

Application Number:	24/10656 Variation / Removal of Condition
Site:	LAND REAR OF WALTONS AVENUE, HOLBURY, FAWLEY SO45 2LU
Development:	Variation of condition 2 (approved plans) of planning permission 22/11140 to allow change in design, including dwellings being closer together, and the addition of a flat porch over the front doors and bin and cycle storage details.
Applicant:	Mr Vass
Agent:	MT Planning
Target Date:	07/10/2024
Case Officer:	John Fanning
Officer Recommendation:	Grant Subject to Conditions
Reason for Referral to Committee:	Town Council contrary view and previously deferred for consideration by Committee

1 BACKGROUND

This planning application was first considered by the Planning Committee at its meeting on 15th January 2025. The Officer Report for this meeting is attached as **Appendix 1**. At this meeting the Planning Committee resolved to defer determination of the planning application. The minutes for the meeting set out the following considerations on which the decision to defer was based:

“Members considered the points raised by the objector, in relation to the raising of the ground level in the vicinity of his property during construction and the impact this had on his boundary fence. Members raised concerns, arising from this, regarding surface water drainage and the suitability of the drainage scheme was questioned.

It was proposed that the application be deferred, in order to allow officers to discuss these matters further with the applicant to ensure that the drainage scheme was fit for purpose in dealing with surface water dispersal and that the concerns raised by the objector regarding the impact the raised ground level had on his boundary fence be assessed and if necessary, consider appropriate mitigation measures.”

Since the previous meeting, further details have been provided to clarify the on-site drainage arrangements. These details comprise 4 additional documents:

- A document outlining the geology of the area and identifying that the site falls within Flood Zone 1 and lies within an area of low flood risk and groundwater vulnerability.
- A document written in response to the comments of the Committee meeting. This document identifies that permeable paving has been installed on the site; it clarifies the relationship of the site with neighbouring boundary treatments to the north and west; it notes amendments to the landscaping layout, including relocation of a parking space and additional raised planting beds; and it outlines the applicant’s position on ground level alterations to the site.

- A document that includes details of the installed soakaway and an associated justification of capacity.
- A letter from Southern Water confirming the development has been connected to the sewer network.

Neighbouring residents and local Councillors have been reconsulted on these additional drainage details. Following this re-consultation process, an additional detailed landscaping scheme was submitted to reflect the amended layout indicated in the submitted drainage drawings. The landscaping alterations constitute a minor alteration to the previously proposed layout and have not therefore been the subject of further consultation.

The current report should be read in conjunction with the previous report attached as Appendix 1 and will primarily focus on the amended details that have been submitted since the previous consideration of the application by the Planning Committee.

2 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council (updated comments dated 20/02/25 following re-consultation):

Members considered that earlier concerns had not been addressed and wished to resubmit the same comments that had been made previously.

We recommend refusal as the Parish Council considers this proposal will impinge on the enjoyment of the back gardens on the abutting houses in Waltons Avenue. We have not received confirmation from the planning authority that the design is in accordance with policy. We are unhappy with the current design and query the amount of room available for the turning circle of vehicles and the parking of vehicles now that the new additional spaces have been removed.

3 REPRESENTATIONS RECEIVED

Representations submitted previously are summarised in section 9 of the previous committee report (attached as **Appendix 1**). Following the undertaking of a further re-consultation exercise since the previous assessment by Committee, one additional letter of representation has been submitted. A summary of the comments raised is laid out below:

- Welcome changes to provide additional barriers between boundary treatments and vehicle manoeuvring areas
- Retain concerns about drainage and land level issues

4 CONSIDERATION OF ADDITIONAL DETAILS

Drainage

At the January Committee meeting, concerns were raised by the Planning Committee with regard to land drainage, particularly in relation to the possible raising of land levels on the site and the associated impact this would have on an adjacent residential property arising from a potential increase in surface water runoff.

With regard to the Council's Strategic Flood Risk Assessment, it should be reiterated that the site is not situated within an area of identified surface water flood risk and falls within Flood Zone 1 (defined as having a low probability of flooding).

Notwithstanding the above, it is recognised that the development would result in an increase in hard surfacing on the site which, if not suitably designed, could potentially affect the site's drainage arrangements, noting that hard surfacing has the potential to increase surface water runoff, including onto adjacent land.

The focus on managing surface water runoff should typically be to ensure water can drain into the land on which the application relates to slow the transfer of water off-site and ensure natural drainage is given an opportunity to deal with influxes of water. For the avoidance of doubt, any drainage solution on the site does not need to prevent all movement of water from the application site to neighbouring sites (which would represent a normal part of the natural water cycle and original aspect of the land) but rather should address any additional impact that may be associated with the proposed development.

This was originally addressed by the imposition of condition 5 on application 22/11140, which secured details of a sustainable drainage system (SuDS) to address this matter as part of the application process. This condition was subsequently reimposed as condition 5 of application 23/10823. Details to address this condition were subsequently submitted and agreed on 24.10.2023.

The amendments to the scheme as part of the current application would not substantially change the amount of hard surfacing on the site when compared to the previously approved application. Nonetheless, since the previous consideration by the Planning Committee, the applicant has submitted additional details to clarify the drainage on the proposed (and as-built) development. To accommodate drainage from the new roof forms, soakaways have been installed within the rear gardens, which reduce the potential for an increase in surface water runoff associated with the main form of the new dwellings.

The additional hard surfacing within the frontage of the properties has been constructed using a permeable paving solution, which allows water to drain through the paving into the underlying ground.

As such, while the original development did incorporate a significant area of new hard surfacing, its impact was proposed to be acceptably managed and mitigated by the use of soakaways and permeable paving. While the current application slightly changes the form of the buildings and layout of development, it is not considered that there would be any material change in the effectiveness of the identified drainage solutions. Therefore, it is not considered that the proposal would result in a harmful impact on neighbouring plots with regard to an increase in surface water runoff.

Concern has been raised by a neighbouring occupier (at 22 Waltons Avenue) with regard to a potential increase in site levels. Concerns have been raised that this might impact on maintenance of this property's boundary fence and lead to additional surface water runoff. The applicant has disputed that the site levels have been raised as a result of the proposed development. Nevertheless, in order to mitigate potential concerns that an increase in site levels may have resulted in additional drainage issues, a French drain has been proposed to run along the north-western and western boundary of the site to capture any additional surface water drainage at ground level and redirect it within the site to provide protection for adjacent boundary treatments and slow off-site water drainage. There is also a

separating kerb stone between the proposed hardstanding and the gravel board of the neighbour's boundary fence. It is considered that these details, in conjunction with the details outlined above in relation to the soakaway and permeable paving are sufficient to demonstrate that the development will not result in additional harm to neighbouring occupiers by the introduction of additional surface water runoff. Nor is it considered that there is any reason to conclude that the proposals would affect the boundary fence and its long-term maintenance – which would be a civil matter in any event.

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

Following on from the previous consideration by the Planning Committee, an amended landscaping arrangement has been submitted which is broadly similar to the previously submitted landscaping plan with the addition of raised planting beds. It is considered that this would provide additional planting within the site frontage and is acceptable in principle.

Access, parking and safety

When previously considered by the Planning Committee the proposal incorporated 16 communal parking spaces and 3 spaces allocated for visitor parking. The current layout incorporates the same number of parking spaces. However, one of the visitor spaces which was previously situated in the south-west corner of the site has been relocated to the north-east corner of the designated parking area in order to facilitate an additional landscaping bed.

Refuse and cycle storage provision remains as previously proposed.

It is considered that the amended parking layout complies with the Council's parking standards as per the previously considered scheme, and the proposed refuse and cycle storage arrangements are considered acceptable for the reasons previously laid out.

With regard to the provisions of policies CCC2 and ENV3, it is considered that the development continues to provide suitable access and parking for the dwellings proposed. It is considered that the scale and design of the proposed refuse and cycle storage structures is visually appropriate, and the site retains suitable parking, sustainable transport options and manoeuvring capacity to address the needs of the development without impacting on highway safety.

Amenity

It is not considered that the amendments to the layout and drainage have resulted in a harmful impact on the amenity of adjacent residential properties. As such, for the reasons outlined in the previous report, it is considered that the proposal complies with Policy ENV3 and would not have a harmful impact on the amenities of surrounding residents.

5 CONCLUSION / PLANNING BALANCE

The application was deferred at January Committee to allow further consideration of the drainage issues associated with the site.

The previously approved applications at this site secured a suitable on-site surface water drainage scheme. Further details have been provided as part of the current application, which are considered to provide the necessary assurances that the scheme's drainage arrangements will be acceptable by using SUDS and permeable

surfacing. It is not considered that there is any reason to conclude that the proposal would result in increased surface water runoff that would cause harm to neighbouring properties. As such, no objection is raised in this regard.

Consideration has been given to the concerns of the neighbouring residential property in terms of the impact of the development on their fence. While potential damage to a boundary treatment would typically be a civil matter between the relevant parties, consideration has been given to the potential for the development to introduce additional surface water runoff onto neighbouring land. The applicant has proposed to install a French drain to act as a barrier along the northern and western boundaries of the site to ensure that any drainage onto neighbouring land is managed as part of the proposed development. It is considered this, along with the mitigation outlined above, is sufficient to demonstrate that the proposal will not worsen the relationship with the neighbouring property.

As such, the recommendation remains to **Grant Planning Permission** subject to Conditions

The following conditions are proposed to be amended from the previous recommendation to reflect the updated details submitted:

Condition 1 (Approved plans)

- Updated to reflect additional/amended plans submitted

Condition 2 (Landscaping)

- Updated to reflect the submission of an amended landscaping plan to include additional raised planting beds

Condition 6 (Car parking)

- Updated to reflect the amended site plan following the relocation of one parking space

An additional condition (Condition 8) is also recommended to ensure that the drainage details as outlined are installed prior to the occupation of the proposed dwellings. The other conditions are as per the previous recommendation, with updated references to reflect the currently submitted plans.

The other matters remain as per the original consideration by the Planning Committee.

The amended conditions are thus as follows:

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

Drg No: MT/1547/62 (Bike storage)
Drg No: MT/1547/62 (Refuse storage)
(Landscape plan)
Drg No: MT/1328/1 Rev C (Site plan)
Drg No: MT/1547/68 (Proposed plans)
Drg No: MT/1547/67 (Proposed plans)
(Soakaway statement)
(Drainage and land level statement)
(Geology statement)

Reason: To ensure satisfactory provision of the development.

2. Prior to the first occupation of the development hereby approved, the hard landscaping and means of enclosure shall be implemented in accordance with the submitted landscaping details as detailed in the landscape plan submitted on 24.02.25.

With regard to the submitted soft landscaping specification, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory 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.

- 6 Prior to the first occupation of the development hereby approved, the areas identified for vehicular parking shall be laid out in accordance with the submitted details. The spaces shown on the submitted Site Plan (Drg No. MT/1328/1 Rev C) for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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.

- 8 Prior to the first occupation of the dwellings hereby approved, the drainage systems as outlined in the submitted 'Ground suitability & Percolation Test' statement and p4 'Boundary Treatment' of the 'Waltons Avenue - Committee meeting' statement shall be implemented on site. Thereafter, the approved drainage system shall be retained in accordance with the approved details for the lifetime of the development hereby approved.

Reason: To ensure the drainage arrangement 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 Framework.

Further Information:

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Planning Committee 15 January 2025

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1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) Principle of development
- 3) Access, parking and safety
- 4) Amenity
- 5) Ecology
- 6) Drainage
- 7) Contamination
- 8) Mitigation

2 SITE DESCRIPTION

The site lies within the defined built-up area of Holbury. The site previously consisted of an area of open land situated to the rear of properties off Holbury Drove, Long Lane and Waltons Avenue. Following the granting of planning permission for a development of 8 houses in 2023, the site has now been redeveloped for residential purposes, albeit not in accordance with the approved plans. The site is located within the Fawley Major Hazard 'Middle' Consultation Zone.

3 PROPOSED DEVELOPMENT

The application seeks the variation of condition 2 (plan numbers) of a previous planning permission for the formation of 8 single-storey dwellings (4x detached 3-bed units and 4x semi-detached 2-bed units). The proposed properties would be served by a shared communal parking area to the front of the dwellings, which is proposed to incorporate landscaping and communal refuse and cycle storage facilities. The properties would be accessed off Waltons Avenue.

The submitted application, which is partially retrospective, seeks to regularise the existing development that has been brought forward on the site. As constructed, the buildings on the site have not been built in accordance with the previously approved details, and the current application seeks planning permission for the layout and design of dwellings as constructed, along with associated amendments to the wider layout.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
23/10823 Amend condition 2 of 22/11140 to allow a larger footprint to all x8 no. units and fenestration alterations	02/10/2023	Granted Subject to Conditions
22/11140 Erection of 8 new residential units; access and parking (demolition of number 18 Waltons Avenue to facilitate access)	17/07/2023	Granted Subject to Conditions
20/10105 Demolition of 18 Waltons Avenue to create access to land at rear for development of 5 dwellings	29/04/2021	Granted Subject to Conditions

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
 Policy CCC2: Safe and sustainable travel
 Policy ENV3: Design quality and local distinctiveness
 Policy ENV4: Landscape character and quality
 Policy HOU1: Housing type, size, tenure and choice
 Policy IMPL1: Developer Contributions
 Policy IMPL2: Development standards
 Policy STR1: Achieving Sustainable Development
 Policy STR3: The strategy for locating new development
 Policy STR4: The settlement hierarchy
 Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
 SPD - Mitigation Strategy for European Sites
 SPD - Parking Standards
 Technical Guidance Note on Waste Management Facilities in New Residential Development, dated February 2022

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Recommend refusal.

We recommend refusal as the parish council considers this proposal will impinge on the enjoyment of the back gardens on the abutting houses in Waltons Avenue. We are unhappy with the current design and query the amount of room available for the turning circle of vehicles. We also query the size of the two parking bays that, if

drawn to scale, indicate parking for very small vehicles, perhaps mobility scooters. Concern has also previously been raised that arrangements do not provide access to rear gardens, with the gap between properties not being sufficient to provide access to a bike store.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Health and Safety Executive

No objection

Environmental Health (Contamination)

Recommend a condition in relation to unsuspected contamination.

HCC Highway Authority:

No objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

The application has had a number of iterations of plans. Initially the application received 5 representations in support and 1 representation against the proposed development.

For: 5

- No overlooking impact
- Improve security of neighbouring properties
- Provides needed dwellings within the area
- Improve appearance of site

Against: 1

- Development raises ground level of application site
- No barriers in place to prevent vehicles crashing into/damaging boundary treatments
- Lack of supporting ecology enhancement
- Lighting on properties would be harmful to neighbouring occupiers

Following the submission of amended plans, a further 3 representations opposed to the application were received (of which 1 had previously written in support).

Against: 3

- Concern about the amenity impact on neighbouring occupiers associated with the position of the refuse store, particularly in respect of odour nuisance

10 PLANNING ASSESSMENT

Site history

Planning permission was originally granted for the redevelopment of the site under planning application reference 20/10105. The application granted permission for the erection of 5x two-storey dwellings with a centrally positioned access area and 3 dwellings situated to the eastern end of the site and 2 dwellings situated to the western end of the site. The application incorporated the demolition of an existing

dwelling (18 Waltons Avenue) in order to facilitate the formation of the access off Waltons Avenue. This application was granted planning permission in April 2021. Following this, a further, very different application was submitted under planning application reference 22/11140. This application sought planning permission for the formation of 8 single-storey dwellings (4x detached 3-bed units and 4x semi-detached 2-bed units). The layout and form of this development was similar to the current proposal, with dual pitch roof forms with gables to the front and rear and the properties forming a row fronting onto a parking area to the southern part of the site. This application was considered by the Council's Planning Committee in June 2023, with delegation given to grant permission subject to a suitable legal agreement being secured. Planning permission was subsequently granted in July 2023.

Following this application, a further variation of condition application was submitted under application reference 23/10823. This application sought to amend the form of the buildings to partially increase the scale of the proposed buildings:

22/11140	Detached	Semi-detached pair
Height	4.8m	5.6m
Eaves	2.3m	2.3m
Depth	10.7m	10.7m
Width	6.6m	11.2m

23/10823	Detached	Semi-detached pair
Height	4.95m	5.7m
Eaves	2.3m	2.3m
Depth	11.8m	11.7m
Width	7.1m	11.8m

Planning permission was granted for the proposal in October 2023.+ At this stage, development commenced on site. However, unfortunately during the construction process, it became apparent that the actual constraints of the site did not allow for the construction of the layout previously approved, and the dwellings were duly constructed not in accordance with either of the previously approved schemes. Most notably, the previously approved schemes included sufficient gaps between the dwellings to allow pedestrian access between the properties to the rear gardens (where refuse and cycle storage was located). With the scheme as built and as now proposed, these gaps (between side walls) have been materially narrowed to around 0.7m (and even less than this for the gap between eaves), thereby compromising appropriate external pedestrian access to rear garden areas.

The buildings on the current application have the following dimensions:

24/10656	Detached	Semi-detached pair
Height	4.95m	5.35m
Eaves	2.3m	2.3m
Depth	11.8m	11.7m
Width	7.1m	10.5m

Principle of development

The application site is within the built-up area of Holbury, where the principle of providing additional dwellings is in accordance with Policies STR3, STR4 and STR5 of the Local Plan.

In this case, the application is made under Section 73 of the Town and Country Planning Act 1990, which makes provision for applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted.

Specifically, the application seeks to vary condition 2 of the previously approved planning permission 22/11140, substituting the approved plans under that application with a new set of plans that would amend the form and layout of the development. The proposals effectively seek to regularise the development as constructed.

In considering a Section 73 planning application, Section 73(2) identifies that the Local Planning Authority shall consider only the question of conditions subject to which the planning permission should be granted and:

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

On the basis of the above, the key consideration is the impact the amendments would have on the design of the development and how it integrates with its context and the surrounding area.

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

Policy ENV3 of the Local Plan requires all development to achieve high quality design that contributes positively to local distinctiveness and quality of life. Development should enhance the character and identity of the locality by creating buildings, streets, places and spaces that function well, which are appropriate to their context and which are visually attractive.

In this case, the application site is relatively well screened within the wider street scene but would be visible from the proposed access and from the rear of the surrounding properties off Waltons Avenue, Long Lane and Holbury Drive. The general form and layout of the site would remain similar to the previously approved developments in that a line of 8 single-storey dwellings would continue to front onto an open area of hardstanding for parking and access. The scale and massing of the dwellings would also remain similar to the previously approved schemes, and the materials of the proposed dwellings would reflect the previously discharged conditions under application 22/11140 and 23/10823.

While the number of dwellings and their single-storey form would not change, the reduction in spacing between the properties does result in some change to the visual appearance of the development. The narrowing of the gaps between the properties produces a more continuous built frontage across this backland site, resulting in a visual conglomeration of the built form and a less spacious development overall. However, the gabled roof forms do serve to visually delineate each property, helping to break up and mitigate the more continuous nature of the built frontage.

Overall, while the proposal does result in a less visually spacious form of development compared to the previous schemes on the plot, it is considered that there would be appropriate visual breaks within the built form, and the appearance of smaller single-storey dwellings, appropriate to the context, would be maintained. On balance, with regard to the provisions of Policy ENV3, it is not considered that the proposal would have a harmful impact on the wider character and appearance of the surrounding area and would integrate acceptably with the surrounding built form.

Access, parking and safety

In accordance with Policy CCC2 and the Council's Parking Standards for Residential and Non-Residential Development SPD, a 3-bed dwelling has a recommended on-plot parking provision of 2.5 spaces or 1.9 spaces in a shared parking arrangement. A 2-bed dwelling had a recommended on-plot parking provision of 2 spaces or 1.5 spaces in a shared parking arrangement. The development consists of 4x 3-bed units and 4x 2-bed units, which would result in a recommended provision of 18 allocated spaces or 13.6 communal spaces.

The previous layout of the site incorporated 22 parking spaces (2 to the front of each unit and 6 spaces across the south-eastern edge of the site). The changes to the layout of the site have reduced the gaps between the buildings, typically resulting in gaps of around 0.7m between dwellings. It is not considered that this is sufficient to reasonably allow access for refuse and cycle storage to the rear of the dwellings, meaning that this needs to be accommodated within the frontage of the site. The proposal has now been submitted with a parking arrangement consisting of a communal parking layout incorporating 19 parking spaces (of which 3 are specifically identified as visitor parking), which is still in excess of the parking requirements as set out in the SPD. Refuse and cycle storage is now proposed forward of the dwellings in communal purpose-built structures along the south-eastern boundary, adjacent to the rear of properties fronting onto Waltons Avenue.

Given there is not considered to be sufficient gaps to secure refuse and cycle storage to the rear of the site and balancing this against the visual impact of storing refuse bins on the site frontage, a communal approach has been proposed. In accordance with Table 2 in section 3.2 of the Council's 'Waste management facilities in new residential development' Technical Guidance Note, it is considered that the proposed structures would accommodate the necessary refuse storage for the development while integrating acceptably with the overall layout and the surrounding context.

Consideration has been given to the need for a refuse vehicle to manoeuvre within the site. The Highway Authority were consulted on the application and have confirmed they do not object to the proposed arrangement and vehicle tracking for a refuse vehicle. They are therefore satisfied that refuse vehicles can enter and leave the site in a forward gear.

The Council's Parking Standards SPD recommends 3 secure long-stay cycle storage spaces per 3-bed unit and 2 spaces per 2-bed unit. This results in a recommended minimum provision of 20 cycle storage spaces. In this case, 10 hoops, providing 20 spaces, are proposed in a dedicated communal bike store structure within the area to the front of the dwellings. It is considered that the proposal provides suitable secure and accessible cycle storage facilities for the proposed development.

With regard to the details outlined above, it is considered that the proposal provides sufficient refuse and cycle storage to address the needs of the proposed development. While the use of a communal arrangement would typically serve flatted developments, in this case taking into account the circumstances of the application site, it is considered that the proposed communal cycle and refuse stores provide for the needs of the occupiers while minimising the visual impact across the site. The proposed timber structures are relatively small scale, with limited visibility outside of the application site. Some additional planting has also been secured as part of the proposed rearrangement of the site to improve the overall landscaping of the site as a whole.

It is noted that the site lies within Fawley Major Hazard Consultation Zone. No objection has been raised by the Health and Safety Executive, and the density for the development remains in line with the previous permissions on the site.

With regard to the provisions of policies CCC2 and ENV3, it is considered that the development provides suitable access and parking for the dwellings proposed. It is considered that the scale and design of the proposed refuse and cycle storage structures is visually appropriate, and the site retains suitable parking, sustainable transport options and manoeuvring capacity to address the needs of the development without impacting on highway safety.

Amenity

Policy ENV3 requires development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

In most respects, the scheme's relationship to neighbouring properties remains similar to what was previously approved. The dwellings are single-storey and the roof forms reduce down in height to the closest boundaries to the north-east and south-west.

The proposal must also provide sufficient amenity for the proposed occupiers of the host dwellings. The centrally positioned bedrooms would have restricted outlook into boundary treatments and to the flank of neighbouring properties. However, the arrangement with neighbouring properties remains broadly similar to the previously permitted layout and is considered acceptable in terms of the levels of amenity afforded to future occupants.

The amended site layout does place the proposed communal refuse and cycle stores to the south-eastern boundary, immediately adjacent to the rear boundary of properties fronting Waltons Avenue, and third party comments have raised an objection to this location. While this would result in some increase in activity along this boundary, it is not considered that the activity would be unusual within the context of the surrounding residential environment. The structures would be enclosed, which should mitigate any associated noise and odours, and activity would be away (about 9-12 metres distant) from the main dwellings. It is recognised that the structures do abut rear garden boundaries, but given the structures would be relatively low in height and enclosed, it is not considered that they would result in a visually harmful or overbearing form of development, or reduce the enjoyment of neighbouring gardens to an unacceptable degree.

A concern has been raised that site levels have been increased. Whilst in places, this does appear to have been the case, it is considered this increase is minor and not of a scale that is materially harmful to the amenities of neighbouring properties. A concern has also been raised about the need for barriers to prevent cars crashing

into boundary fences. Such barriers are not considered necessary or justified in this context, where this is reasonable space for vehicles to manoeuvre safely. For the reasons outlined above and with particular reference to policy ENV3(ii), it is considered that the proposal would maintain the acceptable amenity impacts associated with the previously permitted development.

Ecology

Since the previous grant of permission, a mandatory requirement to secure biodiversity net gain has been introduced. However, with regard to the Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, there is an exemption for variation of conditions applications where the original permission was made or granted prior to 12.02.2024. In this case, the original permission was granted on 17.07.2023 and, as such, the development would be exempt from the requirement to achieve mandatory biodiversity net gain.

Notwithstanding the above, Policy DM2 of the Local Plan does encourage the incorporation of biodiversity enhancement measures and the previous permissions imposed a condition encouraging the incorporation of such features within the development. A similar condition is recommended in accordance with the previously approved details on the current application.

Drainage

Policy ENV3 of the Local Plan requires new development to incorporate design measures that improve resource efficiency and climate change resilience such as the use of Sustainable Drainage Systems.

In this case, it is noted that previous permissions on the site incorporated conditions to secure details of drainage systems and soakaways. The site has partially been implemented in accordance with the agreed details (with the soakaways to the rear having been implemented, while the drainage solutions to the frontage of the site have not been fully implemented given the need to amend the layout and landscape details). The proposed hard surfacing utilises permeable materials as part of the surface water management on the site.

Taking into account the current circumstances of the site, it is considered that the existing details are sufficient to manage drainage on the site, and it is not considered that further conditions are necessary in this regard. The proposal remains compliant with Policy ENV3 of the Local Plan in this respect.

Contamination

A condition in the event of the discovery of unexpected contamination during construction works has been recommended by the Council's Environmental Health team. While the main part of the development is complete, some further landscaping and ground works remain to be implemented on site, and the condition should therefore be reimposed in accordance with Policy CCC1 of the Local Plan.

Mitigation

Habitats Mitigation

Under the requirements of the Habitats Regulations and Policy ENV1 of the Local Plan, the Council has a duty to ensure that the development proposed in its Plan does not have an adverse effect on the integrity of any European nature conservation designations. The Habitats Regulations Assessment of the Local Plan

identified potentially harmful recreational impacts arising from new residential development on both the New Forest European Sites and the Solent Coastal European Sites.

The Habitats Regulations Assessment of the Local Plan Parts 1 & 2 concludes that significant effects on both the New Forest and the Solent and Southampton Water SPA/SAC/Ramsar nature conservation designations associated with recreational impacts from the planned residential development cannot be ruled out.

A precautionary approach is appropriate in line with the requirements of the Habitats Regulations until the evidence base is refined. The HRA concludes that mitigation is therefore required for all additional housing development within the Plan Area.

In this case, the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the integrity of European sites, having regard to their conservation objectives but the adverse impacts would be avoided by securing proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

Such mitigation has already been secured in connection with the extant planning application (22/11140) by a Section 106 legal agreement, dated 17.07.2023. The existing legal agreement includes a provision that the provisions of the Section 106 are carried forward to subsequent Section 73 applications. In this respect, the amended proposal has already secured appropriate habitats mitigation and air quality monitoring mitigation. An Appropriate Assessment has been carried out to reflect this position, with it being concluded that the development would not adversely affect the integrity of European sites.

Nitrate neutrality and impact on the Solent SPA and SACs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of those site's conservation objectives, having regard to nitrate 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 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 recommended to secure this mitigation prior to the occupation of the development, which will ensure the development complies with the relevant policies.

Developer Contributions

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

- Infrastructure contribution of £37,778
- Non-infrastructure contribution of £5,631
- Bird Aware Solent contribution of £5,253
- Air quality monitoring contribution of £721

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	551	83	468	468	£80/sqm	£51,120.00 *

Subtotal:	£51,120.00
Relief:	£0.00
Total Payable:	£51,120.00
	<i>*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/) and is:</i>
	<i>Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)</i>

11 CONCLUSION / PLANNING BALANCE

With regard to Policies STR5 and HOU1, it is considered that the proposal makes a contribution to the wider housing demand within the district and the application site is situated within an accessible location within the Council's defined built-up area where local policies encourage such proposals to be focused. Planning permission has previously been granted for a similar form of development on the site, with the current application having been submitted on a partially retrospective basis to regularise the as-built development, which has not been built out in compliance with the previously agreed details.

The key alterations relate to amendments to the form and layout of the buildings on the site, along with associated changes to the landscaping and parking arrangements. With regard to policies ENV3 and ENV4, in terms of the amendments to the buildings, it is considered that the proposal would not have a harmful impact on the character or appearance of the surrounding area or have a harmful impact on the amenities of neighbouring properties. It is considered that some improvements have been made to the proposed landscaping by the incorporation of additional planting.

In line with Policy CCC2 and the provisions of the Council's Parking Standards SPD 'Waste management facilities in new residential development' Technical Guidance Note, given that access to the rear is no longer considered achievable, alternative refuse and cycle store arrangements have been proposed as part of the current

application. These are considered to provide for the amenities of the proposed occupiers without causing harm to the wider character of the site or the amenities of neighbouring occupiers.

It is noted that a number of conditions originally imposed on the planning permission sought to manage the impacts of the development during construction. Given the partially retrospective nature of the development, it is not considered necessary to reimpose this wider suite of conditions.

With regard to Policy IMPL1, it is noted that a legal agreement was previously entered into as part of application 22/11140 which incorporated provisions that would carry through to subsequent variation of condition applications. This is considered to address wider mitigation requirements of the development on sensitive habitats within the New Forest and Solent area.

On balance, therefore, taking into account the factors outlined above, it is considered that the impacts of the amended development can be acceptably mitigated through the use of conditions. As such, the application is recommended for conditional approval.

13 RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

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

- Drg No: MT/1547/62 (Bike storage)
- Drg No: MT/1547/62 (Refuse storage)
- Drg No: MT/1547/62 (Landscape plan)
- Drg No: MT/1547/62 (Site plan)
- Drg No: MT/1547/68 (Proposed plans)
- Drg No: MT/1547/67 (Proposed plans)

Reason: To ensure satisfactory provision of the development.

2. Prior to the first occupation of the development hereby approved, the hard landscaping and means of enclosure shall be implemented in accordance with the submitted landscaping details as detailed in the submitted Landscape Plan (Drg No. MT/1547/62).

With regard to the submitted soft landscaping specification, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory 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.

3. Prior to the first occupation of the development hereby approved, the scheme of biodiversity enhancement previously agreed in respect of condition 11 of planning permission 22/11140 shall be fully implemented in accordance with the agreed details.

Reason: To enhance existing features of nature conservation value within the site, in accordance with saved local plan policy DM2.

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

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. Prior to the first occupation of the development hereby approved, the bin and bike stores shall be installed on site in accordance with the approved details. The identified refuse and cycle stores shall thereafter be retained and kept available for the use of the residents of the development hereby approved at all times.

Reason: To ensure adequate facilities for the proposed occupiers 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. Prior to the first occupation of the development hereby approved, the areas identified for vehicular parking shall be laid out in accordance with the submitted details. The spaces shown on the submitted Site Plan (Drg No. MT/1547/62) for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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.

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.

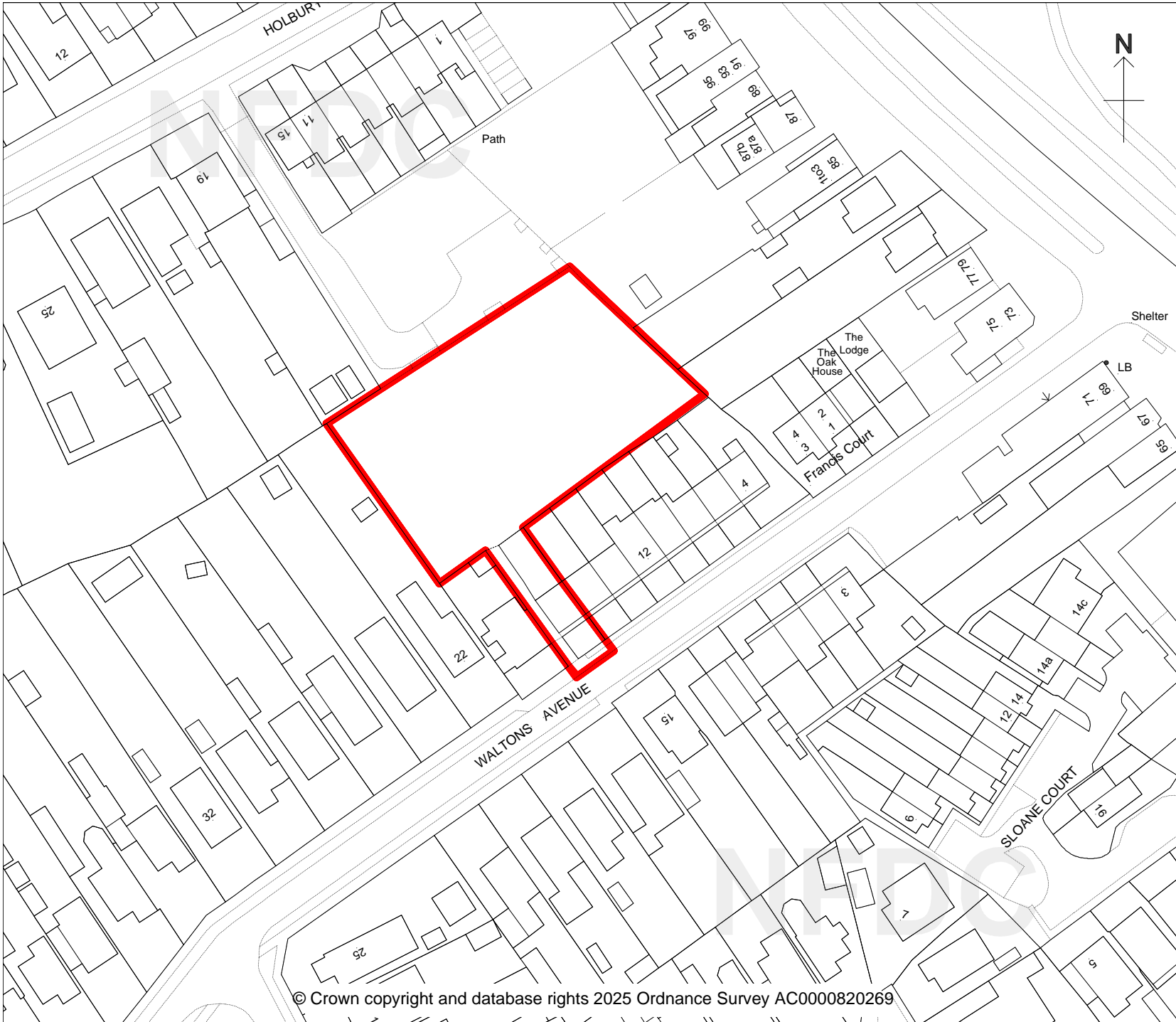
The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation 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: 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.

Further Information:

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New Forest

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PLANNING COMMITTEE

March 2025

Land Rear of Waltons Avenue
Holbury
Fawley
24/10656

Scale 1:1000

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