

Application Number: 23/11156 Full Planning Permission
Site: Land Adjacent to 1 WOODLANDS CLOSE, DIBDEN PURLIEU, HYTHE SO45 4JG (PROPOSED LEGAL AGREEMENT)
Development: 3-bed detached dwelling
Applicant: Ms Hinton
Agent: Sanders Design Services Ltd
Target Date: 02/01/2024
Case Officer: John Fanning
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) Site history
- 2) Principle of development
- 3) Character and design
- 4) Amenity
- 5) Access and parking
- 6) Flood risk
- 7) Biodiversity net gain
- 8) Mitigation & Developer contributions

2 SITE DESCRIPTION

The site is located within the built-up area and within the parish of Hythe and Dibden Purlieu. The surrounding area is residential in nature, typically featuring detached and semi-detached properties. The site has historically been heavily vegetated but has been cleared of vegetation prior to the submission of the current application. There is a substation adjacent to the plot.

3 PROPOSED DEVELOPMENT

The application proposes the erection of a single-storey dwelling within the plot.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10233 3-bed detached dwelling	27/04/2023	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV3: Design quality and local distinctiveness
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 HOU1: Housing type, size, tenure and choice
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

Neighbourhood Plan

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.

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend REFUSAL

The Council objects to this application for the following reasons:

1. The design is out of keeping with the street scene
2. There are concerns over highway safety especially during the construction phase when there will be additional vehicle movements to and from the site.
- 3- The development may increase the risk of flooding to adjacent land unless a suitable drainage scheme is provided

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

HCC Highways

No comment

Ecologist

Recommend condition to secure ecological enhancements. No objection subject to suitable habitat mitigation being secured.

9 REPRESENTATIONS RECEIVED

6 letters of objection received from neighbouring properties/local residents:

- Loss of privacy for neighbouring occupiers
- Impact on drainage for adjacent properties
- Loss of wildlife
- Proposed access is unsafe
- Potential to increase on-road parking
- Concern about potential highways implications during any construction works

10 PLANNING ASSESSMENT

Site History

It should be noted that a recent application for a two-storey dwelling on the plot was refused under application reference 23/10233 based on the following two issues:

- 1. The development, with particular reference to the proposed dwelling's position, massing and appearance, would relate poorly to the surrounding pattern of development and the amenity of neighbouring occupiers (notably 1 Woodlands Close and 3 and 4 Chaveney Close). It is considered that the massing, appearance and layout of the development within the plot would fail to respect the existing rhythm and pattern of development within the surrounding area and would represent an overbearing and unneighbourly form of development in the context of adjacent properties, and the proposal would thereby be harmful to the outlook and amenities of the occupants of these neighbouring dwellings, as well as detracting from the character and appearance of the area. As such, it is considered that the proposal would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the provisions of the Hythe and Dibden Neighbourhood Plan (2019).*
- 2. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Special Protection Area, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.*

Principle of development

Local and national planning policies outline an identified need for new residential dwellings within the district and wider area.

It is noted that the rationale for how to treat the 5-year land supply issues has been changed with a recent update to the NPPF in December 2023. However, with regard to footnote 79 of the NPPF, as the application was submitted prior to the adoption of the updated NPPF, the provisions of paragraph 76 do not come into effect. What

this means is that for the purpose of the current application, the Local Planning Authority cannot demonstrate an appropriate 5 year supply and additional weight is afforded to the provision of additional dwellings to meet this demand.

The NPPF and local policies stress the importance of ensuring high quality, sustainable development. While additional weight is given to the provision of additional dwellings, the application seeks permission for a single additional dwelling which provides a relatively minor contribution to the overall demand. It is considered that the key factor in determining if the development is acceptable is how the proposed development relates its context and the wider area.

Character and design

The application site is situated on a corner of Woodlands Close and would be reasonably visually prominent as one enters Woodlands Close from the west. Presently, the plot provides a visual buffer between the built form of Woodlands Close and Chaveney Close to the south.

The dwelling would be set well back from the main street scene. It is a common feature within Woodlands Close to incorporate a set back and garden to the frontage of the property. However, the orientation of the properties and the position on the corner would result in a different form of development.

Concerns were raised as part of the previously refused proposal that the layout and position of the proposed 2-storey dwelling would be at odds with the existing pattern and rhythm of development within the context of the surrounding street scene. The current proposal seeks to address these concerns by reducing the scale of the proposal to a bungalow form.

Within the context of Woodlands Close, properties are generally two-storey in nature, though it is noted that the site is also set within the context of Crete Lane and Chaveney Close to the south which feature bungalow forms.

Woodlands Close contains a mix of built forms including both hipped roofed designs and gabled elements. At present, the building would be predominantly screened from the main visual aspect of Woodlands Close, though it is noted that this screening primarily consists of vegetation falling outside of the control of the application site and this arrangement may potentially change in the future. Notwithstanding this, the location and layout of the site being subdivided from the adjacent properties by a substation to the north and access, and the change in the road orientation to the west, clearly establishes the plot as a partially independent plot within the surrounding street context.

Overall, it is considered that the scale and design of the proposed development would work much better on this plot than the previously refused 2-storey dwelling. Subject to a suitably conditioned scheme of hard and soft landscaping, the development would be relatively well screened from the existing Woodlands Close frontage and would not be intrusive or incongruous within the street scene. The dwelling's set back within the site and its single-storey nature would further minimise any visual intrusion in the context of the street scene. The building itself is otherwise considered to be of an appropriate visual appearance within the context of the surrounding residential area, and no objections are raised in this regard.

Amenity

While the proposal would result in some intensification of the use of the existing land which is currently vacant, it is considered that the proposed residential use would

represent an appropriate use within the context of the surrounding residential environment.

With regard to the previous two-storey design, concerns were raised about the impact on neighbouring properties given the proximity to the boundary and the relationship with neighbouring properties. It is considered that the reduction to a single-storey form has substantially addressed these concerns. Given the bungalow would be set off the boundary and given the reduction in height towards the boundaries, it is not considered that the proposal would represent an overbearing form of development or one that one would cause a harmful loss of light, outlook or privacy.

Access and Parking

The site has a somewhat unusual relationship with the street scene, with the main immediate frontage of the site onto Woodlands Close being an area of open hardstanding which is presently used as part of a communal access to the rear of properties to the west on Woodlands Court. It is noted this already serves an existing use as an access for vehicular traffic and to provide access to the site.

The application proposes a 3-bed dwelling. The application identifies 3 on-plot spaces, with the Parking Standards SPD identifying a recommended on-plot provision of 2.5 spaces for a 3-bed dwelling.

While the frontage of the development is somewhat dominated by the proposed parking arrangement, it is considered that the proposal is able to demonstrate compliance with the Council's parking standards criteria and outlines an ability for vehicles to safely enter and leave the site in a forward gear. On this basis, and in the context of the extant access, it is not considered that the proposal would be harmful to highway safety, and the highways demands of the proposal are considered to be satisfactorily addressed.

It is recommended that a suitable scheme of hard and soft landscaping and the parking arrangement be secured by condition.

Flood risk

The site is not situated within an area of identified flood risk.

The proposal will result in additional hardstanding on the plot, which will reduce the available drainage capacity of the site. As part of securing the proposed landscaping conditions on the site, the Local Planning Authority will look to ensure that any hard surfacing secured is permeable or drains into a permeable surface within the boundary of the site.

Biodiversity Net Gain

As of 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2. Ecological enhancements should be provided to demonstrate biodiversity net gain in line with the NPPF and the Local Plan e.g. bird boxes, bee bricks and landscaping of value to wildlife. The application has identified the inclusion of bird and bee bricks and a condition is recommended to secure these details.

Mitigation

The application site lies within 1.7km of the Solent and Dorset Coast Special Protection Area.

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 and Solent 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, 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. These matters will need to be secured by legal agreement prior to any grant of consent.

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 NO_x, 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 matter will need to be secured by legal agreement prior to any grant of consent.

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 is recommended to address this.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking prior to any grant of consent:

Air Quality Monitoring contribution: £103

Recreational Habitat Mitigation:

- Infrastructure Habitat Mitigation (Provision): £6,275
- Non-Infrastructure Habitat Mitigation (Access Management and Monitoring): £912
- Bird Aware Solent: £834

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	93	0	93	93	£80/sqm	£10,902.46 *

Subtotal:	£10,902.46
Relief:	£0.00
Total Payable:	£10,902.46

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The Council encourages the development of windfall plots, and it is important that the development is appropriate within the context of the surrounding area and represents a high quality of design which integrates into the surrounding pattern of development. This concept is reiterated within the Hythe and Dibden Neighbourhood Development Plan.

It is considered that the amendments to the proposal from the previous scheme have addressed the previous reasons for refusal in terms of integrating the development into the context of the surrounding street scene and mitigating the impacts on adjoining neighbouring occupiers.

In order to address the second reason for refusal, the applicant will need to enter into a legal agreement to secure appropriate mitigation elements. Delegated authority is sought to conditionally approve the application subject to that legal agreement being entered into.

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 or unilateral undertaking to secure those matters set out in the 'Developer Contributions' section of this report; such agreement to be completed by 31st May 2024.
- 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:

Drg No: wc sht 1 (Proposed elevations and floor plans) Dated: October 2023, Received: 07.11.23

Drg No: wc sht 2 (Site location and block plan) Dated: October 2023, Received: 07.11.23

Drg No: wc sht 3 (Site plan) Dated: October 2023, Received: 07.11.23
(Air quality statement) Received: 07.11.23

(Design and Access statement) Received: 07.11.23

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials 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 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 development commences, 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) the treatment of the boundaries of the site and 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.

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

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that

there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

7. Prior to the occupation of the development hereby approved, the ecological enhancement measures outlined in section 8 of the submitted planning statement (installation of swift boxes and bee bricks) shall be implemented in accordance with the submitted details and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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 DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

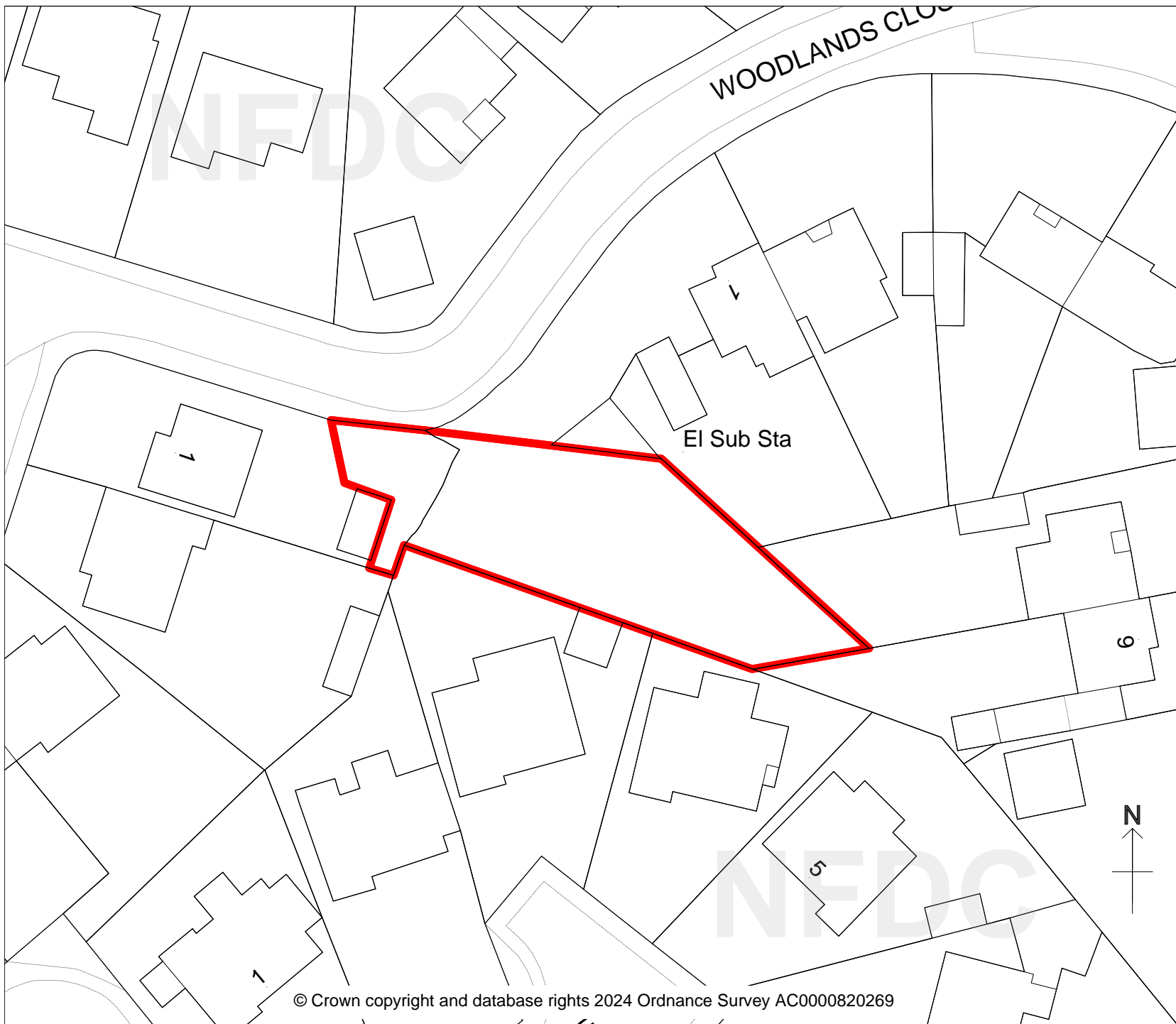
8. The development hereby permitted shall not be occupied until the spaces shown on Drg No. 'wc sht 3' for the parking of motor vehicles and cycles have been provided. The spaces and tracked manoeuvring areas shown on plan Drg No. 'wc sht 3' for the parking of vehicles shall be retained and kept available for that purpose at all times thereafter.

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.

Further Information:

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New Forest

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PLANNING COMMITTEE

February 2024

Land adj 1 Woodlands Close
Dibden Purlieu

23/11156

Scale 1:500

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