

Application Number: 21/10119 Full Planning Permission

Site: Land of ST JUDE, ROMAN ROAD, DIBDEN PURLIEU, HYTHE
SO45 4QJ

Development: Four dwellings, with associated works, carports and parking, with
new vehicular access onto Roman Road and stopping up of
existing access serving St Jude's (resubmission of application
20/10399).

Applicant: Mr Sellwood

Agent: SDA Planning Ltd

Target Date: 26/03/2021

Case Officer: Stephen Belli

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development and appeal decision
- 2) Design and impact on the character and appearance of the area
- 3) Impact on residential amenities of adjacent neighbours, in terms of light, outlook and privacy
- 4) Car parking provision and highway safety
- 5) Ecology and impact on sites designated for nature conservation

This application is to be considered by Committee because the recommendation of the Parish Council differs from that of the Chief Planning Officer.

2 SITE DESCRIPTION

The site is located within the settlement boundary of Hythe and Dibden and comprises an existing Art Deco style dwelling known as St. Jude together with a formalised garden and other open area of land surrounding the property. The site backs onto Beverley Road, part of a modern estate to the north, and to the east adjoins a more recently built estate known as Heatherdown. The site adjoins one of the older original properties on Roman Road to the west.

The existing dwelling is served by a narrow one car width access road located towards the western end of the plot. This access opens onto Roman Road, which is an unclassified public highway which runs parallel to the A326 Hythe By Pass. The access road to the existing dwelling runs tightly around the side elevation and accesses a car parking and outbuildings area to the rear. St Jude has been vacant for some time but is still in a habitable condition.

The site did contain a number of trees not formally protected by a Tree Preservation Order prior to the submission of the application which have now been removed. A formal TPO does, however, exist along the whole of the site frontage onto Roman Road, covering a group TPO of Pine trees (Ref G1 on TPO, along with two further TPOs covering individual trees on the eastern (T2 - Spruce) and northern boundaries (T1 - Lime). The development site comprises an area of approximately 0.28 hectares (which includes the existing host dwelling) which extends to the east and north of the existing dwelling. The land is generally flat. Prior to the grant of planning permission the developer has created an opening through the roadside bank between TPO trees and created a gap in the position of the proposed access.

3 PROPOSED DEVELOPMENT

This is the third application on this site (see planning history below). This new proposal is for full planning permission for four new dwellings to be served by a new 4.6 metre wide access road at its junction with the public highway, narrowing to 4.1 metres as it runs into the site. This new access road is provided towards the eastern end of the plot at the point where an unauthorised access has been formed between the TPO frontage trees. The plans indicate the original access serving St Jude to be closed up.

The new dwellings are arranged with plot 1 directly to the east of the host dwelling facing the public highway, plot 2 to the north of plot 1 facing an internal estate road, and plots 3 and 4 filling the narrowed width of the northern part of the site. Plots 3 and 4 comprise a pair of semi-detached unit, whilst plots 1 and 2 are detached. Plot 1 is a four bed unit, whilst the remainder are three bed units.

The development is completed by a four bay open sided car port building to the north of St Jude, with a further three surface car parking spaces to serve St Jude, with four spaces in front of the car port. A further two bay car port and three surfaced car parking spaces completes the car parking arrangements. Between the four bay car port building and the rear elevation of St. Jude the host dwelling retains an area of private garden unchanged, albeit the private rear garden area has been truncated and lost to the car port and parking area serving the new dwellings and St Jude itself.

All services along with a foul mains drainage system are available to the site via the connection to St. Jude. Foul and surface water drainage runs are not shown on the submitted block plan, but it seems likely that a connection will be made from the new dwellings to access the existing main foul drainage connection serving St. Jude. Surface water will be dealt with via soakaway(s) but these are not shown on the submitted plans.

4 PLANNING HISTORY

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|-----------------|---|
| 20/10399 | Erection of four dwellings, with associated works, carports and parking, with new vehicular access onto Roman Road and stopping up of existing access serving St Jude's – Non determination Appeal – dismissed 31/12/20 |
| 19/10747 | 4 detached dwellings; associated garage and parking; new access Refused 24/07/19 – Appeal dismissed 14/02/20 |

5 PLANNING POLICY AND GUIDANCE

PLANNING POLICY AND GUIDANCE

Local Plan Part 2: Sites and Development Management

Policy DM1 Heritage and Conservation

Policy DM2 Nature conservation, biodiversity and geodiversity

Local Plan Review 2016-2036 Part One: Planning Strategy

Policy STR1 Achieving sustainable development

Policy STR3 Strategy for locating new development

Policy ENV1 Mitigating the impact of development on International Nature

Conservation sites

Policy ENV3 Design quality and local distinctiveness

Policy IMPL1 Developer contributions

Policy IMPL2 Development standards

Hythe and Dibden Neighbourhood Plan 2019

*Para 7.4 The parish will be notable for its **high standards of design** in the built and natural environment. New development including housing will be informed by a clear understanding of the locally valued environmental and cultural assets of the parish and will be sensitively integrated into the existing environment.*

Aim 1 To promote high standards of design in the built and natural environment

Objectives

- New development shall be designed and built to high standards of quality based on a clear understanding and appreciation of the unique character of the area and what is valued locally.
- New development shall respect and enhance the character and distinctiveness of the built and natural environment.
- The design of new development shall contribute to 'sense of place' and support a locally appropriate balance of environmentally, economically and socially sustainable outcomes.
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Policy D1

All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

- that local character and context has been fully recognised,
- that the proposed design responds to it, and
- that what is valued locally is respected.

The design and materials used in the development should complement, but do not necessarily need to imitate, the best examples of design and building in the local area. Innovation in design is encouraged, provided it fully respects local context.

Policy D3

Hythe and Dibden has its own unique qualities and characteristics - all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

Supplementary Planning Guidance and other Documents

SPD Mitigation Strategy for European Sites
SPD Parking standards
SPD Housing design, density and character

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Habitat Regulations 2017

63 – assessment of implications for European sites etc.
64 – considerations of overriding public interest

Relevant advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 14 Climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

National Design Guide 2019

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL. The Committee would like to maintain their view that this development is not suited to this site. We acknowledge the alterations made by the developer since the original application and note the views of the Planning Officer. However, as a Committee representing, and made up of, local residents we cannot support this proposal for the following reasons. By allowing this site to add four additional homes that are not in keeping with the majority of size and appearance of Roman Road, this will set a precedent for future proposals in this area of Dibden Purlieu. The area is populated by larger family housing with large plots that are distinctive with views over the Forest. If this proposal goes through it allows for a significant change to the appearance and street scene of Roman Road.

We have concerns about additional traffic turning in and out of the site, with up to 16 spaces agreed, plus possible visitors. Roman Road is a road which can see dangerous driving and speeding, and there is insufficient pedestrian and cyclist provision. There are concerns about safe access and the additional traffic this development will bring to this road. The safety of local Residents on foot, bike and in car is of a serious concern.

The site will have effectively five properties instead of the current one home and will not be in keeping with the vast majority of Roman Road properties. It is considered by the Committee to be overdevelopment for the site with significantly smaller plots than the majority of neighbouring plots. The site of the house is of local historical importance with its large garden which will be lost as four properties are essentially squeezed on to the site.

The Committee maintain their concerns about the proximity of plot 4 to number 2 Heatherdown and feel this is encroaching on this property and could be considered as overbearing due to its proximity. While there appears to be no overlooking there certainly could be the impression on number 2 Heatherdown.

The location of such an overdeveloped site would also have a detrimental impact on St Jude's, which is a property of important local heritage significance. Local residents have raised concerns about this development to local Councillors and the Committee are aware of the local strength of feeling of this site.

The Committee understands the need for housing and varied types in the community, but it must be in the appropriate site and in keeping with the wider surroundings and streetscene. However, we feel this proposal is not suitable for this site and must maintain our objections.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Conservation

In light of recent appeal decision no further comments to make.

NFDC Ecologist

Advice offered with regard to the need for an Appropriate Assessment, precautionary measures to protect roosting bats during any tree removal works, and on site biodiversity enhancement. No objections subject to conditions.

NFDC Tree Officer

No objections subject to protective tree conditions during work. Suggest conditions be applied to any approval.

Hampshire County Highway Authority

No objections subject to highway related conditions.

The appeal decision is noted as are the comments of the Inspector. The Highway Authority maintain their view that the proposed access is acceptable.

The highway safety concerns raised by the Parish Council and local objector are noted but the evidence of the last 5 years of traffic accidents shows only one recorded accident at the junction of Roman Road and Butts Ash Lane. The Highway Authority does not consider there is any evidence of a need to warrant casualty reductions measures. The development of four new dwellings will not significantly worsen the existing highway safety of Roman Road.

Strategic Gas Network

Offers standard advice when working near pipelines. No such pipelines on site however.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

One letter of objection raising the following points

- Overdevelopment and out of character with area
- Loss of light and privacy impacting adversely on neighbouring properties
- Unacceptable traffic impact from an additional four new dwellings
- Why has this been submitted with two previous refusals and appeals

10 PLANNING ASSESSMENT

Principle of development and background to current application

Members are referred to the last appeal decision (20/10399) which has been appended in full to this report. As part of the earlier application the Planning Case officer was negotiating a reduction in the number of units from four to three and improved design and layout, particularly in relation to units 2-4. The applicant at the time provided the Council with a full set of amended plans which resolved issues of design but still maintained a total of four new dwellings. The applicant decided not to wait for a decision on that application as the Case Officer was still unhappy with four new dwellings and opted to appeal against non-determination after the statutory 8 weeks.

In the appeal decision the Inspector raises no objection to the principle of development within the settlement boundary. Crucially, neither did he object to the proposed four new dwellings considering, in his opinion, that this was not overdevelopment. It was agreed that in locational terms the site is in a sustainable location within easy reach of a range of local facilities. This appeal decision is a key material consideration in considering this application and raises other matters which are set out below.

The Inspector in arriving at his decision dismissed the appeal on very narrow grounds relating to the impact of nitrates on protected watercourses and in turn the impact on nature conservation and European protected species.

Furthermore, it is important to note that the Inspector who dealt with the earlier appeal under reference 19/10747 did not object either to the principle of four new dwellings but was concerned regarding the potential impact on protected trees, and the poor design of the proposed dwellings. Members can read that appeal decision online.

Impact on character and appearance of the area

Policy ENV3 of the Local Plan states that development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different needs with realistic levels of car parking, and attractive and appropriate green spaces. The recently adopted Hythe Neighbourhood Plan also emphasises the importance of quality design and layout in character with the local area.

With regard to the principle of four new dwellings, officers were of the view that this was too many and would adversely impact on the character and appearance of this area, particularly in relation to the older original Roman Road facing dwellings which are characterised by large spacious dwellings in very large orchard style plots. Your Officers initially considered that two new dwellings or three at the very most would be acceptable. The Inspector, however, noted the way in which the street scene would not be significantly impacted as units 2-4 would be situated in depth behind unit 1 which was to face Roman Road. This relationship, in his view, would limit the character change in visual terms when viewed from Roman Road and, to that end, whilst your officers remained concerned over the 'shoe horning' of units 3-4 into the northern part of the site the Inspector's last decision was decisive in which he agreed that both the principle of this number of new units, along with the improved design was acceptable.

In the last appeal the Inspector took note of the amended plans submitted towards the end of the 8 week period for the last application. These amended plans were put before the Inspector and he was asked to consider these further improvements along with the original plans submitted under that application. In coming to a decision, the Inspector considered the amended plans were acceptable. Unit 1 picks up on architectural details both from Heatherdown and St Jude itself. Plot 2 represents a typical New Forest cottage style much improved from the original unit 2 design, whilst units 3 and 4 represent a pair of houses with better proportions all round, narrow gables and chimney features. In the Committee presentation Members will be shown the history of plot layout and design for this site and will note for themselves the overall improvement in both.

With regard to the impact on TPO trees on site the Council's Tree Officer is content that the works are acceptable subject to approving the final details of the roadway along with a method statement and other tree related conditions. These are included in the conditions at the end of this report.

It is now considered that the proposal as now presented is acceptable in design and layout terms and generally complies with the above policies. The Inspector's decision is a weighty consideration which must be taken into account in reaching a recommendation and eventual decision.

Impact on local residential amenities

The only properties affected by this application are those to the rear on Beverley Road, St Jude itself, and nos. 1-3 Heatherdown. Beverley Road residents lie some 27 metres away to the north from the rear elevation of plots 3-4. This is well in excess of the standard 21 metre back to back rule of thumb. Plots 1 and 2 have some impact on No.1 Heatherdown by virtue of these units adjoining the common boundary. However, No. 1 enjoys two private garden areas, with the southern area at the front of the property not affected at all by unit 2. There is some oblique overlooking of garden areas of No. 1 Heatherdown by first floor windows in unit 1 but

this is not excessive. The relationship between unit 1 and St Jude is also considered acceptable. The host property will retain and benefit from a southern garden area unencumbered by the original access and parking, and a smaller garden to the north of a reasonable size. Levels of overlooking between unit 1 and St Jude are reasonable.

Turning to the impact of units 3-4 previously officers did seek to delete plot 2 and, by doing so, this would have allowed room for plots 3-4 to be brought forward out of the narrowed northern part of the site which impacts the most on No.2 Heatherdown in particular. Unit 4 has one single bathroom window facing No.2 and two first floor rear facing small bedroom windows positioned some 3 and 5 metres away from the common boundary with No. 1 which creates some oblique overlooking of No. 1's private garden area. This oblique overlooking, however, was considered by the Inspector to be an acceptable relationship and therefore it would not be reasonable to object on this basis. Similarly the Inspector considered the nearest neighbours objection on light but did not find against the development on that point either.

Highway safety and car parking

Notwithstanding the concerns raised by the Parish Council and the local objector there are no grounds to refuse this application either on access or parking. The Inspector was careful to note the position and arrangements for access into the site and found the new access to be acceptable both in terms of its impact on roadside protected trees and in highway safety and visibility terms.

The Inspector also noted in relation to the quantum of car parking to be provided that this complies with the Council's parking standards (a total of 16 no. with at least two spaces per unit and five visitor spaces).

The Highway Authority's views in summary are reproduced earlier in this report. They have confirmed they have no objections subject to conditions which are covered below. The suggested conditions require access, turning and parking to be completed prior to occupation, details of cycle storage to be provided, and a construction traffic management plan to be agreed.

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 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.

Whilst the Inspector's reservations regarding the imposition of a Grampian condition are noted, it is likely that over the next few months a local solution can be arrived at. Added to this, there are now other options which the applicant can explore such as mitigation schemes on the Isle of Wight which can be used for the purchase of nitrate credits. Overall, a Grampian condition should only be applied where there is every likelihood that it can be complied with within the lifetime of the permission. This is considered to be the case. The Grampian condition will prevent occupancy until a scheme is in place. It does not, however, prevent work taking place to build the new units, but that is entirely at the risk of the developer because at this stage the date of occupation cannot be confirmed.

Habitat Mitigation and recreational impact

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

The applicants have agreed to contribute to the Council's Habitat Mitigation scheme and already submitted a Unilateral Undertaking and paid the necessary fees under the earlier application the subject of the last appeal. A new UU will now be submitted with the fee paid previously being transferred to the new application.

On Site Biodiversity and protected species

In accordance with saved Local Plan policy DM2: Nature conservation "*Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site.*" This policy is also supported by new Local Plan policy STR1 which seeks environmental gain on development sites. This application proposal falls below the threshold required to carry out a 10% uplift test however.

The Council's ecologist comments are set out above. No objections are raised subject to the imposition of appropriate conditions. The proposal is in accordance with DM2 and STR1.

Air Quality mitigation

Policy ENV1 of the Local Plan Part 1 Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. 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 NOx, 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.

The applicant will be submitting a Unilateral Undertaking in accordance with the Council's agreed template and consequently this matter can be considered to be resolved. The £80 fee paid under the earlier application can be transferred to the new application.

Developer Contributions

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

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
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Dwelling houses	428.86		428.86	428.86	£80/sqm	£43,941.66*
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Subtotal:	£43,941.66					
Relief:	£0.00					
Total Payable:	£43,941.66					

11 CONCLUSION

Notwithstanding the concerns raised by the Parish Council and local objector this proposal is acceptable both in terms of the principle of four new dwellings, as well as the design and layout of the new dwellings, along with the proposed access and parking arrangements. The proposal is in line with development plan policy in relation to nature conservation, and matters of concern raised with regard to the impact of the development on the amenity of adjoining residents are not so significant as to warrant a refusal of planning permission. The proposal, on balance, is therefore recommended for approval subject to the conditions as set out below.

12 OTHER CONSIDERATIONS

Human rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the

Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13 RECOMMENDATION

Grant Subject to Conditions

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:

101 Site location Plan

102D Site Layout Plan

103D Street Scene Elevations

104B Highways Plan

105B Block Technical Plan

106A Plot 1 Proposed floor plans

107A Plot 1 Proposed elevations

108A Plot 1 Proposed roof plan

109D Plot 2 Floor Plan

110D Plot 2 Elevations

111B Plots 3 & 4 Floor Plan.pdf

112B Plots 3 & 4 Elevations.pdf

113B Plots 3 & 4 Roof Plan.pdf

114A Two bay car port detail

115A Four bay car port details

Reason: To ensure satisfactory provision of the development.

3. Prior to any works taking place above dpc level, samples or exact details of the facing and roofing materials, together with the details of all windows and doors as well as cills and depth of reveals no less than 100mms to be used 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 development in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. No development shall take place until a scheme of landscaping of the site has been submitted to and approved 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 plot enclosure (including any surrounding St Jude) which shall include native species hedgerow boundaries predominantly
 - (e) a method and programme for landscape implementation and the means to provide for its future maintenance.

All trees, shrubs and hedgerows shall be maintained for a minimum period of 5 years from the date of planning with any that die, become damaged or diseased within that time being replaced with the same species unless otherwise agreed with the LPA in the next available planting season.

Reason: To ensure that the development takes place in an appropriate way in visual and local character terms, and to safeguard trees and natural features which are important to the visual amenities of the area, and to comply with Development Plan Policy ENV3 and the Hythe and Dibden Neighbourhood Plan.

5. The trees/hedgerows on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement/the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

6. No development, demolition or site clearance shall take place until the following information has been submitted to and agreed in writing with the Local Planning Authority
 - A plan showing the location of service routes, including the position of soakaways;
 - A plan showing the location of site compound and mixing areas;

- Tree Planting Schedule and Tree Plan specific for tree planting including (tree species, size, spacing, form, planting method and location) in accordance with BS 8545: 2014
- A Method statement for the removal of the existing access and driveway that falls within the root protection areas of retained trees.

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

7. No development, demolition or site clearance shall take place until a method statement and engineering drawings for the new access and driveway of the approved development has been submitted to and approved in writing by the Local Planning Authority.

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities and biodiversity value of the area and to comply with Development Plan policies DM2 and STR1

8. The trees identified for felling/ pruning (Arboricultural Impact Assessment Ref: D1920AIAa - T1a, T4 and T5) shall be subject to a detailed written method statement to be submitted to and agreed in writing with the Local Planning Authority prior to any works including site clearance taking place. The works to the trees shall only take place in accordance with the agreed method statement.

Reason: To safeguard trees and natural features which are important to the visual amenities and biodiversity value of the area and to comply with Development Plan policies DM2 and STR1

9. The development hereby permitted shall implement the ecological mitigation and enhancement measures in accordance with Section 7 of the Preliminary Ecological Appraisal (PEA) (Reference: PEA_St.Judes_Kalotec_September_2019) including

- Removal (and careful site management to avoid unintentional spread) of invasive, non-native species listed on Schedule 9 of the Wildlife and Countryside Act (as a controlled waste);
- Appropriate timing of woody species removal (with respect to nesting birds – outside of bird nesting season March – September);
- Recommendations for replacement tree planting;
- Recommendations to minimise and specification of lighting; and
- Landscaping for the benefit of wildlife

Reason: To comply with Development Plan policies DM2 and STR1

10. All dwellings hereby approved shall not be occupied until bat boxes, bird boxes and bee bricks have been installed/constructed on each dwelling in accordance with the details provided in Section 7 and as shown on Appendix I 'Ecological Constraints and Opportunities Map' of the Preliminary Ecological Appraisal (PEA) (Reference: PEA_St.Judes_Kalotec_September_2019). A breathable roofing membrane should not be used, unless otherwise agreed in writing with the Local Planning Authority before those works take place. Where any close boarded fencing or other walling is proposed provision shall be made for hedgehogs to pass between plot boundaries.

Reason: To comply with Development Plan policies DM2 and STR1

11. 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
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen 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.

12. Before the occupation of any part of the development hereby approved, the road access into the site including any necessary visibility splay works, internal access roads, areas for turning and parking as shown on the approved plan shall be constructed and completed, with all parking areas, car ports and hard surface spaces thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: In the interests of highway safety

13. Before the commencement of development, the detailed design of the cycle parking facility for all new dwellings, including the specification, shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel.

14. Prior to the occupation of any of the dwellings hereby approved, the existing access serving St Jude shall be permanently stopped up with native species hedgerows and trees, the details of which shall be included as part of the landscaping details set out in Condition 4 above.

Reason: In the interests of highway safety

15. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interest of Highway Safety

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, the car ports hereby approved, shall not be converted into habitable living accommodation, or accommodation ancillary to the dwelling to which it relates, or provided with side walls and garage doors unless express planning permission has been granted.

Reason: To ensure adequate parking provision is retained on the site, in the interests of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

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

18. Prior to occupancy of any of the new dwellings hereby permitted, each dwelling shall be provided with high speed fibre broadband connection to the property threshold, together with facilities for rechargeable electric vehicle points.

Reason: To comply with development standards as set out in Development Plan Policy IMPL2

19. Before development commences, the proposed slab and ridge height levels of all the dwellings hereby approved in relationship to the existing ground levels and ridge height of St Jude and numbers 1 and 2 Heatherdown set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

20. Notwithstanding the details as shown on the submitted highway access plans the exact details of any refuse collection point including any hard surfaced area or enclosure/building for the housing of domestic waste shall be submitted to and agreed in writing with the Local Planning Authority as part of the access road condition no. 7 set out above. The development shall proceed in accordance with the details that may be so agreed.

Reason: In the interests of highway safety, the protection of trees and the visual appearance of the development.

Further Information:

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New Forest

DISTRICT COUNCIL

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 Planning
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

March 2021

Land of St Jude, Roman Road
 Dibden Purlieu
 SO45 4QJ
 21/10119

Scale 1:1250
 N.B. If printing this plan from the internet, it will not be to scale.