

Application Number: 18/11022 Full Planning Permission

Site: Land at MERLIN, LYMINGTON ROAD, MILFORD-ON-SEA
SO41 0QR

Development: Development comprised 1 Terrace of 3 houses; 1 detached house; demolition of existing; parking and landscaping

Applicant: Trustees of Brooke, DSWT and HFT

Target Date: 24/09/2018

Extension Date: 14/11/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Adjacent to Conservation Area

Protected Trees

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 6. Towns, villages and built environment quality

Policies

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites

SPG - Milford-on-Sea Village Design Statement

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Development comprising 1 terrace if 4 houses, 1 detached house -
demolition of existing (17/11537) Withdrawn by applicant on the 18th
January 2018

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend refusal.

The Parish Council strongly objects to this application for the following reasons:

Lodge Building:

Due to the changes in land levels, the Lodge will impose greatly on Ilex Cottage especially as the bedrooms will be level with the conservatory. The degree of overlooking is considered by the Parish Council to be unacceptable, as is the loss of light to this property. There are no significant changes to the building in this revised application, which previously the Case Officer commented that the design was not reflective of a subservient lodge-style building. The Parish Council is also concerned about the detrimental effect on the retaining wall at Ilex cottage, of vegetation removal and excavation work as part of the build.

Terrace of houses:

The Parish Council is concerned about the siting of these dwellings especially with their close proximity to South Court. The Parish Council considers their design to be bulky and overbearing and their forward position and high ridge height will cause loss of light at the South Court homes especially to flat 2. In addition, the loss of the trees and other vegetation in this green oasis at the centre of the Village would be detrimental to the character of the area, placed as it is, adjacent to the Conservation Area.

Access:

Notwithstanding any legal dispute regarding the access to the driveway to Barnes Lane, the Parish Council considers all access routes to this property as inadequate. The driveway to the Lymington Road is a narrow single track with no provision for pedestrians to safely walk, especially given the increased number of expected vehicle movements the proposed development will bring. The passing place indicated on the plans is not part of the development site and is used by the neighbouring busy dental practice.

The Parish Council maintains that the visibility when turning onto the Lymington Road is very poor, being on a blind bend and therefore hazardous to all road users.

The Parish Council also has concerns about the lack of access for emergency vehicles and refuse lorries.

The Parish Council considers this application to be un-neighbourly and considerable overdevelopment and requests the District Council refuse it.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Waste Management (NFDC): refuse vehicle will not be entering the access from the High Street. Accordingly the bin collection area will need to be within 60 metres of the High Street.

9.2 Hampshire County Council Highway Engineer: no objection subject to condition.

In relation to access for Fire Tender, the application states that there will be sprinkler systems installed and this would be subject to Building Regulations approval. Should this be installed to the required standards, no provision for access or turning of a fire tender vehicle is required.

The Transport Note refers to an agreement with the Highways Authority that:

"the [highway] authority will accept development proposals which would limit the increase in vehicular movements entering or leaving the site to less than 10%"

The figures indicate an increase of 7-8% which is below the previously agreed level with HCC. While the access is not ideal, the Highway Authority state that this minimal increase would not be considered severe, and therefore a refusal on this basis is not sustainable. The passing point suggested is considered a betterment of existing. Notwithstanding this, the agreement in principle of the less than 10% increase was without the provision of a passing place, and therefore the Highway Authority would not look to object to the application without this feature.

9.3 Trees Officer: no objection subject to condition. The application site is subject to 2 Tree Preservation Orders TPO 38/06 is situated towards the south western boundary; this protects 3 Horse Chestnuts, 2 Sycamores and a Lime tree while TPO/0034/16 protects 1 Scots Pine and 1 Beech tree on the eastern boundary. Several individual trees and a small group of trees have been marked to be removed to facilitate the development. While these trees and vegetation do provide a general canopy cover across the site, it is not considered that they are a constraint to the development due to being unsuitable for inclusion within a TPO. Tree removals on this site could be mitigated through appropriate tree planting to be included within a detailed landscape plan.

9.4 Ecologist: no objection subject to condition.

10 REPRESENTATIONS RECEIVED

10.1 31 letters of objection concerned that the proposal is an overdevelopment of the site out of character with the area. Loss of wildlife, trees and greenery. The proposed dwellings are too tall. The proposal fails to comply with the Council's Housing, Design, Density and Character Supplementary Planning Document and policy which states that development should be appropriate and sympathetic in scale, appearance, materials, form, siting and layout and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading and effects on local amenities. Impact on living conditions including loss of light, outlook and privacy. Additional noise and disturbance in a tranquil area. The proposed dwelling identified as unit 4 is sited very close to Ilex Cottage and would be overbearing and would result in an unacceptable loss of light into the garden and a loss of privacy. Concern over impact on public highway safety. The visibility splay onto the roads is currently poor and any increase in the use of the access would lead to public highway safety issues. Concerns raised over the ownership/ legal rights of way of the accesses to the site.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £3672 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £31,313.48.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.

- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

14.1 The site and location

14.1.1 The site comprises a 1960s two storey detached dwelling, known as 'Merlin', which sits on a large plot to the rear of the High Street and Barnes Lane within Milford On Sea village centre. The property is a simple flat roofed building with one integral garage, positioned right up to the rear (north) boundary of the site. The property sits on a spacious plot which is heavily overgrown with shrubs and trees. The property has limited space to the rear, but has its main garden and amenity area to the front of the building. The main vehicular access is gained from the High Street, and comprises a narrow track which also serves 6 flats at South Court and a dentist. There is a second access from Barnes Lane.

14.1.2 The site is irregular in shape The southern boundary spans across the rear boundaries of properties fronting into the High Street. There is also a noticeable change in site levels, in which the gradient of the site increases as it extends to the north. It is likely that the dwelling was built on the most northern part of the site to gain the maximum views due to its elevated position.

14.1.3 The site lies in a sustainable location close to the village centre where there are a mixture of amenities and facilities. The site lies within a predominantly residential area, although the High Street provides a mixture of facilities which are typical in a village centre. The site lies just outside the conservation area which joins the southern boundary of the site, to the rear of the existing buildings fronting onto the High Street.

14.2 The proposal

- 14.2.1 The proposal seeks to demolish the existing dwelling and replace it with 4 dwellings, comprising a terrace of three and a detached dwelling. The proposed terrace of three dwellings would be sited to the north of the site, broadly in the same position as the existing dwelling utilising the existing access currently shared with the properties at South Court and the dentist. Car parking would be provided in front of the dwellings. The proposed terrace of three dwellings would have short rear garden areas, with the two end units having side gardens. It is also proposed to retain an open area within the site to the south west which would be used by residents.
- 14.2.2 The proposed detached dwelling would be to the south of the site utilising the existing access to the west from Barnes Lane. The proposed dwelling would front onto the access road to the west and would have its garden area to the north. The proposed dwelling would be sited on a lower ground level compared to the neighbouring bungalow at Ilex Cottage and the proposed terrace of three.
- 14.2.3 The main issues in this case are the effect on the character and appearance of the area, and adjacent Conservation Area, the effect on the living conditions of the adjoining neighbouring properties, ecological matters, public highway safety matters, and the effect of the loss of trees.

14.3 Effect on the character and appearance of the area

- 14.3.1 In assessing the effect on the character and appearance of the area, contextually, there is a marked character change between the building plots to the south of the site fronting onto the High Street, the application site and its more immediate surroundings and the dwellings to the north of the site. To the north of the site, the character of the area is low density housing comprising 5 large detached dwellings set in spacious plots. The rear garden to one of the dwellings backs onto the application site.
- 14.3.2 This differs significantly from the character of the High Street immediately to the south of the site, which comprises traditional frontage high street buildings with a more linear and tighter urban grain. The buildings fronting onto the High Street rise from two to three storeys in height and comprise a mixture of attractive Edwardian buildings positioned up to the pavement and extend fairly deep to the rear. The car mechanics and MOT testing station is a traditional frontage building but has an unattractive large workshop attached which extends to the rear. The site lies outside the Conservation Area, but the boundary to the designated area lies on the southern boundary of the site, which essentially is the rear of the building plots fronting the High Street.
- 14.3.3 The application site and the more immediate surrounding land to the rear of the frontage buildings is fairly tranquil and dwellings tend to sit in spacious plots with greenery, trees and vegetation. Other than the property at Ilex Cottage and Little Magnays (which lie just to the west of the site), all other dwellings are positioned on the most northern part of the site. Immediately to the east of the site, there is a long two storey building known as 'South Court' which comprises 6 flats. This building is

a simple pitched roof building and the space in front is generally used for car parking and garaging, but there are small areas of amenity for the residents.

- 14.3.4 The site itself comprises a modern house and although the existing dwelling is of no architectural merit, the openness and spacious character of the site, together with the greenery, trees, and vegetation positively contributes to the character of the area. There is no in principle objection to the loss of the existing dwelling and there is potential to create a positive development which increases the number of housing units, given the sustainable location of the site. However, any redevelopment needs to respond to the important distinctive features of the area, namely the openness, greenery and trees.
- 14.3.5 The proposed layout of the development seeks to create a larger building comprising a terrace of three dwellings to the north of the site, broadly in line with the existing dwelling and in line with most of the other existing dwellings to the rear of the high street. A smaller single detached dwelling is proposed to the south of the site. The overall density of the development equates to around 17 dwellings per hectare, which is considered to be contextually appropriate. It is considered that the proposed layout of the development picks up on a number of characteristics, one of which is to retain the central and southern part of the site for tree cover and openness.
- 14.3.6 Indeed, it is considered that siting the proposed terrace of three dwellings to the north of the site not only follows the general pattern of development in the area, but it also enables the central part of the site and the land to the south behind the High Street to remain fairly open, together with retaining the trees, greenery and vegetation. While the rear gardens to the proposed terrace of three dwellings are fairly small, a large area of private amenity space would be provided in the central part of the site to be used and managed by any future residents. A number of trees within this space are proposed to be retained.
- 14.3.7 It is accepted that the car parking area that would serve the proposed three dwellings is harsh in terms of its size and siting, however there is sufficient space for new landscaping and tree planting to soften this space and create an attractive courtyard. Indeed the overall intention is to retain many existing trees and provide further soft landscaping and tree planting within the site and a planning condition can be imposed to provide a detailed landscaping scheme for the whole site.
- 14.3.8 Visually the proposed terrace of three would rise to around 8.1 metres in height and has been designed as a symmetrical building form with traditional pitched roofs, chimneys and front porches. Given that there is a mixture of property types and styles in the area, including two storey buildings of different sizes, it is considered that the proposed building would be contextually appropriate and designed to a high standard. The distance between the side elevations of the proposed building and side boundaries measures between 5 and 6 metres, which will help maintain the spacious character. Although concerns have been raised that the proposed building sits awkwardly forward of the existing neighbouring buildings, this is not correct. Two neighbouring buildings to the west at Ilex Cottage and Little Magnays sit forward of other buildings and it is clear that there is no set building line. Moreover, the footprint, scale and mass of the proposed three dwellings would be

similar to the neighbouring buildings at South Court and the dwelling houses to the west.

- 14.3.9 The proposed detached dwelling to the south of the site would partly front onto the existing access track to the west and has been orientated at a right angle to other dwellings in the area. The proposed dwelling would be sited on the lower land levels and would incorporate a large garden area to the north measuring 18 metres wide by 12 metres long, which would maintain the sites spatial qualities. The submitted plans also illustrate the existing trees along the southern boundary to be retained. Proposed unit 4 would sit within a spacious plot with opportunities to create additional soft landscaping and tree planting.
- 14.3.10 Visually the proposed building would rise to two storeys and has been designed with a simple pitched roof. The proposed building would be somewhat isolated from other existing buildings, but would sit within a spacious and landscaped context which would pick up on the character of the neighbouring dwellings to the west which are sited in spacious and well landscaped settings. Overall it is considered that the proposed dwelling would be of an acceptable size, design and form, which would be appropriate to this context.
- 14.3.11 Overall it is considered that the proposed layout would be contextually appropriate with large open areas with greenery and trees which would neither appear cramped or overdeveloped. The scale of the proposed development would be similar to other two storey buildings in the area and the design of both buildings would be in keeping with the area. The main bulk of the proposed development would be sited to the north of the site further away from the Conservation Area boundary. The proposed development has been designed so that the existing trees and vegetation along most of the southern boundary would be retained and the central part of the site will remain fairly open. Accordingly the proposed development would not have an adverse impact on the setting or views into and out of the Conservation Area.

14.4 Effect on the living conditions of the adjoining neighbouring properties

- 14.4.1 With regard to residential amenity, the proposal would have some impact on adjoining neighbouring properties. Concerning the neighbouring property to the north of the site at Tower House, this property is more than 25 metres away from the proposed building. Currently there is a high level (more than 3 metres) evergreen hedge on the boundary of Tower House and this property is sited at a higher level. The distance from the proposed first floor bedroom windows on the rear elevation to the boundary with Tower House measures nearly 7 metres. While it is considered that the proposed development would result in overlooking of the rear garden of Tower House, the views would be onto a less sensitive part of their rear garden. The distance to the more sensitive part measures more than 21 metres which is considered to be acceptable and would not result in any unacceptable overlooking.
- 14.4.2 Concerning the neighbouring properties to the east at Nos 1 and 2 South Court, these properties do not have any main windows on the side elevation facing the site. The main windows to flats 1 and 2 South Court are on the front and rear elevation. It should also be noted that there is a balcony on the front of the existing flats. The proposed end

terrace identified as Unit 3 has a first floor side window which would face onto these flats, however the window serves a bathroom and it would be reasonable to impose a condition for the window to be glazed with obscure glass to maintain a reasonable level of privacy.

- 14.4.3 Proposed Unit 3 would be sited approximately 5.5 metres away from the side boundary with Nos 1 and 2 South Court. While the proposed building would be sited forward of South Court, given the degree of separation, it is not considered that the proposal would unacceptably impact on the outlook of these neighbours. Moreover the proposed building is sited to the west of Nos 1 and 2 South Court which would mean that any loss of light would only occur near the end of the day.
- 14.4.4 In relation to the neighbouring property to the west at Ilex Cottage, this is a long narrow bungalow which has its side elevation running parallel to the application site. There is a small garden area and conservatory on the southern end of the bungalow. The proposed terrace of dwellings (Units 1-3) would be sited a sufficient distance away from Ilex Cottage and given the design of the building with no main windows on the side elevation, it is considered that this element of the proposal would not adversely impact their living conditions.
- 14.4.5 It is considered that the proposed detached dwelling(unit 4) would have a greater impact on the living conditions of Ilex Cottage. The proposed dwelling would be sited on a lower ground level compared to Ilex Cottage and has been designed with no main first floor windows on the front elevation facing Ilex Cottage. A condition can be imposed for the proposed first floor bathroom window on the front elevation to be fitted with obscure glass to maintain a reasonable level of privacy. Equally, the proposed first floor bedroom window on the side elevation has been designed as an oriel window in which the glazing facing Ilex Cottage would be fitted with obscure glass. This design mitigates any overlooking directly onto Ilex Cottage.
- 14.4.6 In terms of its physical relationship, the proposed dwelling would not be sited directly in line with the rear garden area of Ilex Cottage, which would ensure that the proposal would not unacceptably compromise their outlook. In terms of loss of light and overshadowing, the proposed dwelling would be sited due south east and accordingly, there would be no loss of sunlight into their garden area and conservatory from midday onwards.

14.5 Car parking and public highway safety matters

- 14.5.1 In terms of the impact on public highway safety, the proposal seeks to utilise two existing accesses into the site, one from the west of the site from Barnes Lane which would serve the detached dwelling (unit 4) and the eastern access from the High Street to serve the terraced dwellings (units 1-3).
- 14.5.2 In relation to the eastern access, this is a narrow unmade private road which currently serves the application property, Nos 1-6 South Court Flats and the dentist. This access is only single vehicle width. The proposal is to utilise the existing access, but it is important to note that this access already serves the existing dwelling. Accordingly the proposal seeks to increase the use of the existing access by two additional houses.

- 14.5.3 A Transport Statement accompanies the application and the applicant also sought separate pre application advice from the Highway Authority prior to the submission of the planning application. As part of the Transport Statement, speed surveys and traffic count surveys were carried out from the site. The traffic count survey concluded that the proposed development would have a marginal increase in traffic generation and would be no more than 10% of the base traffic flows surveyed.
- 14.5.4 The Transport Statement states that although a Fire Tender vehicle can access the site, all properties will be provided with sprinkler systems. This will avoid the need for a Fire Tender vehicle to access the site. In terms of refuse collection, a bin store would be provided at the entrance to the site (in front of the flats at South Court) and the refuse vehicle would be stationed on the High Street and refuse bags collected by hand. This would avoid refuse vehicles entering the access. The Councils Waste Collection Team state that the refuse vehicles would be left on the main road and the staff walk up the track to collect the refuse at the bin collection point, which is shown within 60 metres of the main road.
- 14.5.5 The submitted plans illustrate a passing place to be created along the access. Whilst this is not a requirement of the Highway Authority, this is clearly a betterment of the existing situation. The applicant states that access to the site is not owned, but they do have a right of way legally documented in their Title, that predates the existence of the surgery or indeed any property in that location, from the public highway. The dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at "*all times and for all purposes*". This access also serves the dentist and South Court flats. The car parking to the rear of the surgery is informal with no marked parking bays or similar. This informal arrangement coupled with a clearly evident access route "on the ground" already provides for vehicle use.
- 14.5.6 The Highway Authority is satisfied with the access into the site including the visibility splays provided and consider that the proposal would result in a marginal increase in the use of the access. As set out in the Transport Statement, refuse vehicles and a Fire Tender do not need to enter the access track.
- 14.5.7 In terms of car parking, for the proposed terrace of three (Units 1-3), 7.5 car parking spaces is recommended, which equates to 2.5 car parking spaces per dwelling. In this case, the proposed layout entails two on site car parking spaces per dwelling, together with three visitor car parking spaces.
- 14.5.8 In relation to the western access from Barnes Lane, it should be noted that the application site currently has a vehicular access off this track. The western access currently serves 6 dwellings and a restaurant. The Highway Authority are satisfied with this access into the site. The proposed detached dwelling has space for up to three cars to be parked on site, which would accord with the car parking standards. The proposed layout also shows sufficient space for cars to turn within the site.

14.5.9 A number of representations are concerned over the ownership of the accesses. In response to these concerns, the application forms state the applicant has served notice on the relevant land owners under Certificate B and the applicant has confirmed that they have a legal right of way over the access. The applicants agent has stated that the dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at "*all times and for all purposes*". This access also serves the dentist and South Court flats. Accordingly, if planning permission is granted it would be for the applicant to ensure that they have a right of access to the approved development.

14.6 Other matters

14.6.1 In relation to tree matters, the Tree Officer does not raise any objections. The site is subject to 2 Tree Preservation Orders towards the south western boundary; these protect 3 Horse Chestnuts, 2 Sycamores and a Lime tree, together with 1 Scots Pine and 1 Beech tree on the eastern boundary. Several individual trees and a small group of trees have been marked to be removed to facilitate the development, but a number of other trees have been shown to be retained. While a number of trees and vegetation would be removed, the Tree Officer does not consider them to be a constraint to the development due to being unsuitable for inclusion within a TPO and there is sufficient space on the site for new tree planting to be included within a detailed landscape plan.

14.6.2 Concerning ecological matters, the Ecologist does not raise any objections and considers that the ecology report which accompanies the application is acceptable and makes suitable recommendations for on-site mitigation to avoid harm to wildlife and avoid wildlife offences being committed (e.g. clearance of vegetation outside of bird nesting season). Although enhancements have been outlined they are not in any detail and accordingly a planning condition can be imposed for further details to be submitted for ecological mitigation and other suitable habitat features be included in the landscape design. Such measures are necessary to demonstrate accordance with NPPF and Local Plan Policies CS3 and DM2.

14.6.3 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.

14.6.4 In accordance with the Conservation of Habitats and Species Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from

proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.6.5 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 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 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.

14.6.6 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.

14.7 Conclusion

14.7.1 In conclusion the site lies within the built up area where the principle of residential development is acceptable, and while there are a number of constraints within and adjacent to the site, the technical issues have been addressed and it is considered that the proposed development would be appropriate and sympathetic to the area. It is also considered that the proposed development would have an acceptable relationship to the neighbouring properties and there are no objections relating to public highway safety matters.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			

Financial Contribution			
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	562.71	237.57	325.14	325.14	£80/ sqm	£31,313.48 *
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Subtotal:	£31,313.48
Relief:	£0.00
Total Payable:	£31,313.48

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: M-LR-001, 7165 (08) 01 Rev C, 7165 (08) 02 Rev A, 7165 (08) 03 Rev A, 7165 (08) 04 Rev A, 1807/34/AIA

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 CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order 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 visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. 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) 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 Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. All planting, seeding or turfing comprised in the approved details of landscaping (as approved within condition 6) 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 Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

8. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

9. The development hereby permitted shall not be occupied until the spaces shown on plan (08)01 Rev C for the parking of motor vehicles have been provided. The spaces shown on plan(08)01 Rev C for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles 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 Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

10. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

11. The trees 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 Oakwood Arboricultural Method Statement (1807/34/AMS) dated 12 July 2018 and Tree Protection Plan (1807/34/TPP) dated July 2018 while in accordance with the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

12. Prior to the commencement of development, and notwithstanding the measures outlined in the Peakecology Limited Ecology Report dated 11th August 2016 further details of biodiversity mitigation, compensation, enhancement including site vegetation management shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

13. The first floor bathroom window on the front [west] elevation and the west side of the first floor oriel window serving the bedroom as shown on the approved plans on unit 4 shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

14. The first floor windows on the side elevations of the approved units 1 and 3 shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

15. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shaded green on the approved plan.

Reason: In the interest of highway safety and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

16. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. In discharging condition No 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here
<http://www.newforest.gov.uk/article/16478/>

Further Information:

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New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee**
November 2018

Item No: 3e
Land of Merlin
Lymington Road
Milford on Sea
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