

Application Number: 15/10560 Full Planning Permission

Site: 37 KEYHAVEN ROAD, MILFORD-ON-SEA SO41 0QW

Development: 2 houses; 2 detached garages; parking; access from Keyhaven Road & Carrington Lane; demolition of existing buildings

Applicant: OPM (Bournemouth) Ltd

Target Date: 25/06/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view in part.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- 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

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

6 RELEVANT PLANNING HISTORY

- 6.1 5 houses; associated access and parking; demolition of existing building (13/10564) - withdrawn 10/10/13
- 6.2 2 pairs of semi-detached houses; access from Carrington Lane; parking; demolition of existing (13/11462) - refused 8/4/14
- 6.3 2 detached houses; garages and parking; demolition of existing (14/10909) - granted 12/11/14

7 PARISH / TOWN COUNCIL COMMENTS

Milford-on-Sea Parish Council: - Recommend refusal - the revised garage plan for unit 2 would block light to a window at 5 Carrington Lane; also support the District Council's policy of seeking affordable housing, which is desperately needed in Milford-on-Sea.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: - No objection subject to conditions on car and cycle parking, access construction, on-site turning, garage door design and visibility.
- 9.2 Land Drainage:- No objection subject to adherence to previously approved drainage design

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £2,304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £26,760.00.

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 of the above apply. However, as the objections that have been identified are not ones that can be overcome through negotiation, the application can only be recommended for refusal.

14 ASSESSMENT

- 14.1 The application site is a corner plot at the junction of Keyhaven Road with Carrington Lane. The main existing building on the site is a single-storey workshop that abuts the highway and which is positioned in the south-western corner of the site. The building also abuts a Grade II Listed boundary wall that extends westward from the south-western corner of the site. The majority of the site is undeveloped. There are modest areas of hardstanding to the front of the main building, but otherwise the site is largely a mixture of rough grass and vegetation, although there is a small shed in the north-eastern corner of the site. There is a low wall along part of the front boundary of the site and a hedged boundary to Carrington Lane.
- 14.2 The application site is not currently in active use. Its last use was apparently as a metal fabrication workshop. Although the site has a lawful commercial use, the site's surroundings are entirely residential. 5 Carrington Lane is a 2-storey dwelling that is situated adjacent to the site's northern boundary. The garden of 35 Keyhaven Road (a 2-storey detached dwelling) also abuts part of the site's northern boundary, as well as the western boundary of the site. To the east side of the site is a short terrace of 2-storey dwellings fronting onto Keyhaven Road. A mixture of detached bungalows and chalet bungalows front the south side of Keyhaven Road opposite the application site.

- 14.3 There have been a number of recent applications at this site. In 2013, an application was submitted for 5 houses before eventually being withdrawn. A further application to redevelop the site with 4 dwellings comprised of 2 pairs of semi-detached dwellings was refused planning permission in April 2014. The proposal was considered to be harmful to the character and appearance of the area on account of the excessive scale and intensity of the development. Most recently, an application for 2 detached dwellings, garages and parking was granted planning permission in November 2014. This permission does not yet appear to have been implemented. The approved dwellings would be 2-storeys high, and new points of access would be provided onto both Keyhaven Road and Carrington Lane, which would serve gravel parking areas and the garages (actually oak car barns).
- 14.4 The application that has now been submitted is one of 2 new applications. This application, which proposes 2 houses, 2 detached garages, parking and access, is similar to the recently approved development, but proposes a different garage design. The other application proposes the same garage design as the approved scheme.
- 14.5 One of the main reasons this application has been submitted is because the applicants wish the Local Planning Authority to review the affordable housing obligations that were previously secured. The approved scheme was subject to a Section 106 legal agreement that required a contribution of £97,350 to be made towards affordable housing, in line with the requirements of Core Strategy Policy CS15. The applicants are now suggesting that this affordable housing contribution is unjustified and unreasonable in the light of National Planning advice that was issued in November 2014, and which was confirmed as National Planning Policy in March 2015 when it was added to the National Planning Practice Guidance. In the light of this change in National Planning Policy, the applicants suggest that affordable housing contributions should not now be secured for schemes of 10 dwellings or less. They have highlighted 2 appeal decisions in other Local Authority areas where appeal inspectors have concluded that affordable housing contributions are not justified following the changes to national planning policy.
- 14.6 The changes to national planning policy, which suggest that developments of 10 dwellings or less should not be required to contribute to affordable housing, are of course an important consideration. However, notwithstanding changes to national policy, there is still a requirement to consider the need for affordable housing in the light of local circumstances. The Council's own evidence shows that small sites contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). The loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing because small sites make a major contribution to the district's housing supply. In these circumstances, and with an up to date Local Plan in place, the Local Planning Authority's current position is that, in most situations, meeting local affordable housing needs in line with local planning policies should outweigh a strict adherence to national planning policy. In this particular case, the applicants have not submitted a viability appraisal, and while the 2 recent appeals from other Local Planning Authority areas are noted, the local circumstances that apply in these districts are different to the circumstances that apply within the

New Forest District Council area, and as such, these cases are not directly comparable to this one and should not therefore be seen as setting a precedent. Given the local circumstances that do apply in the case, it is considered that an affordable housing contribution should reasonably be provided and in the absence of a Section 106 legal agreement to secure the requisite contribution, the application can only be refused.

- 14.7 Most of the Habitat Mitigation Contribution that was secured previously would now be met through the Community Infrastructure Levy (CIL). However, the application would still be expected to secure a Mitigation Contribution towards visitor management and monitoring in line with Local Plan policy requirements. The contribution required in this case would be £1,100. The applicants have secured this contribution through the Section 106 legal agreement.
- 14.8 The garages that are proposed are 1.5 metres longer than the previously approved car barns. They are fully enclosed (rather than open sided) and their roof form has been amended to be a fully hipped roof that would be 3.7 metres in height, which would be slightly lower than the ridge height of the previously approved car barns. The slightly larger garages would not adversely affect the design quality of the development.
- 14.9 Because of its greater length, the garage to Unit 2 would have an additional impact on the outlook from a large kitchen window in the south side of the neighbouring dwelling at 5 Carrington Lane. However, it should be noted that a 2 metre wall could be erected on this boundary without planning permission. Because the proposed garage would be set slightly off this boundary, the low roof would slope away from the boundary, and the affected room in 5 Carrington Lane is also lit by other windows, it is not felt the impact on the outlook of 5 Carrington Lane would be unacceptably harmful.
- 14.10 In other respects, the proposal is effectively the same development that was previously approved. The design quality of the dwellings, their impact on the character and appearance of the area, their impact on the amenities of neighbouring properties and impact on highway safety were all considered acceptable under planning permission 14/10909. None of these impacts have changed, and accordingly there is no reason to come to a different conclusion on these matters to the conclusion that was reached before.
- 14.11 As with the previously approved application, the development would have some impact on the setting of the Grade II Listed boundary wall that abuts the site, although it is not felt this impact would be harmful. The application proposes to create a new access adjacent to this Listed wall, and the precise manner in which the Listed Wall is terminated would have needed to be agreed by condition, were the application otherwise acceptable.
- 14.12 Contributions that were previously secured towards public open space and transportation improvements would no longer be required, following the introduction of CIL.
- 14.13 Overall, the proposed development is considered to be consistent with Local Plan policies and objectives that seek to ensure that new

development is well designed and appropriate to its setting. The development would be sympathetic to the character and appearance of the area, and it would also have a sympathetic relationship to neighbouring dwellings. However, the applicant's unwillingness to secure an affordable housing contribution would conflict with the Council's housing objectives and policies. Whilst national planning policy is an important consideration, it is felt the particular affordable housing needs that apply in New Forest district justify securing affordable housing contributions in line with the Council's policies. As such, in the absence of a Section 106 legal agreement to secure such contributions, the application can only be recommended for refusal.

14.14 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£97,350	0	-£97,350
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£1,100	£1,100	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	334.5		334.5	£26,760.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

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 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 as the objections that have been identified are not ones that can be overcome through negotiation, the application cannot be supported.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

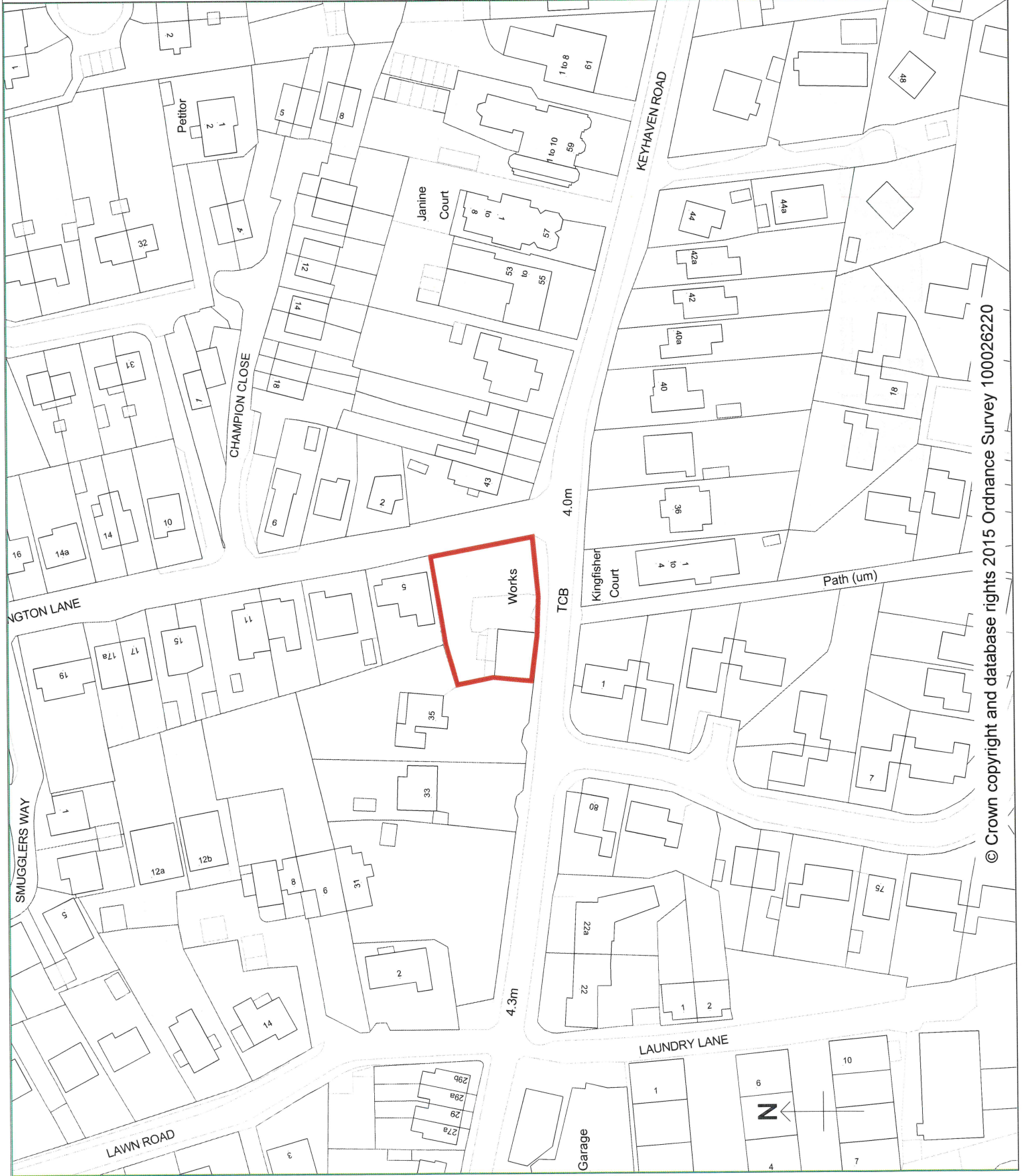
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**Planning Development
Control Committee**
July 2015

Schedule: g
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Keyhaven Road
Milford on Sea
15/10560
SZ2991

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



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