

Application Number: 19/10125 Full Planning Permission

Site: Land of GUNFIELD, SHOREFIELD CRESCENT,
MILFORD-ON-SEA SO41 0PD

Development: Chalet Bungalow; access & landscaping

Applicant: Mr Stockwell

Target Date: 25/03/2019

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Arleta Miszewska

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Development Services Manager

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Aerodrome Safeguarding Zone
Built-up Area
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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 - Housing Design, Density and Character
SPG - Milford-on-Sea Village Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 17/10119 - house, detached garage, parking. Refused 23.3.17, appeal dismissed.
- 6.2 17/11777 - house, detached garage, parking. Refused 12.2.18 appeal dismissed.
- 6.3 18/11430 - chalet bungalow; access; landscaping. Granted in error under delegated permission 22.1.19

7 PARISH / TOWN COUNCIL COMMENTS

Comments awaited

8 COUNCILLOR COMMENTS

Comments awaited

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

- 10.1 At the time of writing this report 3 representations have been received raising objections on the following grounds:
- Densification of a peaceful and green place,
 - Variance in the viewpoints of the two Planning Inspectors at Appeals (Mrs J Wilson - 17/3175697 and Mr Benjamin Webb - 18/3198282) around the "prominence" of the Gunfield garden, irrespective of the differences in the designs of the two previous planning applications (17/10119 and 17/11777),
 - Inaccuracies and omissions in planning application,
 - Highway safety,
 - Damage to road, the site is situated on an unadopted road which is not repaired by the Council,
 - Design not in keeping with local properties and detrimental to the character of the area,
 - Impact on privacy of neighbouring houses.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations.

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (1) x £1224 = £1224) 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 £13,326.65.

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

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

13 WORKING WITH THE APPLICANT/AGENT

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.

14 ASSESSMENT

14.1 Introduction

14.1.1 The current application duplicates a previously submitted application under reference 18/11430. A decision was issued on 22 January 2019, but this decision was issued in error as a delegated decision when it should have been put to the Planning Committee. This application has been submitted at the request of this Council as the previous decision was issued in error. This does not effect the manner in which the application should be determined and is not mentioned as part of the relevant considerations.

14.2 Planning background

14.2.1 A planning application for this proposal was submitted to the Local Planning Authority in December 2017 and refused in February 2018. The reason for refusal included harmful impact on the character and appearance of the surrounding area and an adverse impact on the outlook from Gunfield. Following the Council's decision to refuse planning permission, an appeal was lodged and dismissed in October 2018.

14.2.2 The Planning Inspector dealing with the appeal assessed the proposal under the following criteria:

- whether mitigation could be secured with regard to the effect of the development on habitats sites;
- the effect of the development on character and appearance of the area; and,
- the effect of the development on the living conditions, with particular regard to the outlook of Gunfield.

14.2.3 The Inspector did not concur with the Council's reason for refusal and concluded that "the development would have no adverse effect on the character or appearance of the area or living conditions of neighbours".

14.2.4 However, he noted that the Council's method of securing non-infrastructure related mitigation for adverse effects on European sites was inadequate. Consequently, the Inspector was not satisfied that the effects of the proposed development on European sites could be successfully mitigated. For this reason, the Inspector dismissed the appeal.

14.3 **Application site**

14.3.1 The application site lies within the built up area of Milford on Sea in a residential area. The area is characterised by large detached dwellings in their own grounds although there are some plots which have in recent times been subdivided. The proposal plot would be formed from the southern, triangular part of the garden to the host dwelling, Gunfield and is at a slightly lower level due to the topography of the site. There is an existing timber garage structure and vehicular access to the eastern boundary which is otherwise a mature hedge. There is a timber fence enclosed electricity sub-station to the south and the western boundary is again comprised of mature vegetation. There is also mature vegetation within the site to the extent that the garage is not visible from the house.

14.4 **Proposed development**

14.4.1 This application is a resubmission of the same proposal dismissed in October 2018.

14.4.2 The proposal entails the subdivision of the garden to Gunfield and the provision of a detached two storey dwelling comprising lounge, bed 3, bathroom, utility and open plan kitchen/dining/family room at ground floor level and two bedrooms (one en suite) and a bathroom at first floor level. Parking would be provided on an informal basis utilising the existing access point.

14.5 **Principle of development**

14.5.1 The application site is located within an urban area of the District and therefore the principle of the proposal is acceptable, subject to compliance with the Council's planning policies safeguarding character and appearance of areas, residential amenities, highway safety and ecology.

14.5.2 The matters to be considered include:

- the impact of the development on the character and appearance of the area;
- the impact of the development on residential amenities of the adjacent neighbours;
- car parking provision and highway safety;
- ecology, and in particular the impact of the development on habitats sites.

14.5.3 Since the proposal was determined at the appeal, the spatial context and surroundings of the application site have not changed. Furthermore, the planning policies which underpinned the appeal decision have also not changed and are applicable to this proposal. Therefore, the Planning Inspector's conclusions are material in the consideration of this application.

14.6 Habitats mitigation

14.6.1 The approach by the Council in terms of dealing with habitat mitigation was not accepted by the Inspector, as a result the appeal was dismissed. However, the suggested approach of imposing a condition has been accepted by other Appeal Inspectors and the application has been agreed to proceed on this basis.

14.6.2 A large part of the District and adjoining National Park is designated as European sites as defined in article 8 of The Conservation of Habitats and Species Regulations 2017 ('The Habitat Regulations'). The Habitat Regulations Assessment of the Local Plan concluded that likely significant impacts on the integrity of the European sites, namely the increased recreational usage of the sites generated by the planned for increases in the number of houses in the District during the plan period could not be ruled out unless a satisfactory level of mitigation was provided. The Council has adopted a Mitigation Strategy which allows new residential development to proceed in compliance with the Habitat Regulations. Every planning permission for residential development is conditional upon an appropriate level of mitigation being provided in accordance with the Strategy.

14.6.3 The Council has, for the purposes of this application undertaken an Appropriate Assessment which concludes that permission may only be granted in this case provided appropriate mitigation is secured through a condition. Natural England has confirmed that provided mitigation is secured in accordance with the Council's mitigation strategy, then it agrees that an Appropriate Assessment can conclude that "the proposal should not result in a likely significant effect".

14.6.4 Accordingly, 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.

14.7 Impact on character and appearance of the area

- 14.7.1 Contrary to the Council's view, the Planning Inspector assessing this proposal at the appeal concluded that the proposed dwelling, due to its scale and spatial setting, would not visually compete with the host dwelling at Gunfield. The Inspector noted that the dwelling would also appear consistent with the established layout in Shorefield Crescent and that a scheme of landscaping, including boundary planting, could be secured through a planning condition to ensure that the new dwelling with associated car parking area integrates well with the existing street scene.
- 14.7.2 The Inspector has also found no conflict between the proposed development and the general design guidance set out in the Milford-on-Sea including Keyhaven, Downton and Lymore Village Design Statement Supplementary Planning Guidance 2002.
- 14.7.3 While the Inspector's conclusions contained within his appeal decision differ from Officers' and residents' views, they are material in making a recommendation on this application and refusing the application on the grounds of negative visual impact on the surrounding area would not be reasonable or sustainable.

14.8 Impact on residential amenities

- 14.8.1 As with the previous matter of design, the Inspector assessed the potential impacts of the proposed development on the amenity of adjacent properties.
- 14.8.2 In terms of loss of outlook from Gunfield, the Inspector concluded that due to proposed spacing and differences in scale of the buildings and the site levels, the outlook from Gunfield would not be adversely affected.
- 14.8.3 Furthermore, the Inspector agreed with the Officers' view that the proposed development would not cause unacceptable adverse impacts on privacy of the adjacent properties, despite concerns raised by the residents.
- 14.8.4 As stated above, the spatial context has not changed since the appeal was determined. However, concerns over loss of privacy to Blackthorns and 12 Sharvells Road have been expressed again in respect of this application. In terms of impact on Blackthorns, the proposed dwelling would be located on the opposite side of Shorefield Crescent and some 24 metres away from Blackthorns. Moreover, first floor windows within the proposed dwelling would not directly face this property and would be at an oblique angle. Given the separation distance between the two properties, the presence of the intervening road and the position of windows within the proposed dwelling, Officers maintain their opinion which was shared by the Appeal Inspector that the development would not cause unacceptable adverse impact on the privacy currently enjoyed at Blackthorns, including its outdoor areas.
- 14.8.5 Turning to 12 Sharvells Road, this property would be located over 30 metres away from the proposed dwelling. The northern elevation of the proposed dwelling, which would face 12 Sharvells Road at an oblique angle, would have no first floor windows to overlook this neighbouring property. The proposed dwelling would be located close to the rear parts

of the garden of 12 Sharvells Road rather than close to the property. The proposed dwelling would be visible from the garden of 12 Sharvells Road, however, due to its scale and position of windows, would not cause unacceptable adverse impacts on that property in terms loss of light, outlook or privacy.

- 14.8.6 Based on the above, it is considered that the proposed development would have an acceptable impact on living conditions of the adjacent properties, in terms of light, outlook and privacy.

14.9 **Highways**

- 14.9.1 In terms of highways, objections from residents have been received on the grounds of safety of pedestrians and car users. Further concerns have been raised over the proposed development causing road damage during construction and once completed and that the submitted plans do not show accurately the dimension of the road.
- 14.9.2 This is a proposal for a single dwelling to be accessed from an unclassified road via a widened access. The dwelling would be served by an informal car parking area capable of accommodating at least two cars.
- 14.9.3 Hampshire County Council as the Local Highway Authority has commented on this proposal and raised no objections. The proposed car parking provision would be adequate for the size of the proposed dwelling and in line with the Council's requirements set out in the Parking Standards SPD . The modest intensification of use of the widened access does not raise concerns over highway safety. It has also been concluded that the proposed internal layout is likely to result in cars reversing onto Shorefield Road. However, as this is typical to properties located in Shorefield Crescent, refusing this application on this basis would not be substantiated.
- 14.9.4 Turning to damage to the road from increased usage and during construction has been raised as a concern, while the Local Planning Authority has no control over the methods in which construction works take place, any damage to a road which is not adopted would be a private matter. Private matters fall beyond the scope of planning material considerations and cannot give grounds for refusing planning permission.
- 14.9.5 Based on the above, the proposed development is considered acceptable in terms of highway safety and car parking provision, this view was also shared by the Appeal Inspector.
- #### 14.10 **Other matters raised**
- 14.10.1 A concern has been raised over potential for flooding due to increased amounts of surface water. Whilst this matter falls beyond the scope of planning considerations, drainage requirements would normally be addressed through the Building Regulations.
- 14.10.2 Further concerns have been raised over the lack of a plan showing the difference in levels between the proposal and the neighbouring houses and the fact that the submitted Block Plan (1:500 & 1:1250) misrepresents the actual size and position of buildings and it omits one

building completely. However, the assessment of the proposal included a visit to the site by Officers and the Planning Inspector. The absence of the above mentioned details in the submission did not prevent a comprehensive assessment of this proposal. Officers are satisfied that a plan showing site levels and a more up-to-date location plan were not necessary in order to fully assess the proposal.

14.11 Other considerations

14.11.1 The Local Planning Authority 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.

14.11.2 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.

14.12 Conclusion

14.12.1 This planning application is identical to that recently rejected and dismissed on appeal. On the basis that the Inspector raised no concerns regarding the effect on the character of the area or the residential amenities of the adjacent properties, the proposal would be acceptable. Officers maintain their view that the Council's method of securing appropriate mitigation through a condition preventing 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, is appropriate and correct, as explained above. Therefore, the proposed development is recommended for a planning permission subject to conditions.

14.12.2 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------	----------------------------	-----------------------	------------------------------	------	-------

Dwelling houses	136.2	0	136.2	136.2	£80/sqm	£13,326.65 *
-----------------	-------	---	-------	-------	---------	--------------

Subtotal:	£13,326.65
Relief:	£0.00
Total Payable:	£13,326.65

* 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:

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

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 2019 this value is 1.22

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:

2016-29-08 Site/Block/Location Plan
 2016-29-07 Floor Plans & Elevations
 Planning Statement by Evans & Traves (October 2018)
 Arboricultural Impact Assessment in connection with development at Gunfield, Milford on Sea SO41 OPD by Alderwood Consulting Limited (December 2017)

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. No other first floor windows or roof lights other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

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).

5. The development hereby permitted shall not be occupied until the spaces shown on plan 2016-29-08 for the parking of motor vehicles have been provided. The spaces shown on plan 2016-29-08 for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwelling 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).

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. 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.

8. 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.

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. 8 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:

Arleta Miszewska

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

Item No: 31

Land of Gunfield
Shorefield Crescent
Milford on Sea
19/10125

Scale 1:1250

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

