Planning Committee 11 January 2023

Application Number: 22/11064 Full Planning Permission

Site: ROSEVILLE, 11 YEW LANE, ASHLEY, NEW MILTON BH25 5BA

Development: Erection of detached chalet dwelling; new vehicle access from

Yew Lane

Applicant: Boettger

Agent: Evans & Traves LLP

Target Date: 09/11/2022

Case Officer: Jessica Cooke

Extension Date: 31/01/2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- (1) Principle of development
- (2) Impact on the character of the area
- (3) Matters relevant to highway safety, access and parking

This application is to be considered by Committee because the Parish Council have a view that is contrary to the officer's recommendation.

2 SITE DESCRIPTION

The application site comprises land of the rear garden of no. 6 Acorn Close, which lies adjacent to 11 Yew Lane (known as Roseville), the site boundary encompasses the entirety 11 Yew Lane and the extent of its curtilage.

The application site is located within the New Milton defined Built up Area and is also within an area that is covered by the New Milton Local Distinctiveness SPD.

3 PROPOSED DEVELOPMENT

The proposal is for the erection of a detached chalet bungalow with a new access from Yew Lane. The proposal comprises an associated driveway and parking area with a rear and side amenity area. Two parking spaces are indicated on the plans in front of the existing property at 11 Yew Lane.

4 PLANNING HISTORY

No relevant planning history.

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy CCC1: Safe and healthy communities

Policy IMPL1: Developer Contributions Policy IMPL2: Development standards Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

DM3: Mitigation of impacts on European nature conservation sites

Supplementary Planning Documents:

- SPD New Milton Local Distinctiveness
- SPD Parking Standards
- SPD Air Quality in New Development. Adopted June 2022
- SPD Mitigation Strategy for European Sites

Relevant Advice

Chap 12: Achieving well designed places

Constraints

- SSSI IRZ Water Supply
- SSSI IRZ Wind and Solar Energy
- SSSI IRZ Rural Non Residential
- SSSI IRZ Rural Residential
- SSSI IRZ Waste
- SSSI IRZ Residential

Aerodrome Safeguarding Zone

SSSI IRZ Air Pollution

Plan Area

- SSSI IRZ Discharges
- SSSI IRZ Infrastructure
- SSSI IRZ Minerals Oil and Gas
- SSSI IRZ All Consultations
- SSSI IRZ Combustion
- SSSI IRZ Compost

Plan Policy Designations

Built-up Area

6

PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

OBJECT (Non-Delegated)

- (1) Concerns about safe access/egress in a vehicle when the site requires crossing a public footpath,
- (2) Parking levels on site and potential impact to existing on road parking issues,
- (3) Lack of ecological information/biodiversity.

The Parish Council was re-consulted following additional consultee comments and provided the following additional comment:

New Milton Town Council

OBJECT (Non-Delegated)

- (1) Continued concern about safe access/egress in a vehicle, as the turning space
- (2) is extremely tight.
- (3) There is no physical barrier to safeguard the right of way, particularly when reversing, yet there is an excessive 10.7m wide gap.
- (4) The development is cramped

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist

No objection subject to condition(s)

HCC Highways

No objection subject to condition(s)

HCC Rights of Way

No objection subject to condition(s)

Network Rail

No comment

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- No objection to the principle but concern regarding increased traffic in the unadopted part of Yew Lane.
- Concern with parking pressures in Yew Lane.
- Network Rail have been undertaking works for 2 years and have parked inconsiderately.
- Concern construction vehicles would not be able to park during the build
- Access appears as the main issue.
- Proposed parking area is too small with an insufficient area to manoeuvre on the plot.
- Conflict with the access and users of the footpath, young children use the footpath and would be dangerous if they run ahead of their parents whilst a car is reversing.
- Moving the new dwelling in a south westerly direction could provide a larger parking area.
- Visitors would have to park in the turning area.
- Vehicles must not be permitted to park on the grass amenity area.
- No objection to the design of the dwelling.
- Objection to more unnecessary traffic.
- The footpaths are extremely overgrown and visibility is poor.
- Query as to whether fixing the road forms part of the planning application.
- Concern no site notice was put up.

For: 0 Against: 8

The agent submitted amended plans and the following concerns were raised during the re consultation process:

- The amended plan makes provision for a parking area for visitors it hasn't addressed the cramped parking area. Reversing or forward driving in the direction of the public footpath is not safe.
- The cramped driveway has provision for only one vehicle.
- Strong objection to the proposed access crossing the footpath.
- Yew Lane cannot support any more vehicles.
- Guests would likely park in the road.
- Concern with increase in traffic and lack of suitable parking for construction vehicles.

- The proposal could result in damage to the unmade road surface.
- Concern access would be restricted to no. 10 Yew Lane.
- · Concern with parking difficulties.

For:

Against: 3

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within the New Milton and Barton on Sea built-up area where the principle of new residential development is acceptable and there is a presumption in favour of development. However, the benefits of the proposal must be weighed against material considerations, particularly in accordance with Policy ENV3 of the Local Plan Part 1 2016-2036.

Highway safety, access and parking

Yew Lane is a residential cul-de-sac with no parking restrictions. A new access is proposed across the front boundary of 11 Yew Lane which crosses an existing Public Right of Way (PRoW) /footpath to enter the site. The proposal comprises a dwelling with 3no. bedrooms, one of which is noted on the plans as a study/bedroom, although the parking requirements have been assessed on the basis this would be used as a bedroom.

In accordance with NFDC Parking Standards SPD (April 2022), the requisite parking spaces for a 3no. bedroom dwelling is 2.5no. on-plot spaces. The proposal provides 3no. parking spaces whereby the driveway is sufficient for 1no. vehicle and 2no. spaces are proposed to the front boundary of no. 11 Yew Lane and as such, the proposal complies with NFDC Parking Standards SPD.

3no. long-stay cycle parking spaces and 1 short stay cycle parking space must be provided in accordance with the Parking Standards SPD. The proposal comprises a bicycle store sited to the north of the proposed dwelling with sufficient space for a number of bicycles. As such, the proposal complies with the NFDC Parking Standards SPD in relation to cycle parking.

A planning condition is required in respect of the provision of an electric vehicle charging point in accordance with Policy IMPL2 Development Standards, NFDC Local Plan Part 1.

A number of concerns were raised from both neighbours and the Parish Council in respect of the proposed access crossing a PRoW which would compromise safety for pedestrians. HCC Highways were consulted as a new access would be created and initially concerns were raised in relation to the proposed driveway requiring vehicles to reverse across the PRoW. Tracking diagrams were requested by the Highway Authority. An amended plan was submitted to demonstrate that it is possible for a vehicle to manoeuvre within the site in order to leave in a forward gear. This amended plan also rearranged the proposed parking provision to provide 2 spaces to the front of 11 Yew Lane.

HCC Highways were re-consulted on the amended plans and were satisfied the alterations overcame these concerns. and as such they now raise no objection to the amended proposal, subject to conditions requiring vehicles to leave the site in a forward gear.

Additionally, HCC PRoW were consulted on the application as the proposal would affect the PRoW. It is noted in their comment that whilst ordinarily (additional) vehicles on/ across a Public Footpath are discouraged, in this instance and given this site is at the end of a cul-de-sac and it will only be for vehicle use to/ from the new property, on condition that a suitable visibility splay is created and maintained to ensure both walkers and motorists can reasonably see each, no objection in principle is raised. Therefore, HCC PRoW raised no objections to the scheme, subject to planning conditions.

It is not considered that a single dwelling would create a significant traffic generation across the footpath and in most cases, new dwellings and their associated access would cross a pavement or footpath used by the public at low speed and without detriment to pedestrian safety. Both HCC Highways and HCC PRoW were consulted on the scheme and raised no objection to the proposal subject to conditions. In the absence of any identified harm relating to highway safety and parking, a reason for refusal cannot be substantiated on this basis.

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

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that
 different elements work well together in a manner that is safe to access, easy to
 navigate, convenient to use and that makes effective use of both developed land
 and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

Yew Lane comprises a mixed character, ranging from two-storey terraces to single storey detached bungalows and detached chalet bungalows. The proposal comprises a chalet bungalow of an acceptable and appropriate appearance for the area, which is mixed in style.

The site is considered to be of an adequate size to accommodate a new dwelling that would not be out of keeping with the area. During re-consultation, the Parish Council raised an additional objection that the proposed development is cramped. However, the proposal is of 28dph, with an appropriate level of amenity space and land surrounding the built form. The density of the site is similar to that of the dwellings in the immediate and wider area and it therefore raises no concerns with overdevelopment of the site.

The existing landscape features on the site are relatively limited and overgrown. The front boundary of 11 Yew Lane is currently a close-boarded fence and additional planting to the frontage is welcomed. A planning condition is recommended for the submission and implementation of a landscaping scheme.

With regard to the above and having considered the third party objections received, it is concluded that the proposed dwelling has been designed sympathetically and is of an appropriate size and scale that would appear proportionate in its location both within the streetscene and within the plot itself. By virtue of its design, positioning and orientation on the plot, the proposed development is not considered to be out of keeping within its context or the streetscene.

Residential amenity

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

The proposed dwelling features side facing windows at ground floor level, however boundary treatments would preclude any overlooking or loss of privacy to the neighbouring property. The proposed dwelling is bounded by the railway line to the north and raises no concerns in this respect.

To the first floor, a single rooflight it proposed to the south east elevation, serving an en suite bathroom. The central point of this window measures 2m in height and it not considered to raise any concerns with overlooking or loss of privacy.

The proposed dwelling follows a similar footprint to its neighbouring properties, and although somewhat higher than 11 Yew Lane at 7m in height, given the siting of the new dwelling and its size and massing, it is not considered that the larger dwelling would impact upon light or be overbearing to the neighbouring property.

As such, the proposal would have no direct impacts upon adjoining occupiers in respect of noise, light, visual intrusion and privacy, due to the orientation and level of separation from neighbouring properties.

Ecology

NFDC Ecologist was consulted on the application and requested a Preliminary Ecological Appraisal to be undertaken to ascertain if there is any potential for the site to support protected species. A Preliminary Ecological Assessment was submitted and the Ecologist was re-consulted and raised no objection subject to conditions securing the identified enhancements. A planning condition is accordingly recommended.

Habitat Mitigation

The scheme proposes a new dwelling. As such, it would give rise to an additional unit of accommodation and therefore requires mitigation measures to be secured against additional impacts on features of nature conservation interest in the New Forest and Solent designated sites.

a) Recreational Impacts

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 planning permission would adversely affect the integrity of the New Forest, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. This contribution can be secured by a completed Legal Agreement.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing

monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. This contribution can be secured by a completed Legal Agreement.

c) Nitrate neutrality and impact on Solent SAC and SPAs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its new Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. A Grampian Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

d) Bird Aware Solent Contributions

The application site is within 5.6km of the Solent and Southampton Water SPA which requires a contribution of £735 for a 3no. bedroom dwelling. This contribution can be secured by a completed Legal Agreement.

Air Quality Statement

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be:

- No installation of solid fuel (wood or coal) domestic appliances or open fires to be provided in the property;
- Installation of an electric vehicle charging point at the property;
- Domestic heating system to be by way of an air source heat pump and solar thermal and solar pv system.

Housing Land Supply

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances para. 11d of the NPPF indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be afforded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of

housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

Other matters

In response to matters raised in the representations received not covered in the assessment above:

A comment was made in relation to the site notice publicising the application. In accordance with the Town & Country Planning (Development Management Procedure) (England) Order 2015, Section 15; Paragraph 4,applications must be publicised with either a site display notice on or near the site or by serving notice on any adjoining owner or occupier. NFDC undertakes both of these exercise and the site notice was erected 4 October 2022.

Significant concerns were raised in respect of construction vehicles accessing the site and parking in the area. The proposal is to construct a single dwelling whereby disruption would be relatively short term impact.

Developer Contributions

As part of the development, the following will be secured via a Unilateral Undertaking legal agreement prior to determination:

Insert Heads of terms

- Habitat mitigation
- · Air quality monitoring
- Bird Aware Contribution

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

Туре	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)		Total
Dwelling houses	108.7	0	108.7	108.7	£80/sqm	£11,104.12 *

Subtotal:	£11,104.12
Relief:	£0.00
Total Payable:	£11,104.12

11 CONCLUSION

In light of the form of development proposed, the proposal would have no harmful impact upon the character of the area, highway safety, ecological interests or neighbour amenity. The applicant has submitted a draft Unilateral Undertaking which will be secured prior to a decision being issued. Therefore, subject to conditions, the proposal would be in accordance with policies of the Development Plan and is accordingly recommended for approval.

12 RECOMMENDATION

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

i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions:

Habitats Mitigation (Infrastructure) Contribution	£ 5,597.00	
Habitats Mitigation (Access Management and Monitoring) Contribution	£	813.00
Habitat Mitigation (Bird Aware Solent)	£	735.00
Air Quality Monitoring Contribution	£	91.00

ii) conditions as set out below

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning

Act 1990 as amended by Section 51 of the Planning and

Compulsory Purchase Act 2004.

- 2. The development permitted shall be carried out in accordance with the following approved plans:
 - 2022-11-11 REV A Site Plan, Block Plan and Location Plan
 - 2022-11-12 Floor Plans & Cross Section
 - 2022-11-13 Elevations
 - Planning & Design Statement
 - Arboricultural Impact Assessment
 - Energy Resources Statement
 - Bike Store Drawing
 - Bicycle Store Dimensions
 - Ecological Impact Assessment (EcIA) by KP Ecology

Reason: To ensure satisfactory provision of the development.

3. No development shall take place above DPC level until samples or exact details of the facing and roofing materials to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in

accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of

the National Park.

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

Reason:

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

5. The development hereby permitted shall not be occupied until the turning area to allow a vehicle to leave the site in a forward gear, and spaces shown on plan 2022-11-11 REV A for the parking and garaging of motor vehicles and cycles have been provided. The turning area to allow a vehicle to leave the site in a forward gear and spaces shown on plan 2022-11-11 REV A for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the turning, parking and garaging of motor vehicles and cycles for the new dwelling hereby approved at all times.

Reason:

To ensure adequate turning is provided to protect the safety of pedestrians using the Public Right of Way and parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. Prior to its installation, the details of the Heat Pump including its specification and specific location on the dwelling hereby approved shall be submitted to and approved by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason:

In the interests of sustainability and in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

7. The works hereby approved shall be undertaken in strict accordance with the Ecological Impact Assessment (EcIA) by KP Ecology (dated 19 October 2022) submitted in accordance with planning application 22/11064 unless otherwise first agreed in writing with the Local Planning Authority. The ecological enhancements identified shall be undertaken in strict accordance with the submitted Ecological Impact Assessment (EcIA) by KP Ecology (dated 19 October 2022) prior to first occupation of the dwelling and thereafter retained in perpetuity.

Reason:

To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

- 8. Before development commences above DPC a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:
 - (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used:
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason:

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

9. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason:

To ensure the achievement and long term retention of an appropriate quality of development 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.

10. The development hereby permitted shall not be occupied until:

A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason:

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

11. Prior to the occupation of the development hereby approved, details of the visibility splay to be provided either side of Public Footpath 725 must be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Hampshire County Council Countryside Service in order to protect future public safety. The approved development shall only be carried out in accordance with these details and provide the visibility splays so agreed which shall thereafter be maintained and retained in perpetuity.

Reason:

In the interest of public safety of the Public Right of Way 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.

12. No vehicles, machinery, equipment, materials, spoil or anything associated with the works or occupation of the development hereby permitted shall be left on or near the Public Rights of Way as to obstruct, hinder or provide a hazard to the legitimate users of the paths.

Reason:

To ensure that the Public Right of Way is not obstructed in the interest of highway and pedestrian 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.

Further Information:

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