

Application No: 19/00953/OUT Outline Planning Permission

Site: Land At The Former Flying Boat Inn Site, Calshot Road, Calshot, SO45 1BP

Proposal: Outline application for 7no. dwellings; access and layout to be considered.

Applicant: Mr Ghahramanizadi, F B Estates Ltd

Case Officer: Clare Ings

Parish: FAWLEY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP4 Spatial strategy
SP7 Landscape character
SP19 New residential development in the National Park
SP21 The size of new dwellings
DP2 General development principles
DP18 Design principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Development Standards SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 5 - Delivering a sufficient supply of homes
Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Fawley Parish Council: Recommend permission

8. CONSULTTEES

- 8.1 Planning Policy Officer: Objection; there is a strong policy objection to this application, which is contrary to several of the key strategic planning policies in the recently adopted Local Plan for the National Park. These policies were robustly assessed and ultimately endorsed following independent examination in 2018/19.
- 8.2 Ecologist: Objection; currently there is insufficient information to demonstrate no net loss and relevant net gains
- 8.3 Archaeologist: No objection, subject to condition for watching brief
- 8.4 Highway Authority (HCC): No objection, subject to the submission of additional information.

9. REPRESENTATIONS

- 9.1 One representation received making the following comments:
- no objection in principle, but seven two storey dwellings would dominate village as they would lie on higher ground
 - preference for seven bungalows
 - need for the proposed shop and public house

10. RELEVANT HISTORY

- 10.1 Outline application for 7no. dwellings access and layout to be considered (18/00870) refused on 16 January 2019
- 10.2 Part one and part two-storey building to provide 24 hotel/ leisure suites; manager's flat; public house; restaurant and function room (outline application with details only of siting and means of access) (application for renewal of planning permission 83874) (10/95140) refused on 8 June 2010. Appeal against refusal dismissed on 12 July 2011.
- 10.3 Part one and part two-storey building to provide 24 hotel/ leisure suites; manager's flat; public house; restaurant and function room (reserved matters of appearance, landscaping and layout) (08/92465) granted on 7 May 2008.
- 10.4 Part one and part two-storey building to provide 24 hotel/ leisure suites; manager's flat; public house; restaurant and function room (outline application with details only of siting and means of access) (05/83874) granted on 12 May 2005.

11. ASSESSMENT

11.1 The 0.82 hectare site is located on the south-western side of the B3053 Calshot Road, elevated from the road partially by a retaining wall, at the junction with Castle Lane in Calshot. The site is accessed from Calshot Road. Prior to a fire in 2001, the site was occupied by a public house but, following the fire and for safety reasons, the building was demolished. Since then the site has become overgrown with brambles and vegetation although there is some evidence of the previous building in the form of concrete hardstanding which can be seen within the site. A Sycamore tree also remains, together with a hedgerow along the road frontage.

11.2 Two pairs of houses lie opposite the site. Open land lies to the south west and north west, beyond which lies land which has permission for use as a burial ground. The site is bounded by trees on the south-eastern side and some trees on the north-western side.

11.3 As with the previous application (18/00870) which was refused in January 2019, the proposal is also an outline application for seven open market dwellings with access and layout to be considered (appearance, landscaping and scale are to be dealt with under reserved matters). As previously, the key issue for consideration is the principle of the proposed development. Other considerations include:

- The proposed layout;
- The impact on the character and appearance of the area;
- Access and highway implications; and
- The impact on trees and ecology.

The application has been re-submitted with a view to overcoming the previous reasons for refusal.

Principle of Development

11.4 The major change between this application and the previous scheme is the formal adoption of the Local Plan. The application site still remains outside the defined New Forest villages which, under the new policies SP4 and SP19, are the settlements to which any new residential development should be directed. The exceptions to this are:

- allocated sites;
- the implementation of existing permissions;
- rural exceptions sites for affordable housing; and
- housing for commoners, estate workers or agricultural workers

Windfall sites within the four defined villages would also be

acceptable in principle, but that is not the case with this application.

- 11.5 Given that the Local Plan is so recently adopted, the comments made by the Inspectors following the Examination are pertinent and in particular their conclusion on Policy SP4 (Spatial Strategy), which stated that the spatial strategy: *"...is justified and strikes the right balance between providing some flexibility for certain forms of development whilst focusing on the most sustainable settlements and reflecting environmental constraints."* The Inspectors' views on windfall sites, allowing for about 400 dwellings to 2036, is also realistic and does not need to rely on the delivery of speculative proposals outside the policy provisions of the Local Plan.
- 11.6 A proposed housing allocation in Calshot was not supported by the Local Plan Inspectors who concluded: *"Calshot is not identified as a Defined Village in the Local Plan and the allocation would therefore be inconsistent with the overall spatial strategy set out in Policy SP4. The village is situated in an isolated position and facilities are very limited and the allocation would therefore also be contrary to the NPPF which seeks to encourage patterns of development which facilitates the use of sustainable modes of transport and which would maintain or enhance the vitality of rural communities. Consequently, the village is not a sustainable location for residential development on this scale."*
- 11.7 A recent appeal (ref: APP/B9506/W/19/3232567 in Cadnam) for speculative housing development, of a similar scale to this proposal, outside the defined villages, has been determined since the adoption of the Local Plan. It was dismissed with the Inspector concluding:
- the proposed development of six open market dwellings outside the Defined Villages would be contrary to Policy SP4; and
 - the issue of housing delivery within the National Park was discussed as part of the Local Plan Examination and the Inspectors were satisfied that the Authority had rigorously and comprehensively sought to identify all sources of housing land within the context of a nationally protected landscape.

The proposal would similarly be clearly contrary to the spatial strategy (Policy SP4) and Policy SP19 in respect of new residential development.

- 11.8 The applicant has argued that the site comprises a brownfield site and therefore would be suitable for residential development. At the time of the assessment work for the brownfield land register, the site was overgrown and was assessed as having reverted to a greenfield site. Since then, the applicant has cleared the site of

vegetation to reveal areas of hardstanding. Irrespective of whether the site is defined as brownfield or greenfield, the proposal is clearly contrary to the recently adopted policies relating to new residential development. To grant planning permission would set a dangerous precedent for new residential development outside of the spatial strategy that could be repeated elsewhere within the National Park.

Impact on Character and Appearance of the Area

- 11.9 National Parks have been confirmed by Government as having the highest status of protection in relation to landscape and scenic beauty. The National Planning Policy Framework (NPPF), paragraph 172, advises that, within National Parks, great weight should be given to conserving the landscape and scenic beauty. The site lies within the North West Solent Estates landscape character area with characteristics which include a strong mosaic of mixed agricultural fields; frequent hedgerow and roadside Oaks; and small villages and scattered farms linked with winding rural lanes. Development pressure is one of the issues identified in the New Forest National Park Landscape Character Assessment (2015). The proposed development would introduce a large amount of built development across a vacant site, which currently blends into the landscape. The proposed development would have a detrimental impact on the rural character of the area contrary to Policies SP7 and SP17 of the adopted Local Plan.

Proposed Layout

- 11.10 As previously, the proposal is for seven open market dwellings. The floor space of the proposed dwellings would comprise:

- Four 100m² houses;
- Two 120m²; and
- One 140m² houses.

This represents a change from the previously refused application which only indicated one 100m² dwelling. The layout has also changed marginally and is described as representing a form characteristic of a farmyard. Notwithstanding that more of the dwellings would meet the 100m² limit set out in policy SP21, the overall proposal would still include a number of dwellings that would be contrary to policy and would introduce large dwellings on the site, in a mix which does not reflect the housing need in the National Park. This was also the case with the appeal at Cadnam referenced above, and the Inspector in dismissing that appeal concluded that the size of the proposed dwellings (in that case all over the 100m² limit set out in Policy SP21) would not reflect the housing need within the National Park

Access and Highway Implications

- 11.11 The proposed development would utilise an existing access which is currently overgrown. A lack of detail has been provided in respect of the access, but it is noted that it was used previously with the former public house use. No transport assessment has been submitted with the application. However, the Highway Authority has been consulted, and has not raised any objection in principle subject to the submission of further details in relation to visibility splays, parking and turning for residents, and also stopping and collection points for refuse vehicles.

Impact on Trees and Ecology

- 11.12 The site has been largely cleared of trees and the site was assessed by the Authority's Senior Tree Officer following the clearance works. Most of the trees had already been removed at this time and no concern was raised in respect of any remaining vegetation.
- 11.13 A statement has been submitted indicating that financial contributions would be made in accordance with the Authority's Habitat Mitigation Scheme. However, no legal agreement has accompanied the application, and in the absence of such a document, objections would still have to be raised.
- 11.14 There is still an objection has from the Authority's Ecologist as there is currently insufficient professional ecological information to demonstrate accordance with Policies SP5 and SP6 in respect of protected species and biodiversity. There is insufficient information on impacts and proposed mitigation to enable the Authority to discharge its legal duties in this respect. In addition, it is understood that there is a significant reptile population nearby and, whilst the site may not appear to contain substantial areas of suitable habitat at first assessment, the proposed approach of mitigation without any more suitable in-depth survey work is not appropriate and accordance with Policy SP6 has not been demonstrated.
- 11.15 Furthermore, Natural England have recently advised that there is uncertainty as to whether future housing and visitor accommodation development will adversely impact the protected habitats of the Solent due to increased levels of nitrates entering the system. The application does not include a nutrient budget or measures to mitigate the impact of nitrates.

Other matters

- 11.16 Notwithstanding the strong policy objection set out above, the applicant has indicated a willingness to enter into a s106 Agreement to provide contributions towards affordable housing, open space and highways (as well as habitat mitigation), but no

figures have been submitted with this application, nor a legal agreement.

Conclusion

- 11.17 The application proposes the development of seven open market dwellings with car ports on a site outside of the defined New Forest villages, contrary to the adopted Local Plan. There is a strong and overriding policy objection to the proposal and refusal is recommended.

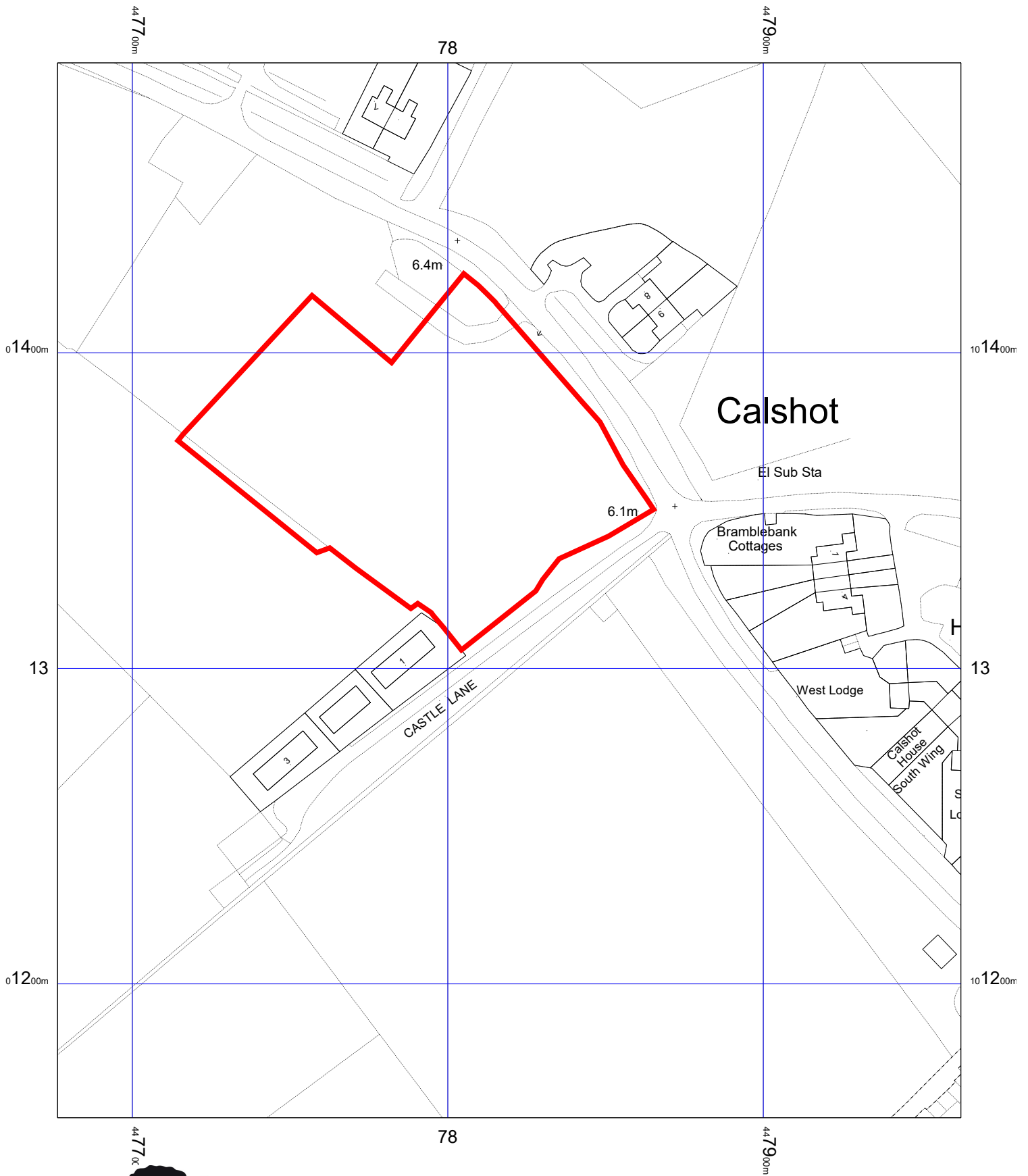
12. RECOMMENDATION

Refuse

Reason(s)

- 1 New residential development is only permitted in the National Park within the four defined villages (windfall sites) or on allocated sites, the exceptions being affordable housing for local needs, or new dwellings required in connection with commoners, estate workers, agriculture or forestry. The proposal for seven open market dwellings in this area of open countryside is therefore contrary to Policies SP4 and SP19 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019) as well as the National Planning Policy Framework (2018).
- 2 In the absence of sufficient justification to support this level of private housing development outside of a defined village, if allowed, this proposal is likely to set a highly undesirable precedent that would encourage similarly inappropriate and ad-hoc private housing developments elsewhere in the New Forest National Park, to the detriment of the long-term protection of the Forest's unique landscape.
- 3 The application site lies in close proximity to internationally and nationally designated sites (SSSI, SPA, SAC, Ramsar) and it has not been demonstrated to the satisfaction of the National Park Authority, through adequate mitigation measures, that there would not be significant in-combination impacts on the ecological sensitivities of these areas, including nitrate eutrophication. The proposal would therefore be contrary to policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019) and Section 15 of the NPPF.
- 4 Although the applicant has indicated a willingness to enter into a S106 Agreement to make financial contributions towards affordable housing, open space and off-site highway works, no such document has accompanied the application nor have figures been agreed. The application is therefore contrary to policy

SP38 of the adopted New Forest National Park Local Plan
2016-2036 (August 2019).



New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

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