

Application Number: 22/10813 Full Planning Permission

Site: ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE
SO45 4PD

Development: Demolition of the existing buildings; erection of 25 dwellings with associated access, landscaping and parking

Applicant: AJC Group

Agent: Chapman Lily Planning Ltd

Target Date: 14/10/2022

Case Officer: James Gilfillan

Extension Date: 13/01/2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Planning History
- 2) Impact on the character and appearance of the area
- 3) Relationship with trees and landscape
- 4) Highway Safety

This application is to be delegated.

2 SITE DESCRIPTION

The site is within the built-up area of Dibden Purlieu. It is accessed from and has frontage to Noads Way and is enclosed by residential properties on Noads Way, Lime Walk and Lime Close. The site is flat and is occupied by a detached house with outbuildings and stables. It covers 0.9Ha largely consisting of paddocks.

The character of the surrounding area is residential with detached houses and bungalows adjoining the site. There are trees along all boundaries, some in the site, some outside. Those along the road frontage to Noads Way and along the north-east boundary are covered by Preservation Orders.

Schools on water Lane are close to the north of the site and Dibden Purlieu Local Shopping frontage to the south. Access to Noads Way Recreation Ground is opposite the site.

A small area in the centre of the site is identified as being at risk of surface water flooding.

3 PROPOSED DEVELOPMENT

Demolition of the existing buildings; erection of 25 dwellings with associated access, landscaping and parking

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11201 37 dwellings comprising: 2 blocks of apartments; 5 no. 2-bedroom houses and 20 no. 3-bedroom houses with associated access, parking and landscaping (Outline application details of Access & layout only)	18/11/2021	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

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 HOU2: Affordable housing

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

New Forest District Core Strategy 2009

CS7: Open spaces, sport and recreation

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

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.

Policy T5 - New footpaths and cycleways should be designed to a high standard.

Policy C1 - Layout and design to reduce negative impact of crime, nuisance and anti-social behaviour

Policy F1 - Sequential Test

Policy F3 - Drainage capacity

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022

SPD - Housing Design, Density and Character

SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

Relevant Advice

NPPF 2021

Constraints

SSSI IRZ Compost
SSSI IRZ Combustion
SSSI IRZ Infrastructure
SSSI IRZ Discharges
SSSI IRZ All Consultations
Plan Area
SSSI IRZ Air Pollution
Aerodrome Safeguarding Zone
SSSI IRZ Wind and Solar Energy
SSSI IRZ Water Supply
NFSFRA Surface Water
SSSI IRZ Waste
SSSI IRZ Residential
SSSI IRZ Minerals Oil and Gas
SSSI IRZ Rural Residential
SSSI IRZ Rural Non Residential

Tree Preservation Order: 3/98/1/T2

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL for the following reasons:

1) The development would be out of keeping with the street scene and character of the area. The properties in the surrounding area are typically 4/5 bedroomed detached homes on large plots. Also, the property at the front of the site would be highly visible on the street scene and therefore does not reflect the character of neighbouring properties which are surrounded by trees.

Therefore, this application is contrary to Aim 1 of the Objectives and Policies of the Hythe and Dibden Neighbourhood Development Plan 2018- 2026.

Hythe and Dibden Neighbourhood Development Plan 2018- 2026 Section 8
Objectives and Policies

1.1.1 New development shall be designed and built to high standards of quality based on a clear understanding and appreciation of the unique character of the area and what is valued locally.

1.1.2 New development shall respect and enhance the character and distinctiveness of the built and natural environment.

D1 All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

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

2) It is overdevelopment of the site. The proposal is for 25 dwellings whereas this site has been identified as having the capacity for 13 homes in NFDC's 2018 Strategic Housing Land Availability Assessment. There is no precedent for this number of houses within such a small area in the wider locality.

3) There are concerns about highway safety as the volume of traffic will increase and it will lead to further congestion in the area. The road is already significantly busy during drop off and collection times for the local schools and there is an existing issue of dangerous parking in the area at these times. There are also highway safety concerns regarding cyclists and pedestrians, and particularly young children as the site is in close proximity to the access to Noads Way play area.

4) The land proposed for development is prone to water logging and flooding. The addition of 25 new homes could significantly impact neighbouring properties, as well as those proposed, with water ingress into their properties and land. The provision taken to counter this does not reassure the Parish Council that there is a reduced flood risk, rather the Committee feels that the flood risk would be increased due to this proposal.

5) There are concerns about overlooking and perceived overlooking into the adjacent properties at Noads Way, Lime Walk and Lime Close and the associated loss of privacy for these residents. The new development will also impact residents in the adjacent neighbouring properties in respect of enjoyment of their gardens.

7 COUNCILLOR COMMENTS

Councillor Stephanie Osbourne objects to the:

- Overdevelopment of the site;
- Development is out of keeping with the streetscene;
- Insufficient parking;
- Double the number of houses than the local plan;

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Arboriculture: No objection to the loss of trees to facilitate the development, subject to securing replacement planting. Concerns regarding conflict between parked cars, pedestrian paths and seating under trees likely to drop sap and detritus that would be a nuisance. Insufficient quality shown in the replacement tree planting proposed. Concerns regarding the restriction of trees along the north boundary on the amenity of the new houses adjacent.

NFDC Ecology: The site would have an impact on protected habitats in the New Forest and Solent, mitigation should be secured. A ecological appraisal appropriately provides mitigation and enhancement. Bio-diversity Net Gain should be secured.

NFDC Environment Team: Object to the failure to preserve the landscape as a dominant characteristic of the site, insufficient space for succession planting and a layout at odds with the context and fails to support local distinctiveness.

NFDC Environmental Health: No objection to the potential for the scheme to impact on air quality, subject to a condition securing a condition securing a Construction Management Plan

NFDC Strategic Housing: Expect to see a higher proportion of smaller units in affordable housing provision.

HCC Highways: Object to the lack of information that allows consideration of the impact of the development on highway safety and supporting sustainable modes of transport. Sufficient information has been provided to conclude that there would be no impact on the capacity of surrounding road network to accommodate the additional vehicle movements.

HCC Surface Water: Object to the lack of sufficient infiltration and ground water testing to be able to conclude that sustainable drainage by way of soakaways would be feasible and would not exacerbate existing known surface water flooding on the site.

Natural England: Identify that the scheme would give rise to harm to protected sensitive habitats in the New Forest and Solent, from recreational activities and water quality. Impacts that can and should be mitigated.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Overdevelopment setting a precedent for further high density schemes in the area
- Out of keeping design
- Terraced and semi-detached housing and small plots being out of character
- Increased traffic and parking demands impact on congestion and safety of pedestrians, cyclists and horse riders, especially due to proximity to the local play ground
- Houses won't be affordable as local values are too high
- Medium sized houses with space would support growing families, freeing small affordable units down the housing ladder
- Need for executive 4-bed properties
- Lack of affordable housing
- Lack of on site sustainable energy generation
- Ignored the SHLAA 14 house limit
- Loss of privacy and amenity from overlooking and overshadowing
- Noise and disturbance during construction and subsequent occupation
- Community feed back ignored
- Loss of habitat and wildlife
- Loss of trees and pressure on remaining trees, due to their impact on amenity
- Loss of open space
- Flood risk
- Insufficient drainage capacity
- Pressure on water supply
- Potential anti-social behaviour occurring in greenspaces on site
- Insufficient space for storage of bikes and bins on plots

- Impact on over subscribed schools and availability of GP's
- Failure to overcome previous objections and reasons for refusal
- Misleading public consultation.
- Insufficient social amenities, sports facilities and playgrounds

For: 0

Against: 193

10 PLANNING ASSESSMENT

Principle of Development

The site is in the built-up area of Dibden Purlieu and surrounded by residential development. The character of the area is residential, as such the principle of residential development is acceptable.

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 large scale 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 Cranbourne Chase ANOB, 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 25 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. A significant benefit of the scheme.

The site has been identified within the Council's Strategic Housing Land Availability Assessment however this carries no weight within the decision making process

Local Plan policy HOU1 includes an indicative housing mix. The scheme proposes a mix, but not directly comparable. The scheme does not include any 1-bed homes and prioritises 3-bed houses, contrary to the indicative mix that seeks schemes provide a much higher proportion of smaller 1 and 2 bed homes. In the absence of flats within the scheme, which would not be characteristic of the area, the lack of 1-bed units is not unacceptable.

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 aims 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 downsizing to retire to and for young families, couples and single people to start their first home.

Whilst the Neighbourhood Plan does not appear 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 and the prevailing pattern of much larger houses is not consistent with identified needs.

The scheme would have economic benefits of generating employment during construction, enhanced by residents who would be likely to spend in local shops and services, 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 social benefits of providing additional housing in a residential area, providing a mix of housing types and sizes to meet a range of housing needs.

The principle of residential development is acceptable and provides weight in favour of the scheme.

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

The existing property is of negligible architectural merit, and due to its location makes little contribution to the character and appearance of the area. There is no opposition to the proposed demolition of the existing house and other buildings, which would have no impact on the character and appearance of the area.

The surrounding area is residential in character, dominated by detached houses and bungalows. Noads Way around the entrance in to the site is dominated by mature trees and an extensive landscape setting. Large houses occupy large plots, in a spacious setting resulting in a low density. This continues along Noads Way along the north east edge of the site. Rear gardens are between 25-50m deep. The character is slightly less sylvan along Lime Walk to the North and West, with the trees as a backdrop, rather than dominating plot frontages.

Whilst recognising that the scheme has sought to overcome the previous reasons for refusal by reducing the number of units and amending the layout, especially removing the flats and seeking to provide greater separation between buildings, the scheme still fails to readily respect the distinctive character of the immediate surroundings and proposes plot sizes and layouts that are not readily reflective of this context.

It is clear from the representations received from residents, Hythe and Dibden Parish Council and the NFDC Environment team, that this scheme fails to meet the requirements of Local Plan policy ENV3 and the Neighbourhood plan in terms of its response to the context.

The intensity of built form, hard surfaces and layout still hasn't created a layout that is dominated by landscape, where individual plots are formed, enclosing houses, gardens, access and parking as plots in a landscape setting, but proposes layouts with swathes of hard surfaced drives between flank elevations, semi-detached and terrace forms

The revised layout does have improvements, such as the arrangement of the 2 terraces of 4 houses around the open space in the centre of the site, creating a positive outlook for those houses and engagement with that space, but it does expose backs of the east terrace to the access road and requires parking courtyards at a scale that isn't characteristic of the area.

The house facing on to Noads Way, sits in a garden that would be responsive to the character of the area, but it then doesn't sit within its own plot and is linked to its neighbour with car port and driveway. Its position set back from the road is sufficient to respect the pattern of development along Noads Way and would not be a prominent feature of the streetscene to the detriment of the character of the road. That in itself does not overcome the failure to preserve the spacious landscape dominance of the plot within the site.

All of the properties surrounding the application site on large plots, set a considerable distance from the shared boundary, except Field House, positioned close to the north-east boundary. Due to the proposed size of plots, most particularly the depth of rear gardens to units 8-21, the proposed change in character and intensity of built form and contrast with existing character and spaciousness would be very evident. The amenity of those neighbours is assessed below, however in terms of responding to the context, the contrast between the existing sylvan setting and the proposed length of built form along the north and west edges would be particularly stark when experienced from those neighbours.

The consultation response from the Environment Team captures these concerns, "Individual settings within the scheme, lack of meaningful front gardens, lack of greenery between dwellings, intensively hard surfaced courtyards and parking areas, lack of significant tree species or space for such trees to grow altogether would create an external environment that is completely at odds with the context and fails to support local distinctiveness".

The design and appearance of the houses would have a consistency, with materials being used to create variety. Concerns have been raised regarding the design of the houses having regard to the appearance of housing in the area. It is acknowledged that there is wider variety in architectural design and appearance in the surrounding area than proposed by the scheme, that variety stems from the more spacious pattern of development that allowed for incremental and individual development to occur.

The houses themselves would not be readily seen alongside the variety of housing around the site. The design of the proposed houses, like many infill developments of this nature, has a collective character and sit comfortably together.

Where appropriate several end of terrace houses include projecting bay windows to overlook and engage with public realm alongside the houses and provide interest to end elevations.

Whilst the architectural style may not replicate the variety seen around the site, it would not harm the appearance of the area. However that would not remedy the harm arising from the scale of the development, extent of plot coverage and lack of landscaping setting and uncharacteristic layout.

The scheme would fail to comply with policy ENV3 (in part), would not provide environmental benefits and would weigh against the scheme in the planning balance. The NPPF at para.134 directs decision makers to refuse schemes that are not well designed.

Landscape impact and trees

As described the dominance of mature landscape is a distinctive feature of the character of the area. Whilst it is not readily publicly accessible it has high value locally due to its extent in dominating the built form, its presence in streetscenes, back

drop to properties and screening between properties. Furthermore due to the number of properties surrounding the application site, it is enjoyed in multiple streetscenes and rear gardens.

The scheme does not require removal of many trees or lengths of hedgerow to facilitate the development. Proposing removal of 9 out of 98 trees and groups on the site. None of the trees proposed for removal are in good health or make a high value contribution to the character of the area that their loss would be resisted. However the proposed landscape scheme does not make provision for appropriate replacement planting to preserve the landscape dominance, nor does the layout make provision for space for trees to grow to embed that distinctive characteristic in the new development.

Whilst a condition could secure a revised schedule of species, it could not create better opportunity to ensure the dominance of landscape to built form evident in the surrounding area is achieved.

Concerns are also raised about the potential detrimental impact of the trees on the development due to the proximity to trees. T23, a Red Oak, is proposed to have cars parked beneath it. Whilst a no-dig specification surface could avoid harm to the tree, the potential for leaf litter, debris and sap to be dropped on cars would likely lead to pressure for extensive pruning of this off site tree, leading to conflict with the owner.

Part of the onsite amenity space described as 'The Park' follows the south east boundary. It would be limited to an area for informal play, including a footpath and bench under a Lime tree (T25). Lime trees drop a lot of sap which would compromise the attractiveness of the bench and path, however the path appears superfluous and the bench could easily be relocated, secured by condition.

Previous concerns regarding the justification for the loss of T40 to facilitate access visibility have been resolved. There is no objection to the loss of this tree, though appropriate replacement would be sought, not currently included in proposals. Similarly the loss of T1 would not be resisted, however scope for replacement planting is insufficient.

Whilst retention of the majority of trees is proposed, there is little resistance to the loss of the trees proposed to be felled, however the scheme, especially its layout, fails to adequately allow for replacement and additional tree planting to establish a sylvan character and harmonise the development in to the surrounding pattern of development. Trees around the site would be likely to give rise to an un-sustainable relationship with the development.

Highway safety, access and parking

The scheme proposes to use the existing access from Noads Way, widened to provide two way access and egress with sufficient visibility. The road would enter the site, curving around a central open space terminating with cul-de-sacs to the north and south at the end.

TRICS calculations of traffic generation would not lead to rates or volumes of vehicle movements that would have a significant impact on surrounding roads and junctions to prejudice highway or pedestrian safety. The scheme would not result in the loss of any space along the existing highways relied upon by parents driving pupils to local schools. The site is close to several schools reducing reliance on cars to get to school, as such it is highly unlikely that this development would exacerbate existing congestion or demand for parking at the start and end of the school day.

Concerns have been raised by Hamps CC officers regarding visibility between manoeuvring vehicles and forward visibility within the site and along Noads Way to meet the surveyed vehicle speeds. They have requested a Road Safety Audit and accident data. In the absence of these it has not been possible to conclude highway and pedestrian safety is achieved on the site and at the access.

The scheme proposes a mix of shared and on plot parking. The amount of parking provided exceeds the amount required for shared provision, but does not meet the amount if it was entirely allocated/on plot. The layout shows options for additional on site on street parking for visitors or residents should the proposed parking not prove sufficient. It is considered that the proposed level of parking would not compromise highway safety in the area, nor lead to overwhelming demand for kerbside parking along Noads Way or other surrounding roads.

Bike stores are shown in each plot and driveways provide space to pass between parked cars. Bin stores do not appear to have been included, however each plot has access to a rear garden or similar space in which to place wheeled bins off pavements or shared surfaces.

Hamps CC officers have also raised concerns at the lack of a review of facilities in the area for pedestrians, cyclists and horse riders, being mindful of ensure safe crossing points and routes are available. Whilst it would not be for this scheme to rectify existing problems, the scheme would inevitably increase pedestrians and cyclists seeking to travel to schools and village centre services, the scale of scheme would justify additional interventions where a deficiency is identified.

The scheme has not demonstrated that it would preserve highway and pedestrian safety both on and off site, nor positively make provision to promote walking and cycling, minimising reliance on private the motor vehicle.

Residential amenity

Due to the position of the site, size of trees and separation distance to neighbouring properties, the scheme would not give rise to levels of overlooking, overshadowing, or overbearing that would have a material impact on the amenity of existing neighbours.

Concerns regarding an increase in noise and disturbance, especially given the number of properties proposed are given little weight. Any activities on the site, would be residential in nature and character, conducive with the prevailing character of the area. Additional vehicle manoeuvring would not be at a volume, intensity of duration that would get close to that generated in the area or already, nor would it be located in such close proximity to a neighbouring property to be detrimental.

Disturbance during construction is likely, however it would be short in duration and based on the scheme proposing houses, is unlikely to involve intensive or intrusive foundation design as might be required for taller buildings. However a construction management plan could be secured by condition to best manage deliveries, car parking, dust and noise.

The layout of the scheme would avoid any intrusive overlooking and overbearing between residents of the scheme. The orientation would give rise to shading between neighbouring properties detrimental to amenity. However properties 8-13 have north west facing rear gardens, as such the dwellings themselves would cast shadows over the gardens for extensive periods of the year. Furthermore these gardens would be particularly short, between 8-9m with trees up to 10m tall on the rear boundary.

Based on the tree protection plan, the area of garden furthest from the houses would be under the tree crowns, as such the gardens would not readily meet the amenity needs of the occupiers.

Plots 17-20 would have rear gardens of less than 10m. Whilst they would not suffer from shading and the overbearing presence of large trees, they are still short by reference to the context and character of the area a consequence of the concern raised above regarding the extent to which development is being squeezed on to the site.

NPPF requires Councils at para.125, to seek to ensure efficient use of land is achieved and take a flexible approach in applying policies relating to daylight and sunlight, in order to make efficient use of land for the delivery of housing. Taking a flexible approach to amenity in respect of the size of plots 8-13 would not justify the harm to the character of the area arising from the layout and size of plots proposed.

Representations received objecting to the loss of open space are given little weight. The site is in private ownership and does not provide for the recreational needs of the local community.

The scheme has improved the provision of public open space on the site, compared to the refused scheme. The revised housing mix requires the following quantum of open space:

Informal POS: 0.15ha

Play Space: 0.02ha

Formal POS: 0.09ha

Circa 0.07ha of informal POS is provided for within the scheme, but no play equipment or formal open space are provided for. The site is within easy walking distance of Noads Way recreation ground, where both formal open space and play equipment is located. However no justification for the failure to deliver the required space or facilities on site has been presented. In doing so the scheme conflicts with

Concerns that open space in the site is not enclosed by secure gates, as the nearby recreation ground is, would lead to anti-social behaviour is given little weight. The space within the scheme is framed by housing and well overlooked, the recreation ground does not benefit from such a level of surveillance.

Ecology

The site is largely used as paddocks grazed by horses. A Preliminary Ecological Appraisal has been undertaken and has not identified any constraints to the principle of development.

The report includes some mitigation and enhancement measures to be employed during construction and incorporated in the development, these could be secured by condition.

Bio-diversity Net Gain would need to be secured off site as the scheme could not deliver the 10% uplift required on site alone.

Habitat Mitigation

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. Although the adverse impacts could 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, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

Air Quality impact on habitats

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.

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. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

Flood Risk and Drainage.

A small area of the site is known to suffer surface water flooding. Whilst this would be unlikely to place any residents at risk, an increase in hardsurfaces and discharge rates from roofs could materially increase its duration and rate of occurrence.

It also suggests ground conditions are not free draining or maybe saturated during winter months. Insufficient details have been provided to demonstrate that the scheme would not suffer from increased surface water flooding, or that the suggested soakaways are capable of discharging the predicted volumes of storm water in a

sustainable manner without causing problems.

There is nothing to indicate it would not be possible to serve the development with an adequate water supply.

Affordable Housing.

Independent review of the applicants viability assessment suggests the scheme could deliver a policy compliant level and mix of affordable housing. The principal areas for disagreement are assessment of the Gross Development Value and reference to the residual land value. In the absence of any evidence to the contrary from the applicant to clarify or a S.106 agreement securing such a provision, the scheme would be contrary to HOU2.

It is noted that not only does the proposed housing mix not meet that of the Local Plan, with only four 2-bed units in the scheme, it can not meet the policy requirements for the affordable housing mix.

Heritage Assets

The site is not close enough to any heritage assets to have an impact on their significance.

Other Matters

The applicant is supported by an Air Quality Statement, setting out how the scheme would comply with the Councils Air Quality SPD. A dust management plan could minimise impacts during construction and could be secured as part of a Construction Management Plan. Air source heat pumps would be used to provide heating. Electric vehicle charging infrastructure would be required.

Concerns regarding the impact of the development on local services and infrastructure are noted, however the scheme would makes its contribution to infrastructure through the provision of CIL payments and the nature of funding being provided by central government on the basis of registered patients.

Failure of the applicant to adhere or agree with public consultation feedback does not render the scheme unacceptable.

Developer Contributions

As part of the development, the following are required but have not been secured via a Section 106 agreement:

- New Forest Habitats recreational mitigation Infrastructure £129,760
- New Forest Habitats recreational mitigation non-infrastructure £19,360
- Solent Bird Aware £17,468
- New Forest Habitats Air Quality monitoring £19,360
- 35% Affordable Housing
- Public Open Space and Play equipment

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	2339.2		2339.2	2339.2	£80/sqm	£238,958.28*
-----------------	--------	--	--------	--------	---------	--------------

Subtotal:	£238,958.28
Relief:	£0.00
Total Payable:	£238,958.28

11 CONCLUSION

The scheme would deliver 25 homes in the built up area, with economic, environmental and social benefits as identified above. These benefits and the contribution of the scheme to housing delivery would be outweighed by the clear harm to the character of the area arising from the scale and layout of the development, lack of landscape setting and opportunity for replacement and new tree planting of sufficient scale.

The failure to demonstrate highway and pedestrian safety on and off the site, support modes of travel other than the private car, demonstrate that drainage could be achieved without exacerbating on site flooding, and provide affordable housing or public open space, fail to comply with the development plan and contribute to impacts weighing against the scheme.

The application is recommended for refusal.

12 OTHER CONSIDERATIONS

None

13. RECOMMENDATION

Refused

Reason(s) for Refusal:

1. The scheme would, due to the scale and layout of development proposed, the extent of plot coverage of built form and hard surfaces, the dominance of car parking, proximity to trees on and adjoining the site, the small plots proposed and lack of space for recreation open space and sufficient landscape setting fail to respect the spacious sylvan character of the prevailing pattern of development in the area, or deliver a well planned high quality design that would contribute positively to the local distinctiveness, the quality of life and enhances the character and identity of the locality. It is therefore contrary to Policies STR1 & ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020, Policy D1 of the Hythe and Dibden Neighbourhood Plan 2019 and the Housing Design, Density and Character SPD 2006.
2. Due to the proximity of the proposed access to the existing access to the

east and failure to demonstrate the visibility splays are based on actual vehicle speeds along Noads Way the scheme has failed to demonstrate that the works are sufficient. Furthermore on site highway and pedestrian safety has not been demonstrated, nor has the scheme considered or demonstrated support for modes of travel other than the private car. It is therefore considered that the scheme would be prejudicial to highway and pedestrian safety and contrary to policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

3. The scheme has failed to demonstrate that surface water drainage can be dealt with in a manner that would not give rise to increased surface water flooding on site and meet the requirements of delivering sustainable drainage contrary to policy STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
4. 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, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policies ENV1 of the New Forest District Local Plan Part 1: Planning strategy 2020 and DM3 of the New Forest District Local Plan Part 2: Sites and Development Management 2014 and the Mitigation for Recreational Impacts on New Forest European Sites SPD 2021, Air Quality Monitoring SPD 2022 and the Bird Aware Solent Strategy.
5. The scheme has not demonstrated how it would meet the recreational and open space needs of the occupiers of the development, contrary to CS07 of the New Forest District Council Core Strategy 2009
6. The proposal has not demonstrated that it can not provide the required amount of affordable housing and is therefore contrary to Policy HOU2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
7. The scheme has failed to demonstrate that it can be delivered in a manner that respects the trees on and adjoining the site that make a positive contribution to the character and appearance of the area. The scheme would therefore have a detrimental impact on the landscape setting of the area and fails to deliver space and landscape proposal to mitigate the loss of trees. The scheme is contrary to Policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework

and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the applicant did not have regard to pre-app advice given, were given the opportunity to amend the scheme and were advised that the scheme was unacceptable.

Decision

Further Information:

James Gilfillan

Telephone: 02380 28 5797