

Application Number: 19/10787 Full Planning Permission

Site:	Land rear of FULWOOD, PARK LANE, MILFORD-ON-SEA SO41 OPN
Development:	Two detached houses; associated parking; carport; access and landscaping
Applicant:	Mrs Killeen and Mr Morton on behalf of The Estate of C Westwood
Target Date:	14/08/2019
Extension Date:	14/11/2019
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) principle of the development
- 2) impact on the character of the area
- 3) residential amenity
- 4) trees
- 5) highway safety
- 6) flooding

This matter is being considered by Committee as there is a contrary view to the Parish Council.

2 THE SITE

The site is located within the built up area of Milford and comprises a detached two storey property and detached single garage with timber lean-to, set within mature landscaped grounds, trees at the front of the site being subject to a group Tree Preservation Order. The property is elevated from Park Lane with the profile of the site rising to the west.

Neighbouring premises are adjacent to the site, however a good degree of separation is afforded by virtue of distance and screening afforded by existing landscaping.

3 THE PROPOSED DEVELOPMENT

The application proposes two 3-bedroom two storey dwellings on land to the rear of the property. The new dwellings would be accessed via the existing entrance serving the site, however the driveway would be realigned to lead down the eastern side of the retained dwelling to a parking and turning area to its rear. To accommodate the new access arrangements a number of trees along the site's eastern side are scheduled for removal however the proposal indicates additional landscaping.

4 PLANNING HISTORY

No recent relevant planning history relating to this site.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS5: Safe and healthy communities
CS6: Flood risk
CS10: The spatial strategy
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM5: Contaminated land

The Emerging Local Plan

Policy 1: Achieving Sustainable Development
Policy 10: Mitigating the impacts of development on International Nature Conservation site
Policy 34: Developer Contributions
Policy 35: Development standards

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPG - Milford-on-Sea Village Design Statement

Constraints

Flood Zone
Aerodrome Safeguarding Zone
Historic Land Use

Tree Preservation Order: 102/02/G4

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework

Ch. 5 - Delivering a sufficient supply of homes

Ch.11 - Making effective use of land

Ch.12 - Achieving well-designed places

Ch.14 - Meeting the challenge of climate change, flooding and coastal change

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: Recommend REFUSAL - The Parish Council consider this to be an overdevelopment of the site and are also concerned about the risk of flooding.

After discussion, the committee voted to object to the application and would not accept the Officers decision if contrary to the Parish Council

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.

NFDC Conservation - raise some concerns

Waste Management (NFDC) - waste collection needs to be closer to the road

Environmental Health Contaminated Land, Appletree Court - no concerns

Environment Agency - comments awaited

Ecologist - offers advice and request condition

Hampshire County Council Highways - no objection subject to conditions

ESP Utilities Group Ltd - comment only

Southern Gas Networks - offer advice

Tree Officer - no objection subject to condition

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Objections have been received from 2 local residents on the following issues:

- proposed dwellings are close to the ditch
- sewage problems have occurred in the area
- loss of privacy through tree loss
- overbearing impact in view of built up land
- flooding concerns

Comments have been received from 3 local residents advising of the following:

- requesting maintenance of the ditch

- there are badgers in the area
- the development should take climate change into consideration

11 OFFICER COMMENTS

Introduction

11.1 The application follows pre-application advice earlier this year where the agent was advised a more spacious approach was required for two dwellings and that the scale of the buildings should be reduced. The proposal has evolved from the pre-app scheme and proposes smaller dwellings with lower ridge heights.

Relevant Considerations

Principle

11.2 The site lies within the built up area where new residential development can be acceptable subject to there being no adverse impact on other issues such as those referred to below.

Visual amenity

11.3 Although the Milford on Sea Conservation Area boundary abuts the front boundary of the site, it is not considered that the proposed dwellings would have a significant impact on its setting being at the lower end of less than substantial harm. Whilst several trees are proposed to be removed from the site, the majority, particularly to the front of the site within the group tree preservation order, will remain and provide a verdant setting for the proposal. There would be limited views of the dwellings from the road.

11.4 The design of the dwellings is of a chalet style which compliments the variety of dwellings in the area which includes bungalows, chalets and full two storey houses. The indicative materials suggest dark timber cladding which would offer a modern alternative to the dark tile hanging found on many properties in the area.

Residential amenity

11.5 The rear of the site is surrounded by a variety of dwellings with those either side of a similar orientation to those proposed and that immediately to the rear of the site, a single storey dwelling with no windows facing the site. There are no first floor side windows proposed and the distance between the proposed rear dormers and adjacent property is in excess of 21m. Given the distance between the existing and proposed dwellings it is not considered that the development would result in an unacceptable loss of privacy or overlooking.

11.6 The host dwelling has several first floor rear windows although as the siting of plot 1 is 24m from these, with the proposed dormer bedroom window partially screened by the proposed car port, it is not considered that there would be an unacceptable relationship between the existing and proposed dwelling.

Trees

11.7 The site includes part of an area TPO to the front of the site which covers a group containing 2 Oaks, 2 Ash, 4 Beech, 2 Monterey Cypress, 1 Horse Chestnut and a Willow to the frontage of Fulwood. Some of these fall within the site area. There are several other trees within the site in addition to these although none of them are considered worthy of

additional protection.

- 11.8 Many trees (15) are proposed to be removed in order to facilitate the development and in the majority of cases, there is adequate space to provide alternative screening or retain other vegetation where appropriate. One of the trees proposed to be removed is covered by the TPO although it is stated in the tree report as being heavily reduced with advanced decay and on this basis, there are no objections to its removal. The retention of apple trees to the rear boundary is welcomed as this also provides screening between the new dwellings and the bungalow to the rear.

Highway safety

- 11.9 The proposal would utilise the existing access point into the site, realigning it slightly in order to provide adequate turning for cars and other vehicles as required by the Highway Authority. The proposal includes two parking spaces for each proposed dwelling as well as two visitor parking spaces to the front of the existing dwelling. It is considered that this is an acceptable level of parking provision for the proposal and the access arrangements are satisfactory.
- 11.10 It is noted that the plans indicate the removal of the timber lean-to currently attached to the existing garage and provision of a new area of drive in front of the garage. These changes do not form part of the application site and providing the drive area is constructed in porous materials or any run off is appropriately discharged within the curtilage, permission is not required to implement them.

Flooding

- 11.11 The application is supported with a Flood Risk Assessment, Drainage Strategy and Emergency Flood Plan. The former document has been updated and the latter ones provided following concerns raised by the Environment Agency. A revised plan increasing the slab level to plot 2 has also been provided. This increase in slab should address the outstanding issue raised by the Environment Agency although their revised comments are currently awaited.

Ecology

- 11.12 A revised ecology report has been provided as part of the application documentation following the raising of a concern that the proposal would not accord with policy. The details now provided indicate provision for mammals including bats and swift boxes to each new dwelling in order to address biodiversity issues. The Ecologist has advised that these provisions are welcomed and should be secured through a suitably worded condition.

Housing

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

Habitat Mitigation

11.14 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.

Nitrate neutrality

11.15 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') a draft Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The draft Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

11.16 In accordance with the Council Position Statement agreed on 4 September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

11.17 A Grampian style condition has been agreed with the applicant but at the present time there is no formal Appropriate Assessment which has been agreed. On that basis a permission cannot yet be issued. The recommendation below is therefore one delegated to the Chief Planning Officer to issue a permission once an Appropriate Assessment has been formally agreed and a mechanism is in place to confirm there will be no adverse impact.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal would provide two additional units of accommodation without adversely affecting residential amenity. In terms of the impact of the dwellings on the character and appearance of the area, the proposed chalet properties would mainly be seen from Danestream Close to the rear where there are bungalows, chalets and two-storey houses and on this basis, it is not considered that they would appear out of context.

The proposal would not result in harm to protected trees nor highway safety and approval is therefore recommended.

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 £2448 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 £36,266.68.

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)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	370.65	0	370.65	370.65	£80/sqm	£36,266.68*
Subtotal:	£36,266.68					
Relief:	£0.00					
Total Payable:	£36,266.68					

* 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

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) an Appropriate Assessment being carried out under Section 63 of the Habitat Regulations and confirmation that there will be no adverse impact on matters of nature conservation importance, and
- ii) the imposition of the conditions set out below.

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: Design and Access Statement and Addendum, Planing Policy Statement, Arboricultural Impact Assessment and Tree Protection Scheme, Preliminary Ecological Appraisal (updated September 2019), Emergency Flood Plan, Flood Risk Assessment dated September 2019, Foul and Surface Water Drainage Strategy dated September 2019, LP01A, P1.pB, P1.eB, P2.pB, P2.eB, CP.peA, SE.02B, SL.01B, SE.01B, DBML.01B.

Reason: To ensure satisfactory provision of the development.

3. 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. These details shall include the levels of the driveway. 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).

4. 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.

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.

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. 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.

7. The development hereby permitted shall not be occupied until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

8. The development hereby permitted shall not be occupied until the spaces shown on plan SL.01 rev.B for the parking of motor vehicles have been provided. The spaces shown on plan SL.01 rev.B for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

9. The works hereby approved shall be undertaken in strict accordance with the biodiversity measures stated within the Preliminary Ecological Appraisal dated September 2019 prior to the occupation of the dwellings.

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).

10. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Hearne Arboriculture Arboricultural Impact Assessment, Method Statement (JH/AIA/18/061/2) dated 18 June 2019 and Tree Protection Plan (JH-TPP-17-6-19.1) while in accordance with the recommendations as set out in BS5837:2012.

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

11. 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.

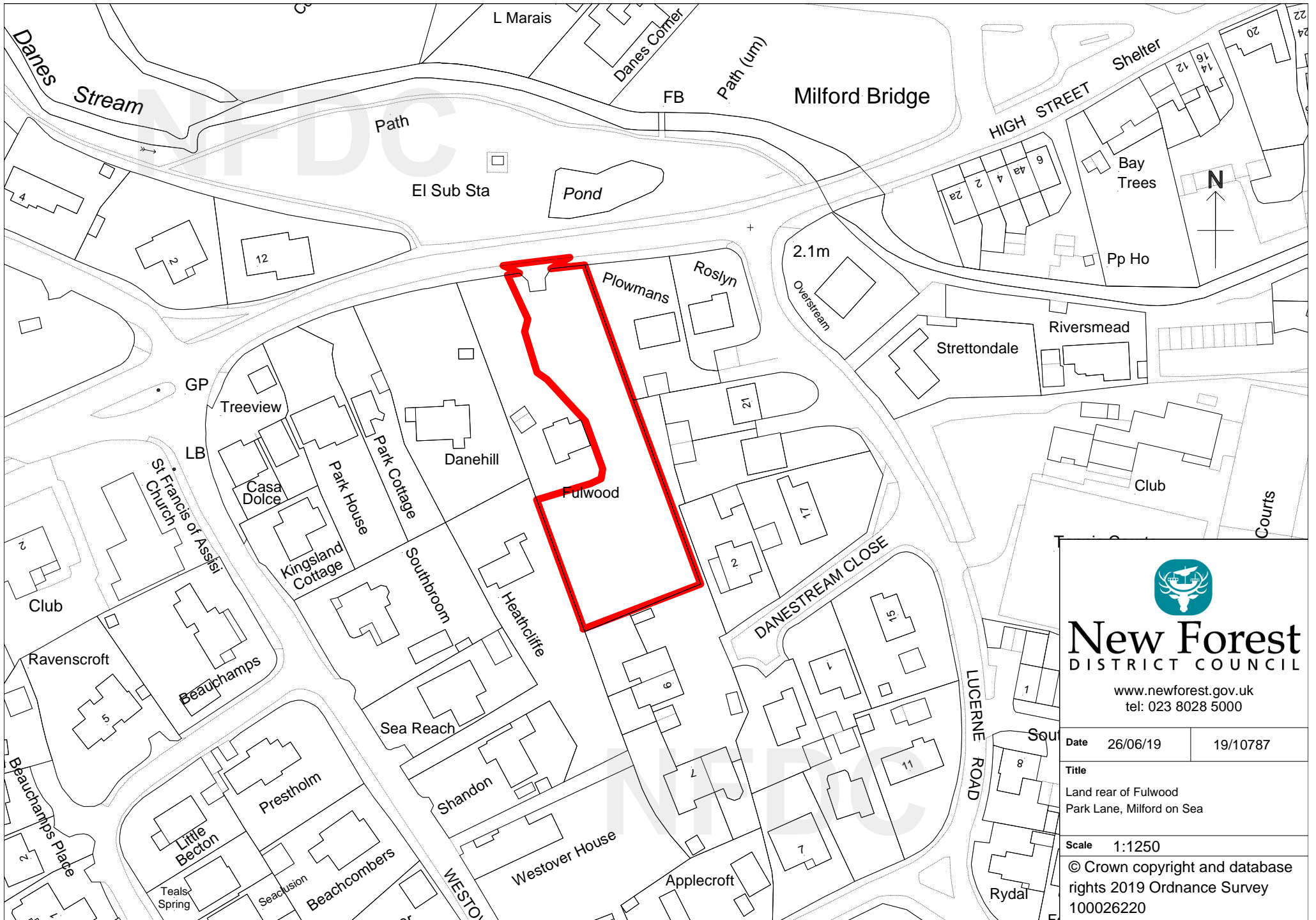
Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National

Park Authority Strategic Flood Risk Assessment for Local
Development Frameworks.

Further Information:

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New Forest
DISTRICT COUNCIL

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