason for Referral
to Committee:** Amendment to August 2022 Committee resolution

1 Committee Update Report 27/08/24

- 1.1 On the 10th August 2022 members of the Planning Committee resolved to support their officers recommendation to approve the proposed development, subject to securing a S.106 Legal Agreement to deliver habitat mitigation and secure the scheme as Affordable Housing.
- 1.2 As a housing scheme on an unallocated site, outside the built up areas as defined by the Local Plan, in order to be acceptable, in accordance with adopted Policy HOU5 of the New Forest District Local Plan Part 1: Planning Strategy 2020, it would have to be delivered as affordable housing.
- 1.3 Also, in order to be acceptable, residential schemes are required to ensure the integrity of European designated sites of nature conservation interested in the New Forest and Solent are not harmed by recreational impacts arising from the additional residents living close to sensitive habitats, and to contribute to monitoring the effect of nitrogen deposition from vehicle exhausts through the New Forest.
- 1.4 There has been no change in policy or circumstances such that these obligations are no longer relevant or necessary to make the scheme acceptable.
- 1.5 The applicant has not secured provision of such mitigation and obligations by engaging with the Council in the preparation of a binding S.106 legal agreement.
- 1.6 Given the time that has elapsed since the original resolution was reached, it is considered little prospect that the applicant will now engage with the Council in preparing the S.106 required to secure the mitigation or subsequently deliver the development. .

Conclusion

Based on this position, contrary to the original recommendation and the conclusion set out below in the original case officer report, it is now recommend that the application be **REFUSED** for the following reasons:

1. The scheme proposes residential development in the open countryside contrary to the strategic approach to housing delivery. In order to be acceptable and in accordance with policy HOU5 the scheme is required to be delivered as 100% Affordable Housing. The applicant has not ensured through an appropriately worded legal agreement that the scheme will be delivered and retained as Affordable Housing to meet local housing needs in accordance with HOU5.
2. The recreational and Air Quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, the Solent Maritime Special Area of Conservation, and the Solent and Dorset Coast Special Protection Area would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and erode air quality on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites" and the Bird Aware Solent strategy 2017.

Original Report presented to 10th August 2022 Planning Committee

SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Highway safety

This application is to be considered by Committee because of the objection received from Cllr Glass

2 SITE DESCRIPTION

The site is on the north side of Newlands Road, at the east end, adjacent to the junction with Blackfield Road. It is in the open countryside, outside, but close to the built up areas of Fawley and Blackfield to the east and south respectively.

The site is occupied by a detached house on approximately a third of the application site, with variety of outbuildings, garages and green houses, located at the west side of the site. The remaining area is being grazed as horse paddocks.

There are two vehicle access points on to the application site, serving the two respective parts.

The site is enclosed by landscape, largely evergreen hedges, but there are trees overhanging from adjacent to the site. Trees to the north east are covered by a TPO. The site is surrounded by open space, further paddocks and allocated public open space.

The ground falls to the east across the front of the site. Land to the north and west is several metres lower. To the north is a Scout and Guide hall, to the west is a council maintenance depot and further community services.

There is a mobile phone lattice tower close to the west boundary and Fawley Oil refinery is visible to the north of the site.

3 PROPOSED DEVELOPMENT

Construction of 19 affordable dwellings (10 houses, 9 apartments); adjusted vehicular access; associated amenity space and landscaping; demolition of the existing on-site dwelling and associated outbuildings

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
ENQ/19/20091/MARC Proposed 17 Dwellings			Completed
XX/NFR/01521 Implement and cow sheds.	07/09/1951	Granted	Decided
XX/NFR/01127 Re-siting of farmhouse.	06/10/1950	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy HOU5: Rural Housing Exception Sites and Community Led Housing Schemes

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPG - Residential Design Guide for Rural Areas

SPD - Air Quality in New Development. Adopted June 2022

Relevant Advice

NPPF 2021

Constraints

SSSI IRZ Wind and Solar Energy
NFSFRA Surface Water
SSSI IRZ Water Supply
SSSI IRZ Rural Non Residential
SSSI IRZ Rural Residential
SSSI IRZ Waste
HSE Consultation Zone
SSSI IRZ Air Pollution
Plan Area
Aerodrome Safeguarding Zone
Historic Land Use
SSSI IRZ Infrastructure
SSSI IRZ Minerals Oil and Gas
SSSI IRZ Residential
SSSI IRZ Discharges
SSSI IRZ All Consultations
SSSI IRZ Combustion
SSSI IRZ Compost

Tree Preservation Order: 72/02/W1

Plan Policy Designations

Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: No 5. Happy to delegate to Officers

7 COUNCILLOR COMMENTS

Cllr Glass objects to the proposal due to the overdevelopment, conflict with highway safety and risk from HSE explosion zone.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Conservation: No heritage assets affected by this scheme. No objection.

NFDC Ecology: Recreational, air quality and water quality impacts would affect the integrity of designated sites of nature conservation interest and should be mitigated. Conditions can secure appropriate on site ecological mitigation and bio-diversity net gain. No objection.

NFDC Environmental Design Team: The proposal appears to be overdeveloped and unsympathetic to the local distinctiveness and landscape character. (Received prior to amended plans being prepared)

NFDC Environmental Health Contaminated Land: The site is close to potential sources of contamination and its previous use as a farm could result in a the ground being contaminated. An appropriate condition should be imposed. No objection.

NFDC Housing: The Council has sufficient evidence of need for affordable housing in the Fawley Parish that the scheme would make a significant contribution to meeting local needs. Inclusion of 1-bed sized units would make a valuable addition to the local affordable housing stock.

NFDC Open Space Officer: Advises that if the site is over 0.5ha then public open space and facilities should be provided in accordance with saved policy CS7.

HCC Education: No objection. There is sufficient capacity in the local schools to accommodate any school age children living at this site.

HCC Highways: The principle of the proposals are acceptable, safe access to the site can be delivered, there is sufficient capacity in the local highway network which can accommodate the likely volumes of traffic generated. Appropriate improvements to pedestrian routes in the vicinity are proposed. Conditions and obligations can secure the required mitigation. No objection.

HCC Surface Water: No objection in principle and surface water run off rates and routes are acceptable. Detailed technical details and maintenance points and responsibility are requested.

Hampshire Fire & Rescue Service: No objection subject to compliance with Building Regulations

Hampshire Swifts: Seeks a condition securing inclusion of 1 swift box per dwelling is imposed. No objection.

Health and Safety Executive. Do not advise against the development.

Southern Water: Requests a condition securing details of foul water disposal is imposed. No objection.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Overdevelopment
- Lack of parking, including visitor parking
- Highway safety concerns and increased congestion
- Noise and disturbance on existing residents and amenity of future residents
- Negative impact on biodiversity and ecology
- Problems with surface water flooding, drainage and sewers
- Damage caused by large numbers of large vehicles

For: 0

Against: 5

10 PLANNING ASSESSMENT

Principle of Development

The site is outside the identified built up areas in the district. Whilst it is close to built up areas of Fawley and Blackfield it falls in the open countryside.

A principal of the adopted local plan is to direct development to accessible locations to sustain the vitality and viability of the towns and villages of the District. STR3 and STR4 set the hierarchy of towns and villages and the nature of development that

would be appropriate therein. Beyond the defined settlement boundaries and identified rural villages the primary objectives are to conserve and enhance the countryside and natural environment.

Whilst that does not preclude all development, based on a need to sustain rural areas and support rural enterprise, recreational facilities and farming, certain forms of development would be acceptable. However the scheme does not propose such a form of development.

The site does not therefore accord with the principal provisions of STR3 and 4, the principle of the development is therefore not accepted.

The footprint of the existing dwelling and its outbuildings would be considered to be previously developed land and whilst there is a presumption in favour of using such brownfield land in advance of greenfield sites, the area of the site and percentage of previously developed land offers little additional development justification.

Adopted policies HOU5 and DM20 of local plan parts 1 and 2 respectively do however allow for affordable housing schemes to be brought forward where they are adjoining a settlement which provides a range of local services and facilities, which can be safely accessed.

The description of development proposes the scheme to be delivered as an affordable housing scheme. The supporting Design & Access statement sets out the form that this would take, proposing an appropriate split of shared ownership and social rent. The consultation response received from the Councils Housing Services identifies a clear need for affordable housing in the Fawley Parish, that the scheme would make a significantly positive contribution towards meeting. By providing the entire scheme as affordable housing the scheme complies with the target of 35% being affordable as required by adopted policy HOU2.

Whilst a significant number of homes would be delivered on the allocated former Fawley power station site (SS4), including a large number of affordable housing, it is clear that the predicted delivery rates for that scheme, provided for the 5 year housing land supply calculations, would not deliver these much needed affordable homes in the short term. The current application proposals would be delivered in much shorter time scales, meeting need in the short term.

The site is immediately adjacent to a large area of public open space, with formal and informal sports and play facilities, several options for community and youth clubs. Within walking distance of 2 primary schools and Blackfield local centre. It is also in easy cycling distance of many employment opportunities in local centres, industrial areas and the aforementioned services.

The scheme provides a mix of houses and flats and sizes, providing for a mixed and balanced community and providing for a variety of needs.

The scheme has minor economic benefits from employment related to construction and footfall and spend in services and facilities in the nearby local centres. Irrespective of being outside the identified built up areas its location does achieve environmental benefits of delivering housing in a location close to a wide variety of services, facilities and infrastructure. It has social benefits of delivering a mix of housing types, sizes and tenures as affordable housing, meeting identified housing need in the parish.

Whilst the scheme would conflict with strategic policies STR3 and STR4, the adopted development plan does allow for the principle of the scheme as proposed.

The principle of the development has significant benefits and can be accepted for the reasons set out.

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

Whilst the site is outside the defined built up areas and therefore in the countryside, the character of the area is far from being rural. Residential properties are visible on higher ground to the south on Blackfield Road and the oil refinery dominates wider views throughout the area.

The layout and design of the scheme has evolved and been revised in response to the above reported comments of the Councils Environmental Design Team and that of Fawley Parish Council.

The scheme presents a contemporary style of architecture. The variety in building sizes and forms, especially the roof shapes, ensures the scheme has cohesiveness as a small group, without excessive repetition or homogeneity and provides an attractive streetscene. Whilst this does not readily relate to the local vernacular, the style and indicative materials would be a positive addition. Chimney stacks would be included contributing positively to the appearance of the roofline

The existing drive slopes up in to the site and the house is elevated above the road level. The scheme responds to the sloping ground, with finished floor levels of each building stepping down to the east following the topography. The access drive would be graded accordingly.

Whilst the block of flats on the east side of the site accommodates a flat in the roof, resulting in a larger roof form, raised eaves and ridge, that interrupts the response to the sloping ground, it is set sufficiently far back in to the site to mitigate the effect of the size in views of the site and the larger element of the roof is at the east edge, away from the neighbouring building. Furthermore it is heavily screened by trees on the adjoining land to the east.

The proposed layout and roof forms, ensures gaps between buildings to appreciate side elevations and space beyond, achieve an appropriate intensity of built form and not dissimilar to the existing layout of houses to the south along Blackfield Road. The block of 4 flats on the west side of the site are positioned close to the front of the site and would be particularly more prominent in the streetscene, which would be a more obvious change in the appearance of the site and streetscene and erode the open landscape character of the area to a degree. Views of the site from the west would include the houses along Blackfield Road. Sufficient space would be retained for new landscape setting along the boundaries that would in part obscure views of the entire building, it provides active frontage on to the main access point, reducing the perception of vehicle priority. Further enclosure and frontage on to the access to the site is provided by the houses, plots 5-7, facing onto it from the north.

Whilst the parking areas would be quite dominant within the site, their position and landscape planting along the frontage would screen them in views from outside the site. This does ensure the houses are set sufficiently deep in to the plot to reflect the alignment of the houses on Blackfield Road, whereby the built form is not prominently positioned close to the site frontage, which in turn is then dominated by hardsurfaced parking areas, but gives the perception, in longer views, of plots with sizeable front gardens.

Despite the extent of hard surfaced area, there remains space for landscape separation and setting throughout the site. Including opportunities for tree planting to provide vertical landscape features in the wider views of the site.

The scheme strikes a successful balance between the location of the site being outside the identified built up areas, the layout of built form in the locality, accepting its proximity to those areas and making optimal use of the site, as encouraged by NPPF para.124.

There are no features of heritage significance close to the site, or that the scheme would have an impact on their setting or be visible in wider views alongside.

Similarly the site would not be readily visible from the New Forest National Park, or in longer distance views to the extent of having an impact on its landscape and scenic beauty.

Landscape impact and trees

There are a variety of trees across the site and overhanging from outside the site. Trees in the north east corner fall within an area Tree Preservation Order on land extending to the north of the site. Those trees are a group of Cypress trees, largely managed as a boundary hedgerow. Considered to be 'B' category, they are a constraint to the development. The proposed layout would require them to be pruned back towards the boundary, however such works would not undermine their retention or wider contribution to amenity. Furthermore the adjacent building is the block of five flats that would enjoy shared amenity space all the way around it, minimising the potential impact on the amenity that might otherwise occur if the space was an enclosed private garden.

The most prominent of the trees identified on the tree survey is the category 'A' Oak tree, outside the south east corner of the application site, but with roots and branches extending into the site. The layout avoids development within its root zone, preserving its health and retention. Furthermore the land around it does not fall to be garden amenity space, minimising the potential for the tree to come under pressure for pruning, in the future, due to the extent of shading it would cast potentially compromising private amenity space.

Numerous ornamental garden fruit trees would be removed to facilitate the development, largely in the garden of the existing house and removed to allow for the widened access. Their removal has no wider implications for the appearance of the site and can be readily replaced to preserve the arboricultural contribution to the visual amenity of the character of the area.

This includes removal of the frontage hedgerow, which whilst it contributes to the green edge of the road, has been subject to arson, is proposed to be removed and replaced with a native species, preserving the landscape character of Newlands Road and enhancing the appearance of the site and its bio-diversity.

The Arboricultural Impact Assessment supporting the application has been superseded by revisions to the design and layout, nor does it include a method statement for the works to trees and their protection during construction. As such a condition could be used to secure such a method statement to capture the revised layout and works.

Land opposite the site on Blackfield Road is designated as open space by saved policy DW-E12. The scheme would not have any direct impact on that space, or its contribution towards preserving the rural setting of Blackfield and Fawley and preventing their coalescence.

The application site is not within this designation and whilst close to the edge of the

urban area, there remains a sizeable landscape separation from built form to the east, preserving the continuation of that established characteristic.

Highway safety, access and parking

Access to the site would be from the same position as the drive for the existing house but it is proposed to be widened to allow 2 way flow of vehicles. Removal of the existing hedge and landscape around the access would ensure appropriate visibility splays are achieved to preserve highway safety. This would include improved footways along the site frontage and into the site, improving facilities for pedestrians already passing the site.

Further enhancements for pedestrians would be undertaken in the area, providing safer crossing points on routes towards Fawley to the east and Blackfield in the west. A direct route from the site in to the public open space to the west would also be included for pedestrians.

33 parking spaces are provided for the 19 units. Adopted parking standards require 31.2 unallocated spaces. Conditions could be used to ensure the spaces are provided and retained for shared use. Two spaces are identified as disabled compliant, however multiple other spaces have space around them to be more flexible for those with mobility restrictions.

Shared cycle stores have been indicated for the flats and each house would have adequate access to its rear garden where bike storage would be provided. Conditions can make sure appropriate racks are provided.

Tracking plans of a refuse wagon entering the site in a forward gear, manoeuvring to approach many of the properties and leaving in a forward gear, have been provided.

Potential revisions to the Councils collection regime can not be confirmed at this time, but the site is capable of being serviced by such a large sized vehicle. This also demonstrates that the majority of delivery vehicles likely to visit the site, including ambulances and home shopping vehicles are capable of entering and exiting safely.

Electric vehicle charging points have been shown, but insufficient to meet the requirements of policy CCC2. A condition could be used to enable a review of how best to make such infrastructure available in the unallocated parking courtyard.

Whilst representations received question highway safety and congestion, there is no evidence that there is a fundamental problem with the design of the junction between Newlands Road and Blackfield Road, to the east of the site, or that this application would give rise increased vehicle flows and manoeuvres that would be detrimental to highway safety, or congestion and queuing times, on the local highway network. Hampshire CC highway authority have not objected to the scheme.

The potential for damage to be caused to road infrastructure by large delivery vehicles and construction equipment is not a matter for the Planning Authority to consider. The scheme is not large enough in scale or construction duration, or constrained to warrant a onerous construction management plan.

Residential amenity

Due to the location of the site in respect of nearby residential properties, there would be no impact on the privacy, amenity or outlook of the occupiers of existing properties. Any noise generated on site would be residential in nature and scale,

commensurate with the character of surrounding residential areas.

Due to the scale of the scheme, the position of the site and separation distances to existing neighbours, construction would not give rise to levels of noise and disturbance over a period of time that would be detrimental to the amenity of local residents. However in accordance with the adopted Air Quality SPD, it would be appropriate to secure a construction management plan to manage construction traffic, parking and dust generated across adjoining roads.

Sufficient on site amenity space is provided to meet the reasonable amenity needs of residents. Residents would have safe routes to near by formal and informal public open space.

The layout ensures sufficient sunlight is achieved by all dwellings to ensure passive solar gain can contribute to lighting and heating needs of the occupiers. It also ensures adequate privacy for residents and a good degree of outlook, contributing to their amenity positively.

The site is close to Fawley Oil Refinery and falls within its safety consultation zones. The Health & Safety Executive do not advise against supporting the application.

Notwithstanding the consultation response from the Councils Public Open Space Officer, the site falls below the 0.5ha area, that triggers application of saved policy CS07, requiring the development to make provision for Public Open Space. There is space on the site for informal recreation, should residents desire, however the site is well served by a variety of formal and informal play and recreation opportunities within walking distances.

Ecology

There are no protected habitats on or adjacent to the site. Due to the residential use and paddock grazing there is little bio-diversity on site or supported by the site. A draft ecological appraisal has been submitted, providing survey results and making mitigation recommendations. The Councils Ecologist accepts the findings, supports the identified mitigation and suggests conditions.

As a 'Major' application the scheme will be expected to achieve 10% bio-diversity net gain. A variety of opportunities to achieve this improvement have been identified, which include infrastructure such as bird and bat boxes, that would meet the expectations of the representation received from Hampshire Swifts, but also see removal of the existing non-native hedgerow and trees along the site frontage and replacement with native species to maintain the landscape edge to the site.

Appropriate conditions could be used to ensure landscape and ecological enhancements are secured to achieve bio-diversity net gain and protect existing ecology.

Habitat Mitigation

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

contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

Nitrate neutrality and impact on Solent SAC and SPAs

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

Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Drainage, Flood Risk, Sustainability and Local Air Quality.

The site is not at risk of surface water or fluvial flooding. Both forms of flooding occur on the open space land to the east and south east, but is not predicted to effect any nearby properties. The development has the potential to increase surface water run off rates to contribute to that flood risk. Appropriate on site attenuation to manage surface water run off has been included in the scheme.

The applicant has sought to provide the additional technical details required by Hampshire CC drainage authority, however the drainage scheme doesn't reflect the revised scheme layout. As such a condition could be imposed to secure a comprehensive revision to the drainage plan.

Foul water sewers exist on the adjoining land and highway to the east. Securing a

connection would be a technical matter for the Building Regulations and for the respective parties to agree. Whilst there is no reason to believe that a solution can not be achieved to meet the needs of the development a condition is considered appropriate to ensure the route of sewers has regard to the tree constraints on adjoining land.

Being new builds, the scheme would be required to adhere to the latest building regulations, ensuring latest energy efficiency, insulation, water usage standards are achieved, including EV charging points and Air Source Heat Pumps.

The plans indicate the provision of solar panels on the roofs of all the dwellings, providing on site renewable sources of energy generation. In the absence of a policy requiring this infrastructure, their inclusion is positive and moderate weight in favour of the scheme should be applied to this benefit.

Despite showing chimneys, these would not provide flues for traditional solid fuel burners, minimising the likelihood of such features impacting on air quality. Provision of EV charging points would reduce the impact of private car use on air quality locally. Securing a Construction Management Plan is advocated by the Air Quality SPD and an appropriate condition could be imposed.

Developer Contributions

As part of the development, the following is required, but has not been secured via a Section 106 agreement:

- £81,676 towards New Forest recreational disturbance infrastructure
- £12,113 towards New Forest recreational disturbance non-infrastructure
- £11,208 towards Solent recreational disturbance
- £1,729.00 towards monitoring Air Quality in the New Forest
- £750.00 Commencement monitoring fee
- £750.00 Affordable housing monitoring fee
- £4,625.00 Bio-diversity Net Gain 30yr monitoring fee
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest DC.

As part of the development, subject to any social housing relief being granted, the following amount of 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	1555	0	1555	1555	£80/sqm	£150,901.66

Subtotal:	£158,849.25
Relief:	£0.00
Total Payable:	£158,849.25

11 CONCLUSION

Despite the location of the site outside the identified built-up areas, it is well served by services and facilities to support residents, furthermore it is close enough that those services can be accessed safely and conveniently by walking or cycling. The scheme proposes 100% affordable housing, for which there is identified need locally in Fawley parish and across the district, this weighs significantly in favour of the development and accords with adopted policy HOU5 and is not fundamentally in conflict with STR3 and STR4 to the extent of being contrary to the development plan as a whole.

Furthermore, as the Council is currently unable to demonstrate the required 5 year housing land supply, and therefore the ability to oppose development solely upon relevant policies within the development plan is reduced, and further weight has to be given to the delivery of all new homes.

The scheme has minor economic benefits during construction and increased footfall in local shops and services, it has environmental benefits of optimising the use of land close to services and facilities, with a design and layout that preserves the character of the area and the wider Green Belt, National Park and AONB, and has social benefits of providing affordable housing.

12 RECOMMENDATION

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

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure:
 - £81,676 towards New Forest recreational disturbance infrastructure
 - £12,113 towards New Forest recreational disturbance non-infrastructure
 - £11,208 towards Solent recreational disturbance
 - £1,729.00 towards monitoring Air Quality in the New Forest
 - £750.00 Commencement monitoring fee
 - £750.00 Affordable housing monitoring fee
 - £4,625.00 Bio-diversity Net Gain 30yr monitoring fee
 - Secure the site as 100% affordable housing for occupation by residents nominated by New Forest DC.
- 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:

Site location plan Drg No.100 rev B rec'd 21/09/21
Block Plan Drg No.101 rev B rec'd 20/06/22
Proposed Site Plan Drg No.102 rev H rec'd 20/06/22

Proposed Plans & Elevations Plots 1-4 Drg No.200 rev B rec'd 08/02/22
Proposed Plans & Elevations Plots 5-7 Drg No.201 rev B rec'd 08/02/22
Proposed Plans & Elevations Plots 8-9 Drg No.210 rev A rec'd 20/06/22
Proposed Plans & Elevations Plots 10-11 Drg No.211 rev A rec'd 20/06/22
Proposed Plans & Elevations Plots 12-14 Drg No.206 rev A rec'd 20/06/22
Proposed Floor Plans Plots 15-19 Drg No.208 rev A rec'd 20/06/22
Proposed Elevations Plots 15-19 Drg No.209 rev A rec'd 20/06/22

Streetscene & Site section Drg No.207 rev C rec'd 20/06/22

Reason: To ensure satisfactory provision of the development.

3. Materials

Prior to construction above Damp Proof Course, samples or exact details of the materials to be used on the external facing, roofing, doors, windows, gutters and downpipes of all buildings on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

4. AMS

Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase 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.

5. Parking and Access

The development hereby permitted shall not be occupied until the vehicle and pedestrian accesses, and parking and manoeuvring spaces shown on the approved plans have been provided.

The parking spaces shown on the approved plan for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings and their visitors hereby approved at all times and shall not be allocated to an individual property.

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.

6. 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.

7. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: The site is close to and has been previously used for potentially contaminative activities and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

8. Landscaping

Prior to commencement of construction above DPC of the houses hereby approved 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 and retaining structures;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

The approved scheme shall then be implemented prior to first occupation of the houses, completed before final occupation and thereafter retained and maintained in accordance with the agreed schedule.

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.

9. Prior to the commencement of development a strategy for the delivery of Biodiversity Net Gain and a Monitoring and Management Plan shall be submitted and approved in writing by the Local Planning Authority. It shall include:

- Methods for delivering at least a 10% increase in BNG on the site in accordance with the most up to date Natural England bio-diversity metric;
- Responsibilities for delivering BNG
- Description of the habitats to be managed;
- Ecological trends and constraints on site that might influence management;
- Clear timed and measurable objectives in the short, medium and long-term for BNG - Detail objectives for all habitats (target condition) and define key indicators to measure success;
- Define appropriate management options and actions for achieving aims and objectives;
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Preparation of a work schedule;
- Details for a formal review process when objectives are not fully reached;
- Key milestones for reviewing the monitoring;
- Establish a standard format for collection of monitoring data to make it repeatable and consistent;
- Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.

The BNG monitoring report shall be produced by a suitably qualified and experienced ecologist and shall include the following for the target habitats:

- Credentials of the ecologist undertaking the monitoring
- Assessment of habitats against the objectives defined in the management plan;
- Any presence recorded of target species;
- Date stamped photos accompanied by detailed site notes on extent of growth and condition using indicators in the management plan with any other notes of interest;
- If the target species /habitat is not present, provide detailed site notes on factors that are / could hinder growth or establishment;
- Detailed specific recommendations (where appropriate) on management actions to promote growth /establishment of target species / habitats including timescales for undertaking actions and marked site plans to show the actions;
- Photographs from the fixed monitoring points detailed in the management plan using high quality images.

The agreed methods of delivering BNG shall then be implemented in accordance with agreed timetable and thereafter managed and monitored as agreed.

Reason: In order to ensure appropriate delivery of bio-diversity net gain and in accordance with policies STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014.

10. Prior to first occupation of the scheme hereby approved, the highway improvement works to enhance pedestrian safety and walking routes shown on the approved plans and indicated by plan ref's:2005050-02 rev A, 2005050-04 and 2005050-05 shall have been provided and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of delivering a sustainable development and to ensure the safety of pedestrians and in accordance with HOU5, CCC2 and STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

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

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

12. Bin and Bike

Plans and details of bin and bike stores to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall adhere to the adopted standards and be implemented prior to first occupation of the development hereby approved and thereafter maintained and retained for the purposes of bin and bike storage respectively.

Reason. In order to support use of cycles and in the interests of the appearance of the site and ensure sufficient storage provision is made and in accordance with highway safety, ENV3, CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the adopted Parking Standards SPD and Waste Collection Strategy.

13. Solar PV

Details of the Solar PV panels, shown illustratively on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed and operational prior to occupation of the relevant dwelling. Thereafter they shall be maintained in accordance with the manufacturer's instructions and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: Due to the Council declared Climate Emergency and in the interests of delivering a sustainable development contributing to reducing the effect of development on climate change and in accordance with the NPPF 2021.

14. Ecology

The works hereby approved shall be undertaken in strict accordance with the Ecosupport Ecological Survey received on 21/09/21 and its mitigation, compensation and enhancement conclusions, which shall be implemented and followed throughout the development and prior to first residential occupation, 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).

15. Surface water drainage

Before development commences, details of the means of sustainably disposing of surface water from the site, including long term management and maintenance regimes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details and the management and maintenance undertaken as agreed and shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements reflect the approved layout, 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.

16. Foul drainage

Prior to the commencement of development, details of the means of disposal of foul water sewerage, including plans of the layout and routing of infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented prior to first occupation of the development hereby approved.

Reason: In order to avoid conflict with landscape and ecological constraints on and adjoining the site and in accordance with ENV3 & ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

17. No development shall start on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) Development contacts, roles and responsibilities
- (b) Public communication strategy, including a complaints procedure.
- (c) A programme method and phasing of demolition works
- (d) A programme method and phasing of construction works;
- (e) The provision of long term facilities for contractor parking;
- (f) The arrangements for deliveries associated with all construction works;
- (g) Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- (h) Wheel washing facilities to be provided.
- (a) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (b) Details of parking and traffic management measures.
- (c) Access and egress for plant and machinery;
- (d) Protection of pedestrian routes during construction;

All demolition and construction work shall only take place in strict accordance with the approved Construction Environmental Management Plan.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity and highway safety and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy.

Further Information:

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NFDC



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PLANNING COMMITTEE

September 2024

Gang Warily Farm
Newlands Road
Fawley
21/11329

Scale 1:1384

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scale.

