

Application Number: 15/10595 Outline Planning Permission

Site: 9 HURST ROAD, MILFORD-ON-SEA SO41 0PY (NB:
PROPOSED LEGAL AGREEMENT)

Development: 2 pairs of semi-detached houses; access; parking (Outline
application with details only of access & layout)

Applicant: Cottard

Target Date: 19/06/2015

15/10595

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council and Councillor view

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
2. Climate change and environmental sustainability
6. Towns, villages and built environment quality

Policies

CS1: Sustainable development principles

CS2: Design quality

CS7: Open spaces, sport and recreation

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

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

MoS2: Transport schemes

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 15/10008 - (O/L) 2 pairs of semi-detached houses, parking, access, demolition of existing. Refused 12.3.15

6.2 12/98939 - 2 pairs of semi-detached houses, access, parking, demolition of existing. Refused 10.5.12, appeal dismissed.

There is further history for this site although the previous schemes relate to different proposals.

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal and would not accept a delegated approval. 4 units is too many for this site, footprint and mass is too great, concern about open vista and traffic issues due to bend at junction.

8 COUNCILLOR COMMENTS

Cllr Sophie Beeton - recommends refusal. Proposal not in keeping with open aspect of this special area which is a unique open coastal junction affording views over Christchurch Bay and the Needles. Overdevelopment will be detrimental.

9 CONSULTEE COMMENTS

9.1 Drainage - no objection subject to condition

9.2 Southern Gas Networks - offer advice

9.3 Hampshire County Council Highway Engineer - no objection subject to conditions

9.4 Estates and Valuation: the scheme can support the full affordable housing contribution.

10 REPRESENTATIONS RECEIVED

Objections have been received from 13 local residents who have the following concerns:

- previous scheme was unanimously refused and this is little different
- 50 Sea Road has an open aspect and the proposal would impact upon this
- four houses would be claustrophobic on this corner
- traffic congestion
- harm to the character and appearance of the area
- harm to neighbouring amenity
- contrary to policy (including superseded MS-1)
- unattractive proposal to corner
- the application should be refused if officers are to reflect Members' views on the previous virtually identical application
- it is a busy corner for people wanting to cross the road
- loss of privacy

- the changes are barely discernible
- loss of a sea view
- normal expectation in this location would be to have buildings set back
- concern there is no new site notice
- houses do not face Sea Road and are therefore out of keeping with the other side of the road
- the proposal would result in drab shadows along Sea Road in the winter
- impact on drainage and its implications for Sturt Pond

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £3,456 in each of the following six years from the dwellings' completion, and as a result, a total of £20,736 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 £39,096.00.

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 pro active 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.

The initial submission included rear access paths to the middle two plots which was a feature not previously seen and was not considered to be beneficial to the proposal. An amended plan was received removing this feature and confirming that no buildings would be provided to the eastern section of the site thereby enabling a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea in a residential area along the cliff top. It is a corner plot containing a detached two storey chalet style dwelling with garaging and parking. To the north and west are two storey properties with two and a half storey dwellings across Sea Road to the east. The eastern section of the site is quite open, other than existing mature boundary vegetation and a garden shed within the boundary wall.
- 14.2 The proposal entails the demolition of all buildings on site and their replacement with two pairs of semi-detached dwellings. The proposal is in outline form with the siting and means of access to be considered. It follows a previous proposal for a similar scheme which was refused earlier this year. In response to that refusal, the siting of the proposed dwellings has moved further west. The main issues to consider are residential and visual amenity and highway safety.
- 14.3 The previous scheme was not refused on the grounds that it would result in unacceptable harm to residential amenity. The Inspector previously concluded that overlooking would be limited and there would be no additional harm to living conditions. Given the outline form of the application, there are no amenity concerns.
- 14.4 The Highway Authority consider that the proposed access points and under provision of car parking facilities would be appropriate and sustainable for this proposal and does not raise any objections. These comments follow the conclusions drawn by previous Inspectors.
- 14.5 With regard to visual amenity, the main issue relates to the openness at the end of Sea Road, which is an important feature in the area. Previous schemes have caused much concern through having built form too far east on the plot. The building line to the south is considered acceptable. Prior to the last refusal, a full application for a similar scheme was dismissed on appeal (12/98939). In dismissing the appeal, the Inspector stated

'In an attempt to overcome the previous reasons for refusal and following discussions with officers, a notional line was drawn replicating the angle between the front elevations of 48 and 50 Sea Road. The main side elevation of the proposed house on plot 4 would stand along this line and, thus, would be **set back by a reasonable distance from the corner.**' (officer's emphasis).

The design of this end dwelling included a side gable above an overhanging first floor element. The proposed side elevation is in line with this previously proposed overhang - this part of the appeal scheme

was not a reason for the appeal being dismissed and the detailed design of the proposed dwellings is not for consideration at this time.

- 14.6 In response to the concerns raised with regard to the closing up of the openness of the views across the site, it should be pointed out that the distance between properties to the south end of Sea Road are as follows: 48 to 49 - 27m; 50 to Polruan - 27m, plot 4 to 51 - 38m and plot 4 to 55 - 45.6m. This demonstrates a significant increase in space between opposite properties which, given the slight bend in Sea Road, would not materially affect this open vista. Because of the bend in the road, when travelling south along Sea Road, it is unlikely that the proposed development would be visible until you were outside no.47 to the east or the southern end of the frontage to no.48 on the west. The proposal would not significantly impact upon the public amenity of the sea views when walking or driving south along Sea Road. It is accepted that, nearer to the site, the proposal would be more apparent and some sea views would be reduced in a westerly direction although there would still be adequate openness retained between the development and the Needles Eye Cafe to the south side of Hurst Road. Combined with the Inspector's comments with regard to the previously proposed flank elevation, it is considered that there would be limited ground for refusal on this issue, especially given the slight amendments since the last refusal.
- 14.7 The proposal generates contributions towards habitats mitigation (monitoring and maintenance) and affordable housing. These contributions are usually secured through the completion of a suitably worded S.106 Agreement.
- 14.8 However, the applicants are of the opinion that since the Government changed the national planning policy in relation to affordable housing payments (so that schemes of less than 10 dwellings are exempt from this charge), they should not be required to pay this contribution. This matter has been challenged in the courts and until the matter is settled, this Council will continue to seek payment for affordable housing, subject to economic viability considerations in accordance with Policy. Notwithstanding this, a viability assessment was provided with the application, suggesting that there was no scope for any contribution towards affordable housing. This document has been assessed, with the result suggesting that the full affordable housing contribution can be made. The applicants are therefore accepting the contribution and a S.106 Agreement is being drafted to this effect. The proposal is also CIL liable.
- 14.9 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£183,600	£183,600	0
Public Open Space	N/A		
On site provision by area			
Financial Contribution			
Transport Infrastructure	N/A		
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£1,650	£1,650	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	664.5	175.8	488.7	£39,096.00

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

i) the completion, by July 31st 2015 of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure Affordable Housing and Habitats Mitigation (monitoring and maintenance) and

ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by July 31st 2015, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

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.

Conditions to be attached to any consent:

1. Approval of the details of the scale, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
4. Before the occupation of the development, provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.
5. No dwelling shall be occupied 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 Local Planning Authority and the development carried out in accordance with those details. The cycle storage shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.
6. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. Before development commences details of the means of the future maintenance of the proposed drainage assets shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling / building.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. The development permitted shall be carried out in accordance with the following approved plans: Planning Statement, Viability Appraisal, 105, 106C, 11A.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. 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 pro active 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.

The initial submission included rear access paths to the middle two plots which was a feature not previously seen and was not considered to be beneficial to the proposal. An amended plan was received removing this feature and confirming that no buildings would be provided to the eastern section of the site thereby enabling a positive recommendation to be made.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

