

Application Number: 19/10889 Full Planning Permission

Site: Land of ORCHARD HOUSE, NEW VALLEY ROAD,
MILFORD-ON-SEA SO41 0SA

Development: Detached dwelling with integral garage; hard surfacing; detached garage

Applicant: D2 Projects

Target Date: 06/09/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- 1) the principle of residential development
- 2) impact of the proposal on the visual amenities of the area including the adjacent Conservation Area
- 3) impact of the proposal on the residential amenities of adjoining occupiers
- 4) highways matters
- 5) Habitat Mitigation
- 6) Housing land supply

This matter is before Committee at the request of Cllr Christine Hopkins

2 THE SITE

The site is formed from much of the existing garden area to Orchard House which is partly laid to lawn with substantial planted areas and significant changes in level. Towards the north of the site, it is wooded and drops down to the Danes Stream, the other side of the which is a Local Nature Reserve and SINC. An area between this and the adjacent property, Foxgloves, would be retained by the owners of Orchard House. The Milford on Sea Conservation Area abuts the front boundary of Orchard House although there are no works proposed within the part of the site which falls within this designation.

3 THE PROPOSED DEVELOPMENT

The application entails the demolition of a large detached garage building to enable access through into the main site area for the provision of a split level 2-storey house comprising hall, WC, bed 4 with ensuite and large open plan kitchen/dining area at ground floor level with utility room and double garage at lower ground level. At first floor level would be three bedrooms (one with ensuite and dressing area) and a family bathroom with study and living room above the utility/garage element to the north.

The existing access to Orchard House would be used as the access into this property which would have a parking and turning area behind gates. A single garage would be provided for the host dwelling partially covering the existing

garage footprint.

4 PLANNING HISTORY

None relevant

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS2: Design quality

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

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPG - Milford-on-Sea - A Conservation Area Appraisal

SPD - Mitigation Strategy for European Sites

SPG - Milford-on-Sea Village Design Statement

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Chap 12: Achieving well designed places

NPPF 109: The National Planning Policy Framework 2019 Chapter 9 "Promoting sustainable transport" advises that development should be prevented if there would be an unacceptable impact on highway safety.

NPPF 124 :The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.

NPPF 127 : The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" requires in Para 127 requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials

NPPF 155 : The National Planning Policy Framework 2019 Chapter 14 "Meeting the challenge of climate change, flooding and coastal change" requires in Para 155 development to be located away from areas at highest risk.

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council

The Parish Council has some concerns related to overlooking the adjacent property from the upper floor windows and would like to see energy efficient solar panels included within the design.

PAR5: Happy to accept the decision reached by the DC Officers under their delegated powers

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

New Forest Ecologist - no objection, suggest condition

Waste Management (NFDC) - Comment Only

NFDC Tree Team - no objection

Southern Water - comments awaited

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 2

Neutral: 1

Against: 1

The concerns raised are:

- the proposed dwelling is out of context with the character of the area
- it would be an invasive form of backland development
- it would have no active frontage
- adverse impact on residential amenity
- there has been a recent loss of trees within the site
- impact on the Pleasure Grounds

- there are sewage problems in the area

The letters of support raise the following:

- the dwelling is designed to minimise impact on residential amenity
- it is a preferable option to several dwellings
- the garage needs to be replaced
- large gardens for host and proposed dwellings would be retained

11 OFFICER COMMENTS

Introduction

The site is formed from much of the existing garden area to Orchard House which is partly laid to lawn with substantial planted areas and significant changes in level. Towards the north of the site, it is wooded and drops down to the Danes Stream, the other side of the which is a Local Nature Reserve and SINC. An area between this and the adjacent property, Foxgloves, would be retained by the owners of Orchard House. The Milford on Sea Conservation Area abuts the front boundary of Orchard House although there are no works proposed within the part of the site which falls within this designation.

The proposal would involve the removal of a dilapidated garage to the host dwelling and its replacement with a single garage together with the provision of a large detached dwelling which would take account of the levels within the site. Parking and turning would also be provided.

Relevant Considerations

The Principle of development on this site

The site is within the built up area of Milford on Sea and subject to no significant harm to the amenities of the area or other issues detailed below, there are no objections to the principle of a new dwelling in this location. Some concern has been expressed in relation to the site being a backland plot although there are dwellings to the east, west and south of the site. The size of the site is such that it would not result in a cramped form of development. The principle of development is accepted .

Visual Amenity and impact on the adjoining Conservation Area

Although the proposed dwelling would be sited outside of the Conservation Area, the overall proposal would have some impact on views from the Conservation Area. At present, the existing garage can be seen from the Conservation Area along the drive. This view would be altered through the provision of a smaller garage and access gates into the garden area for the new dwelling. The street scene drawing submitted in support of the application indicates that the new dwelling would be visible from the Conservation Area although this would be some 50m from the road. Given this distance, the reduced size of the garage and potential space for planting vegetation including trees, it is not considered that the proposal would have an impact on the character or appearance of the Conservation Area.

The dwelling has been designed to take account of the changes in level within the site and includes the provision of gabled roof forms to reflect similar features on adjoining dwellings. Both the host dwelling and Foxgloves to the north of the

access drive have gabled roof forms and the proposal would be appropriate in this respect. In terms of the proposed materials, it is noted that Orchard House is a rendered building and there is timber cladding to the gables of Foxgloves. The proposed render to the ground floor with timber cladding above is therefore considered to reflect the materials used on adjoining dwellings. The Village Design Statement suggests that 'New buildings should have the same impression of space around them as surrounding ones.' It is considered that the proposal would have an appropriate level of spaciousness given the size of the plot and the distance from other dwellings being over 20m from the nearest property Orchard House.

At present, there is a strip of grass and planting along the access drive to Orchard House. This include an old fruit tree which would be removed as part of the proposals. The drawing shows that a green strip would be retained in this location and together with the alterations at the end of the drive where the garage is to be removed, there is scope for planting to occur which would result in a softer impact. Given that this is a single dwelling it is not considered necessary or appropriate to seek to approval internal landscaping within the curtilage of the existing dwelling Orchard House.

Residential Amenity

With regard to residential amenity, the proposed dwelling is sufficiently far enough away from the neighbouring dwellings not to give rise to an adverse impact on privacy. These distances are stated on the submitted site plan showing 21.6m to Orchard House, 32.2m to 10, Woodland Way, 36.9m to Woodlands and 30.2m to Foxgloves. In addition to this, the orientation of the proposed dwelling would mean that the main windows would face either north or south and not towards neighbouring properties. Where windows are at first floor level in the east/west elevations, they are 22m from the first floor French windows of an adjoining dwelling to the host dwelling, 34m to Foxgloves and 42m to the rear of Woodlands which cannot presently be seen from the site due to the vegetation. It is proposed that two windows on the east elevation of the proposed dwelling would have timber louvres fitted to the windows and a third window which serves a bathroom would be obscure glazed.

It is considered that the respective distances between the proposed dwelling and existing dwellings is such that there would be no loss of amenity in terms of overlooking or overbearing impact. Concern has been expressed about the proximity of the new dwelling to the boundary with 10, Woodlands Way. There is a distance of 6.8m from the side elevation of the proposed dwelling and its boundary with 10 Woodland Way this is considered to be a satisfactory separation to ensure that there is no adverse impact on 10 Woodlands Way.

The proposed garage would have no impact on adjoining dwellings.

Highway Issues

The access drive is wide enough to enable two cars to pass and no alterations are necessary to the access onto New Valley Road. It is not considered that the additional dwelling would give rise to unacceptable impacts on highway safety in this location thus complying with paragraph 109 of the NPPF. Within the proposed plot for the new dwelling is adequate space to provide an appropriate level of car parking spaces and turning away from the host dwelling which would also retain adequate parking space.

Housing Land Supply

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.

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, 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. An informative would be applied to any consent to this effect.

Other Matters

The northern most part of the site is within Flood Zones 2 and 3. There are no building works proposed within this area and standing advice from the Environment Agency requires development to be a minimum of 20m from this area. The proposed dwelling would be in excess of this distance and elevated from these zones. As such, it is not considered that the proximity of the dwelling to the Danes Stream is of concern in this respect and it complies with paragraph 155 of the NPPF which requires development to be located away from areas at risk of flooding.

North of the site is a Local Nature Reserve and SINC. The application has been supported with an Ecological Appraisal and Bat Survey and concludes that the proposal would have a limited impact on these sensitive designations. There are recommendations within the report which can be secured through a suitably worded condition.

One response makes reference to there having been sewage issues in the area. The extent or location of this has not been provided but it is noted that a sewage pipe runs through the site. In terms of construction, the proposed dwelling is sufficiently far enough away from the pipeline not to cause problems.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal would provide an additional dwelling in this varied part of Milford on Sea without adversely affecting the residential amenities of the neighbouring properties. The proposed dwelling would be set within a spacious plot and would be in keeping with the overall character of the area.

Adequate parking and turning would be provided for both the existing and proposed dwellings and the limited impact on the sensitive designations to the north can be controlled through the suggested conditions.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £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 £24,877.38.

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	294	39.75	254.25	254.25	£80/sqm	£24,877.38*

Subtotal:	£24,877.38
Relief:	£0.00
Total Payable:	£24,877.38

* 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

14. 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: 105A, 103A, 08, 05, 04D, 06B and 07B.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, 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. 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.

The details should include any ecological enhancements as recommended in the Ecological Appraisal and Phase 1 Bat Survey dated July 2019. 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).

6. 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, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

or

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).

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. The works hereby approved shall be undertaken in strict accordance with the Conclusions and Recommendations within the Ecological Appraisal and Phase 1 Bat Survey dated July 2019 unless otherwise first agreed in writing with the Local Planning Authority.

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).

9. 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 discharging condition No.9 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/>
2. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc
SGN Plant Location Team
95 Kilbirnie Street
Glasgow
G5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

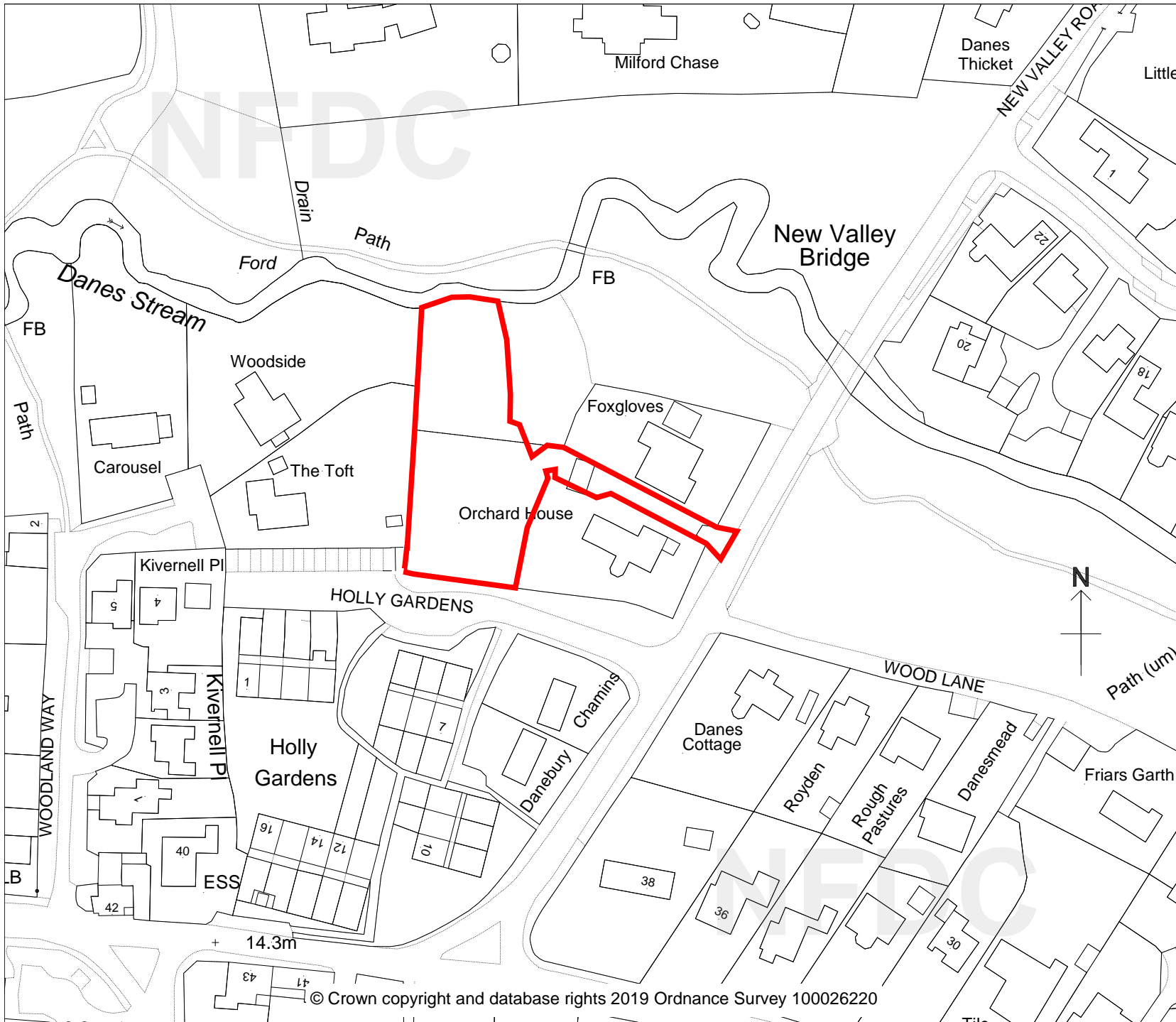
3. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling 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 an amended plan was requested to clarify the proposed landscaping along the access drive. No specific further actions were required.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



NFDC



New Forest
DISTRICT COUNCIL

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PLANNING COMMITTEE

September 2019

Item No: 3f
Land of Orchard House
New Valley Road
Milford on Sea
19/10889

Scale 1:1250
N.B. If printing this plan from
the internet, it will not be to
scale.