

Application Number: 23/10358 Full Planning Permission
Site: CAIRNS, 12 - 14 LANGDOWN LAWN, HYTHE SO45 5GR
(PROPOSED LEGAL AGREEMENT)
Development: Construction of 5 residential units and all associated works
Applicant: Ibex homes Ltd
Agent: Hampshire Design Consultancy
Target Date: 13/06/2023
Case Officer: James Gilfillan
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council Contrary View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of the development
- 2) The character and appearance of the area and scheme
- 3) Residents Amenity
- 4) Highway Safety
- 5) Relationship with trees

2 SITE DESCRIPTION

The site is on the west side of Langdown Lawn, the main road linking Dibden Purlieu and Hythe, and is located in the built-up area as defined by the Local Plan Part 1.

The application site comprises a large portion of the existing rear gardens of a pair of large semi-detached properties with frontage on to Langdown Lawn. The application site relates to land to the rear and side of the existing dwellings and is surrounded by residential properties including flats and detached houses.

There is a vehicular access from Langdown Lawn to No.14. No.12 has a garage at the west edge of the site, served by a lane shared with neighbouring properties, along the north edge of the site.

There are prominent mature trees along the lane to the north, overhanging the site and an area of woodland protected as public open space to the south.

3 PROPOSED DEVELOPMENT

Construction of 5 residential units and all associated works

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

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

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

Policy H2 - New residential buildings that facilitate future conversion and utilisation of roof space to provide additional accommodation will be encouraged

Policy WEL1 - Development proposals should seek to support public health, active lifestyles and community wellbeing

Policy WEL2 - New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking.

New residential developments should provide infrastructure for charging electric vehicles.

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development.

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

Relevant Advice

NPPF 2023

Tree Preservation Order: TPO/0029/14/T2

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: PAR 4: Recommend REFUSAL.

The proposal is overdevelopment of the site in relation to the surrounding area.

There are concerns of overlooking from the new properties into existing properties in Fairview Close.

There are concerns over traffic movements both during construction and once the properties are occupied.

The Council questions whether the existing drainage system will be able to cope with the additional properties.

The Council has concerns over the precedent of overdevelopment being allowed in what was garden space.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist: Likely cumulative impacts on New Forest and Solent habitats would occur and require standard mitigation secured. A comprehensive ecological assessment has been undertaken and appropriate mitigation and enhancement has been identified. No objection.

NFDC Environmental Health Contaminated Land: A precautionary ground contamination condition should be imposed due to historic brewing and malting processes potentially causing contamination. No objection.

NFDC Tree Team: A satisfactory layout has been achieved that preserves important trees adjacent to the site. Drainage details should be sought to avoid impacts on rootzones in rear gardens and PD rights restricted for rear extensions. No objection subject to conditions.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Object to the principle and the use of 'backland' gardens
- Loss of privacy and neighbouring amenity
- Overdevelopment out of character
- Insufficient foul drainage details
- Impact on air quality of more vehicles
- Highway safety impact of access at junction with Deerleap Way
- Insufficient parking

For: 0

Against: 6

10 PLANNING ASSESSMENT

The scheme proposes to sever the rear portion of the rear gardens to No's 12 and 14 and erect Five dwellings, as a semi-detached pair and terrace of three. The existing drive would be extended along the southern boundary past No.12 to serve the development. The access on to Langdown Lawn would be widened.

Principle of Development

The site is in the built up area of Hythe and Dibden Purlieu. The character of the area is residential and the site is surrounded by flats and detached houses. The site does fall to the rear of the existing properties and is currently garden land, as such would not be 'Previously Developed Land' as defined by the NPPF, however there is no reason in principle why such land shouldn't be used for development.

Adopted policies STR3 and STR4 of the Local Plan Part 1, seek to direct development to locations appropriate to the scale of the development. Dibden Purlieu would fall within 'Hythe Village', on the list of locations capable of accommodating the proposed scale of development and are the most sustainable locations due to the range of services and facilities available within the community. The application would comply with these strategic aspects of the development plan.

Furthermore, by reason of its location within the existing built-up area surrounding by residential development, the scheme would preserve the spatial landscape qualities of the New Forest National Park and Cranborne Chase AONB, in accordance with STR2 of the Local Plan part 1.

The Council can not currently demonstrate it has a 5 year supply of land for housing. Proposing 5 residential units, in a mix of sizes, the scheme makes a positive contribution to the availability of housing in the District and the current Housing Delivery Target of 400 units per year.

The principle of additional residential development in the urban area is acceptable.

The supporting text to Local Plan policy HOU1 includes an indicative housing mix. The scheme proposes a mix of two and three bedroom market houses which are identified in figure 6.1, of the Local Plan, as compromising a significant portion of the overall market housing need. The scheme is considered to not be large enough to provide a wider mix without compromising the efficient use of the site or resulting in overdevelopment.

The Hythe and Dibden Neighbourhood Plan refers to a desire to see more smaller sized houses, including 1 and 2 bedroomed properties, more affordable housing and housing suitable for first time buyers and young families, being provided in their plan area. The Plan goes on to indicate a principal aim of its policies are to provide new housing of up to 3 bedrooms to meet local needs, provide a substantial number of starter homes and provide a mix for down sizing to retire to and for young families, couples and single people to start their first home.

Whilst the Neighbourhood Plan does not follow through to include a policy that reflects these principals explicitly, it is considered that the scheme does present a mix of housing and plot sizes that would fit these aspirations.

As such the proposed housing mix of two 2-bed houses and three 3-bed houses is considered to be acceptable.

The scheme would have economic benefits of generating employment during construction and likely spend in local shops and services, by residents, supporting the local economy.

It would have environmental benefits of using land in the urban area, close to services, facilities, schools and employment opportunities, reducing reliance on the private car. It would deliver energy efficient, highly insulated housing, built to modern building regulations requirements.

The scheme would also have social benefits of providing additional housing in a residential area, with community uses in close proximity.

In summary the principle of residential development and the proposed housing mix is acceptable and provides weight in favour of the scheme.

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

The local area has a mixed appearance due to the variety of ages of buildings surrounding it, especially the flats to the north and west contrasting with the houses on the application site and those to the south along Langdown Lawn.

The character is dominated by the mature treescape along Langdown Lane, across the front of the site and opposite. The trees screen much of the surrounding development from views, including the existing properties on the application site. None of this landscape setting would be changed or impacted as a result of the proposal.

The proposed houses would be set behind the existing, served by a driveway extending along the existing route in to the rear of the site. Due to their position, the size of the existing properties and the scale of landscape along the site frontage, the proposed houses would not be readily visible from Langdown Lawn.

Whilst the access drive would be widened at the point of access from Langdown Lawn, allowing greater visibility of the proposals, the flats at the rear of the site in Fairview Close are already a feature of that view. Furthermore glimpsed views of existing houses on adjoining roads through the landscape along Langdown Lawn are already a feature of the area, not only would the scheme not be a prominent addition to the streetscene, but glimpsed views of houses from Langdown Lawn are already a characteristic of the area.

The existing plots that would be reduced to accommodate the scheme are significantly larger than the prevailing plots in the area. The size of the proposed plots and resultant plots for No's 12 & 14 would be generally commensurate with those to the west of the application site in Fairview Close and prevailing throughout the local area.

The two retained houses on the front portion of the existing sites have larger proportions and scale than that typical of modern houses, as such the proposed houses would be significantly lower in height than the existing. Furthermore the ground levels of the rear garden are over 1m below that of the ground floor of the existing houses, giving the impression of subservience.

Due to their position the proposed houses would not be readily viewed in relation to any of the surrounding houses. The proposed architectural style is simple, but with design detailing around windows, brick bands, articulation and porches that would sit comfortably on site.

The roof form contributes to the collective design of the group, by reducing in scale from plot 5, on the east edge closest to the large existing houses, down to the west edge of the site, where ground levels drop to the flats on Fairview Close. This gives a degree of hierarchy to the group of properties, contributing to the articulation and avoiding homogeneity.

The houses front on to the parking courtyard, providing active frontage and passive surveillance of parked cars.

Landscape setting of plot frontages and the parking courtyard would soften the hard surfaced environment and provide an attractive contribution to the views down the access drive. An illustrative landscape scheme is shown on the Block Plan, but lacking in any detail of plant schedules and species, these details are captured by a condition.

Due to the location of the site the character and appearance of Langdown Lawn would be preserved, the scheme would not readily engage with any surrounding streetscene or visually conflict with the appearance of properties in the wider area. Due to the proposed design and layout the scheme would sit comfortably both on the site and within the local area.

Residential amenity

Whilst surrounded by residential properties, the position of the plot would preserve the amenity of neighbours to the north. Shade would be cast in a westward direction towards the flats in Fairview Close, positioned on lower ground, during the early morning. Due to the separation distance, hipped roof form and extent of time that shade would be cast, the impact would not be materially detrimental to the amenity of those neighbouring occupiers.

A first floor window in the side elevation of plot 1 serves a bathroom and is indicated to be obscure glazed on the plans, a condition could be used to secure such treatment to preserve the amenity of residents of the neighbouring flats. Any views from first floor windows in the proposed front and rear elevation would not allow intrusive views towards the Fairview Close flats due to the 90 degree angle of view.

The proposed first floor windows in the front elevations would allow views towards 16 Langdown Lawn. However the separation distances, landscape and garden layout would preclude any significant loss of privacy materially detrimental to the amenity of that occupier.

The orientation and layout of the scheme would preserve the amenity of occupiers of the other nearby properties. There would be a degree of mutual overlooking between adjoining properties within the scheme from first floor rear facing windows allowing views across neighbouring gardens, however such a relationship is normal for houses laid out in this manner.

The existing houses would have views across the rear garden of plot 5, however the separation distance, landscape and size of that plot would ensure adequate amenity for the occupier.

Concerns have been raised regarding the size of the gardens retained for the existing pair of properties. Whilst the Council has no space standards, both properties would retain front and rear gardens, with patios and lawns, adequate to meet the reasonable needs of residents.

A residential scheme would not give rise to a level or type of vehicle movements likely to detrimentally effect air quality. In any event, emissions would be reduced through installation of EVC equipment, supporting use of electric vehicles.

Due to the design and layout of the scheme, subject to conditions, the amenity and privacy of neighbours and occupiers would be preserved.

Highway safety, access, storage and parking

The scheme proposes to widen the existing access from Langdown Lawn to allow vehicles to enter and exit simultaneously, the dropped kerb on to the carriageway would need to be revised to match the widened access, however a condition could readily capture an appropriate design to the satisfaction of the Highway Authority. Sufficient pedestrian and highway visibility would be achieved.

The access is opposite the junction between Langdown Lawn and Deerleap Way. The small increase in vehicle movements generated by this scheme would preserve highway safety across this junction. There is already a hatched 'reservation' along the centre of Langdown Lawn providing space for turning vehicles. Coupled with the wider access to the site, highway safety would be preserved.

The proposed plans include reference to electric gates to be erected alongside the existing house. Whilst these appear unnecessary and potentially bothersome to residents, any vehicles waiting while they open would be located on the site and would have no impact of traffic flows along Langdown Lawn. A condition to prevent gates being added to the access from Langdown Lawn is merited though.

Twelve parking spaces would be provided on site, in excess of the allocated requirements of the adopted parking SPD, with sufficient manoeuvring space to ensure vehicles could enter and exit in a forward gear. A turning head would also be provided for larger vehicles, such as emergency vehicles and home shopping delivery trucks, to turn safely on site.

A condition securing details of a scheme of bollard lighting along the driveway and parking courtyard to achieve safety whilst avoiding impacts on the amenity of nearby residents and conflicts with bats is set out.

A bin collection point has been shown on the plans, close to the site entrance to assist efficient collection of refuse. A communal bin store is also shown in the parking courtyard, however it would normally be expected that private residential properties would keep bins within their own curtilage. A condition is proposed seeking revised bin storage and collection details to be provided prior to occupation in order to meet the collection regime as it changes across the District to reflect the expected provision of wheeled bins for all residential properties.

Sufficient and safe access and parking has been accommodated for the existing two dwellings.

The site is well located that residents could walk or cycle for many daily services, such as school and small scale convenience shopping. Bus routes pass the site on Langdown Lawn and stops are a short walk from the site. Bike stores are proposed to be provided for each house.

A single electric vehicle charging point is proposed on the plans, however in accordance with policy IMPL2 a condition is proposed to require charging points are provided for all five houses.

The scheme would meet its access and parking needs and is well located to minimise reliance on the private car and support active travel choices. Highway and pedestrian safety would be preserved.

Trees and Surface Water Drainage

There are no trees on the site protected by a TPO. There are important trees along the north edge of the site that overhang the site, considered to be a constraint to the development. The most significant of these is an Oak tree beyond the north west corner, that is protected by a TPO. There are two Yew trees, identified as cat A quality closer to the existing houses.

The layout of the scheme has been amended in order to ensure sufficient separation from the crown and root zones so that units 1-3 don't have a detrimental impact on the crown or roots of the Oak tree, nor does the tree unduly dominate and shade the

rear gardens. A significant gap between units 2 and 3 contributes to minimising the overshadowing from the buildings of the rear gardens.

Plot 5 is larger and set far enough away from the Yew trees that there is no direct impact.

An Oak tree, located on the south boundary, is identified for removal to facilitate the development. This tree does not have an important public benefit and isn't protected by a TPO, its contribution could be adequately mitigated by new tree planting across the site, covered by a landscape condition.

The consultation response from the Council's Arboricultural Officer raises concerns regarding the lack of surface water drainage details. Space on the front drive and parking courtyard could adequately accommodate soakaways. Surface water drainage details are proposed to be secured by a condition to ensure no harm is caused to trees.

The Arboricultural Officer goes on to request conditions are imposed to ensure no harm arises during construction and to remove Permitted Development rights for rear extensions that could conflict with those rootzones.

The scheme would preserve an acceptable tree-building relationship, ensuring appropriate amenity for the residents and the continued landscape setting for the area.

Ecology

Largely laid to lawn, the site does not provide any important or rare habitats, supporting protected or species sensitive to the proposed development. A comprehensive ecological impact assessment has been submitted in support of the application largely identifying the site as having potential to support species, but without any evidence of their presence.

The report includes mitigation and enhancement measures that are largely precautionary and to the satisfaction of the Council's Ecologist. A condition is proposed to secure such measures are delivered. A condition has already been proposed in respect of bollard lighting for the drive and parking courtyard to avoid conflict with bats potentially foraging in the area.

Recreational impacts on protected habitats

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

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether

granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. 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 address the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to the recommendation.

Protected habitat air quality

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

Other Considerations

The Council's contaminated land officer has identified the site has a history of brewing and malting, that could have resulted in ground contamination occurring. A precautionary condition addresses potential land contamination is attached.

Foul drainage would be a matter for the applicant to deal with in order to comply with the requirements of the Building Regulations and with the service provider directly, there is no conflict to suggest the principle of development is unacceptable on this ground.

The applicant has completed the air quality statement to indicate that they would install electric vehicle charging points, highlighting that the scheme is remote from the edge of the road and that wood burners, nor chimneys, are proposed for the scheme. This would limit any contribution of the scheme to a reduction in air quality. A condition has been proposed to ensure electric vehicle charging is provided.

Highway safety, access and parking

The scheme proposes to widen the existing access from Langdown Lawn to allow vehicles to enter and exit simultaneously, the dropped kerb on to the carriageway would need to be revised to match the widened access, however a condition could readily capture an appropriate design to the satisfaction of the Highway Authority. Sufficient pedestrian and highway visibility would be achieved.

The access is opposite the junction between Langdown Lawn and Deerleap Way. The small increase in vehicle movements generated by this scheme would preserve highway safety across this junction. There is already a hatched 'reservation' along the centre of Langdown Lawn providing space for turning vehicles. Coupled with the wider access to the site, highway safety would be preserved.

Twelve parking spaces would be provided on site, in excess of the requirements of the adopted parking SPD, with sufficient manoeuvring space to ensure vehicles could enter and exit in a forward gear. A turning head would also be provided for larger vehicles, such as emergency vehicles and home shopping delivery trucks, to turn safely on site.

A condition could be used to secure details of a scheme of bollard lighting along the driveway and parking courtyard to achieve safety whilst avoiding impacts on the amenity of nearby residents and conflicts with bats.

A bin collection point has been shown on the plans, close to the site entrance to assist efficient collection of refuse. A communal bin store is also shown in the parking courtyard, however it would normally be expected that private residential properties would keep bins within their own curtilage. A condition could be used in order to accommodate the bin collection regime prior to occupation.

Sufficient and safe access and parking has been accommodated for the existing two dwellings.

The site is well located that residents could walk or cycle for many daily services, such as school and small scale convenience shopping. Bike stores are proposed to be provided for each house. A single electric vehicle charging point is proposed. Conditions could be used to ensure these are provided to ensure these positive features are delivered.

The scheme would meet its transportation needs and is well located to minimise reliance on the private car and support active travel choices. Highway and pedestrian safety would be preserved.

Trees

There are no trees on the site protected by a TPO. There are important trees along the north edge of the site that overhang the site, considered to be a constraint to the development. The most significant of these is an Oak tree beyond the north west corner, that is protected by a TPO. There are two Yew trees, identified as cat A quality closer to the existing houses.

The layout of the scheme has been amended in order to ensure sufficient separation from the crown and root zones so that units 1-3 don't have a detrimental impact on the crown or roots of the Oak tree, nor does the tree unduly dominate and shade the rear gardens. A significant gap between units 2 and 3 contributes to minimising the overshadowing from the buildings of the rear gardens.

Plot 5 is larger and set far enough away from the Yew trees that there no direct impact.

An Oak tree, located on the south boundary, is identified for removal to facilitate the development. This tree does not have an important public benefit and isn't protected by a TPO, its contribution could be adequately mitigated by new tree planting across the site, covered by a landscape condition.

The consultation response from the Council's Arboricultural Officer raises concerns regarding the lack of surface water drainage details. Space on the front drive and parking courtyard could adequately accommodate soakaways. Details could be secured by condition to ensure no harm is caused to trees.

The Arboricultural Officer goes on to request conditions are imposed to ensure no harm arises during construction and to remove Permitted Development rights for rear extensions that could conflict with those rootzones.

The scheme would preserve an acceptable tree-building relationship, ensuring appropriate amenity for the residents and the continued landscape setting for the area.

Ecology

Largely laid to lawn, the site does not provide any important or rare habitats, supporting protected or species sensitive to the proposed development. A comprehensive ecological impact assessment has been submitted in support of the application largely identifying the site as having potential to support species, but without any evidence of their presence. The report includes mitigation and enhancement measures that are largely precautionary and to the satisfaction of the Council's Ecologist. A condition could be imposed to secure such measures are delivered.

Recreational impacts on protected habitats

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

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. 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 address the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to the recommendation.

Protected habitat air quality

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

Other Considerations

The Council's contaminated land officer has identified the site has a history of brewing and malting, that could have resulted in ground contamination occurring. A precautionary condition could readily be imposed.

Foul drainage would be a matter for the applicant to deal with in order to comply with the requirements of the Building Regulations and with the service provider directly, there is no conflict to suggest the principle of development is unacceptable on this ground.

The applicant has completed the air quality statement to indicate that they would install electric vehicle charging points, highlighting that the scheme is remote from the edge of the road and that wood burners, nor chimneys, are proposed for the scheme. This would limit any contribution of the scheme to a reduction in air quality

Developer Contributions

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

Heads of terms

- New Forest Recreational Impact mitigation Infrastructure £27,277
- New Forest Recreational Impact mitigation Non-infrastructure £4,058
- Solent Bird Aware mitigation £3,780
- New Forest Air Quality Monitoring £515
- Commencement Monitoring £808

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

Community Infrastructure Levy (CIL) Summary Table

Demolition (sq/m):

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	495.2	0	495.2	495.2	£80/sqm	£54,091.08 *

Subtotal:	£54,091.08
Relief:	£0.00
Total Payable:	£54,091.08

* 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:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

11 OTHER MATTERS

None

12 CONCLUSION / PLANNING BALANCE

The scheme makes effective use of land in the established built-up area that would preserve the character and appearance of the area and provides a mix of house sizes that makes a positive contribution to meeting housing need, in doing so accords with strategic objectives and policies of the Local Plan and the Hythe & Dibden Neighbourhood Plan.

The scheme has economic, environmental and social benefits that ensure delivery of a sustainable development, that also preserves highway safety and the amenity of neighbours.

Conditions can ensure trees are protected, support for sustainable forms of travel are delivered and highway safety is preserved. A legal agreement will secure mitigation for the adverse impact of the development arising from likely significant effects identified as occurring, to protect sensitive habitats and species in the New Forest and Solent.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

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

- New Forest Recreational Impact mitigation Infrastructure £27,277
- New Forest Recreational Impact mitigation Non-infrastructure £4,058
- Solent Bird Aware mitigation £3,780
- New Forest Air Quality Monitoring £515
- Commencement Monitoring £808

ii) the imposition of the conditions set out below.

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan Ref:315/DP/001 rec'd 20/09/23
Block Plan Ref:315/DP/002 rev D rec'd 20/09/23

Proposed GF Plans Ref:315/DP/003 rev A rec'd 20/09/23
Proposed FF Plans Ref:315/DP/004 rev A rec'd 20/09/23
Proposed Roof Plans Ref:315/DP/005 rev B rec'd 20/09/23

Proposed Elevations 1of3 Ref:315/DP/006 rev B rec'd 20/09/23
Proposed Elevations 2of3 Ref:315/DP/007 rev B rec'd 20/09/23
Proposed Elevations 3of3 Ref:315/DP/011 rev A rec'd 20/09/23

Streetscene Ref:315/DP/008 rev B rec'd 20/09/23
Bicycle & Bin Store Details Ref:315/DP/009 rev A rec'd 20/09/23
Electric Gates Ref:315/DP/010 rec'd 20/09/23
Site Entrance details Ref:315/DP/012 rec'd 20/09/23
Block plan w levels Ref:315/DP/013 rec'd 20/09/23

Reason: To ensure satisfactory provision of the development.

3. 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.

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 each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

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

5. The first floor windows shown as 'Obscure Glazed' on the plans of the buildings hereby approved shall be:
 - (i) obscurely glazed, and
 - (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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.

6. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking of motor vehicles have been provided.

The spaces for the parking shall be retained and kept available for the parking 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. Prior to the commencement of construction, including any foundation groundworks, the access to the site shall be widened as shown on the approved plans.

Prior to first occupation of the scheme hereby approved the access widening, front boundary wall and surface treatment of the access drive, the maneuvering space and turning head, as shown on the approved plans shall be completed and thereafter retained.

Reason: In the interests of securing safe access to the site for large construction vehicles and to ensure on site highway safety and to preserve highway and pedestrian safety off site and in accordance with policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

8. Prior to occupation of the relevant house, its bike store and access, as shown on the approved plans shall be provided.

Reason: In the interests of supporting active travel and reducing reliance on the private car and in accordance with policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020

9. Notwithstanding the approved plans a revised strategy for the storage of refuse and presentation for collection shall be submitted to and approved in writing by the LPA. The strategy shall be implemented and available for use prior to occupation of the each house in turn and thereafter retained.

Reason: In order to respond to the most up to date waste collection strategy of the Council at the time of occupation and in the interests of the appearance of the site and highway safety, in accordance with policies ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

10. A scheme for the design, layout and installation of bollard lighting along the driveway and parking courtyard, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. the approved scheme shall be installed prior to first occupation and thereafter maintained in accordance with the manufacturers instructions and retained.

Reason: In the interests of highway and pedestrian safety on site, residential amenity and ecology and in accordance with policies ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

11. Prior to the commencement of construction above Damp Proof Course 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.

The approved programme for implementation and future maintenance shall then be followed.

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.

12. 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.

13. The conclusions, recommendations, mitigation and enhancement included in the Ecosa EIA received 27/03/23 shall be implemented and followed through the implementation of the development hereby approved and installed prior to occupation of the relevant dwelling hereby approved.

Reason: In the interests of supporting features of nature conservation interest on and using the site and in accordance with policy DM02 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

14. The trees/hedges 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 Arb-Solute Tree Management Tree Survey, Arboricultural Impact Assessment & Preliminary Method Statement A dated Aug 2023 Ref AS_1000-160 and associated Tree Protection & Removal Plan ref AS_1000 Drawing no. 110 Rev A.

3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as illustrated on the above plans.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

15. No development, demolition or site clearance shall take place until the following information has been submitted and agreed to in writing with the Local Planning Authority:

A method statement and engineering drawings for the installation of new hard surfaced areas for the access drive to the development and driveway for 12 Langdown Lawn.

A method statement and drawings for the construction of the shed for plots 2 & 3.

A plan showing the location of service routes, including the position of soakaways;

A plan showing the location of site compound and mixing areas;

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.

16. 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 Class G of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 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 physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the health and retention of important trees overhanging the site, contrary to Policies ENV3 & ENV4 of the New Forest District Local Plan: Part One: Planning Strategy 2020.

17. Construction of the scheme hereby approved shall not proceed above Damp Proof Course until details of a scheme for the alteration of the dropped kerb access with Langdown Lawn have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of the development and thereafter retained.

Reason: In the interests of highway and pedestrian safety and in accordance with policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

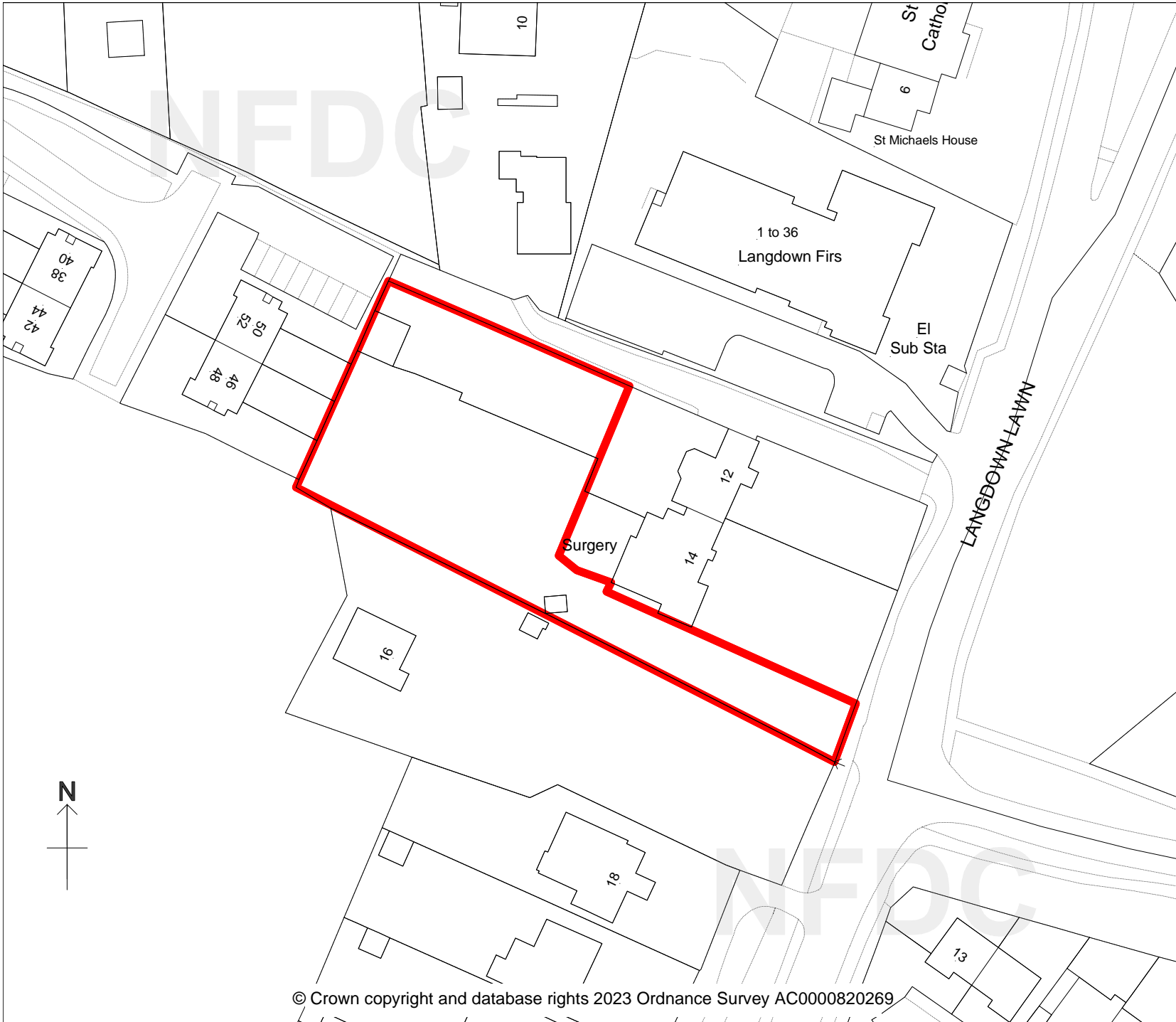
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no gates at the access on to Langdown Lawn otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In the interests of highway safety.

Further Information:

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

October 2023

Cairns
12 - 14 Langdown Lawn
Hythe
23/10358

Scale 1:850

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