

Application Number: 20/10492 Full Planning Permission

Site: LAND OF VICTORIA COTTAGE, VICTORIA ROAD,
MILFORD-ON-SEA SO41 0NL

Development: Demolish existing dwelling and re-build it as a new build dwelling;
sever plot and new build a new self build dwelling, alter existing
pavement crossing and create enlarged crossing, new hard and soft
landscaping

Applicant: Mr & Mrs Dench

Agent: Visionary Architects Ltd

Target Date: 01/07/2020

Case Officer: Steve Clothier

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) principle of the development
- 2) impact on the character of the area
- 3) impact on the residential amenities of the area
- 4) impact on highway safety and parking

This matter is before Committee due to contrary Parish Council view.

2 SITE DESCRIPTION

The site of Victoria Cottage is within the built up area of Milford on Sea in a mixed residential area comprising detached dwellings and substantial blocks of flats with associated parking courtyards. Work has commenced on the provision of foundations following the approval of front extensions to Victoria Cottage (Ref 19/11089). There is a close boarded fence to the western boundary of the site with the flats known as Hurst Court.

3 PROPOSED DEVELOPMENT

The current proposal is to demolish the existing dwelling and buildings on the site and erect two new two/three storey dwellings with associated changes to the pavement crossing and new hard and soft landscaping. Both dwellings would be of the same design and would contain bedrooms on the ground floor with living accommodation on the first floor, a captains watch/crows nest study is proposed at second floor level with a balcony on the south elevation. Two car parking spaces are proposed on the frontage for each dwelling each with direct access from the road. The site frontage would also incorporate landscape to the boundaries and between the two new properties.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal
20/10483 Two storey side extension to existing house, altered existing and new pavement crossings			Item 3a on this agenda	
20/10171 House; access alterations, new pavement crossing; hard and soft landscaping; light columns to front boundary	13/05/2020	Refused	Decided	
20/10172 Dwelling house; altered existing & new pavement crossings; associated hard & soft landscaping; light columns to front boundary	13/05/2020	Refused	Decided	
19/11357 House; access alterations, new pavement crossing; hard and soft landscaping	12/02/2020	Refused	Appeal Received	
19/11089 Two-storey front extension	25/10/2019	Granted Subject to Conditions	Decided	
19/10757 Dormers; Roof alterations; Single-storey rear extension; outbuilding (Lawful Development Certificate that permission is not required for proposal)	20/08/2019	Was Lawful	Decided	
18/10576 1 terrace of 3 houses; associated parking; demolition of existing (Outline application with details only of access, appearance, layout & scale)	05/07/2018	Refused	Appeal Decided	Appeal Dismissed

5 PLANNING POLICY AND 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

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

The Emerging Local Plan

Policy 1 Achieving sustainable development

Policy 9 Nature conservation, biodiversity and geodiversity

Policy 11 Heritage and conservation

Policy 13 Design quality and local distinctiveness
Policy 34 Developer contributions
Policy 35 Development standards

Supplementary Planning Guidance And Documents

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

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework
Chap 12: Achieving well designed places
Chapt 15: Conserving and enhancing the natural environment.

Constraints

Article 4 Direction
Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend PERMISSION

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Scottish and Southern Electricity Networks - offer advice

Southern Gas Networks - offer advice

Ecologist - recommends refusal as no Preliminary Ecological Appraisal has been submitted, if this shows the site to possess ecological value then an Ecological Impact Assessment may be required.

Highway Engineer - comments awaited

9 REPRESENTATIONS RECEIVED

Nine letters of objection have been received which raise the following concerns (in summary):

- the proposals would be too cramped and overdeveloped and be of an excessive density
- the design of the proposed houses would be out of character with the street scene
- loss of privacy to Osbourne Court and Limestones
- if this scheme were permitted it would set a precedent for other similar forms of development in the road
- insufficient parking
- restricted rear access
- limited planting and storage areas

10 PLANNING ASSESSMENT

Principle of Development

In principle, new residential development can be acceptable within the built up area, subject to there being no material harm on residential amenity, the character of the area or highway safety.

Design, site layout and impact on local character and appearance of area

Planning permission has recently been refused for partial demolition of the existing dwelling on the plot and the erection of a dwelling to the west of the plot while retaining the existing dwelling (refs; 20/10171 and 20/10172). These applications were refused on the grounds that the proposed development would result in a *"cramped and unsympathetic form of development which does not enhance local distinctiveness and would be out of character with the area"*.

The current scheme is a different proposal as it is now for demolition of the existing dwelling and erection to two new properties on the site. The application site is at the end of a row of dwellings on plots of similar width, to the west and south of the site are blocks of flats standing in spacious grounds which are of a very different character to the rest of Victoria Road.

In terms of plot size, the proposed two dwellings would be located on plots of a similar size to each other, however these plots would be notably narrower than others along this side of Victoria Road to the east of the site.

The existing properties to the east on the south side of Victoria Road are generally more modest dwellings with large gaps between them which gives an open feel to the built form along the road and this proposal would conflict with this. The applicant has produced a street scene drawing to support his application, but the officers consider that this highlights how inappropriate this development would be having regard to the surrounding pattern of development.

The proposed dwellings would be two storey units of the same design with accommodation in the roof. The area comprises a variety of styles and forms of development and as a result the detailed design of the dwellings is not considered to be out of context.

Overall, it is considered that the size of the dwellings, their close proximity to one another and their side boundaries would result in a form of development that would be at odds with the prevailing character of this part of Victoria Road. While it is acknowledged that the flats to the west and south are of a different character it is still considered that the proposed dwellings would be incongruous with the character and appearance of the area.

While the current scheme is a different proposal to that previously refused it is considered that the scheme as proposed would have similar impacts and the concern that the two dwellings would not be contextually appropriate in this area which is characterised by much wider plots than that proposed remain.

The applicant has quoted a number of other developments in the village which he considers are similar to this proposal, however, these examples have been considered however the street patterns and specific character of the different parts of the village differ. Where planning permission has been granted it has been because the developments are in keeping with the character of the immediate area where the development is proposed.

Residential amenity

The proposed dwellings would have a relationship with Osbourne Court to the rear (south), Hurst Court to the side (west) and Limestones to the side (east) of the application site.

Limestones is a two-storey dwelling and the proposed house on Plot 1 would project beyond the rear wall of this property. The only side facing window would be a first floor landing window - which could be obscure glazed - and second floor rooflights. The rooflights would be located 1.8 metres above floor level so would not give rise to an unacceptable loss of privacy. Whilst the proposed dwelling is forward of Limestones this relationship would not result in any overshadowing or loss of light to Limestones.

With regard to Osbourne Court the proposed dwellings include Juliet balconies at first floor level and a balcony at second floor level on the southern (rear) elevations. This rear elevation is more than 23m from the side of Osborne Court, to the rear, where there are high level windows to each flat over three floors. It is not considered that the residential amenity of these properties would be harmfully affected by the proposal, in terms of unacceptable overlooking or loss of privacy, given the separation distance of 23m and the fact that the flats are set in communal grounds where a lower level of privacy would normally be expected.

The relationship of the proposed dwelling on Plot 2 to the flats at Hurst Court is such that the new dwelling would be a minimum of 13.5 metres away and positioned at an oblique angle. The balcony at second floor level on this plot would have views across this block of flats however, the windows closest to the application site serve kitchens and bathrooms where the potential for resultant loss of privacy would be more limited such that it would be acceptable.

Highway safety, access and parking

Provision would be made for two car parking spaces for each of the two dwellings on the frontage of each dwelling. While the car parking guidelines suggest that 2.5 spaces should be provided for each dwelling, this level of provision was considered to be appropriate in respect of the previously refused scheme. There is space between the parking for landscaping.

Ecology

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 as the applicant has entered into a Section 106 Agreement to secure the mitigation of that impact in accordance with the Mitigation Strategy..

Nitrate neutrality and impact on Solent SAC and SPAs

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 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 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.

In accordance with the Council Position Statement agreed on 4th 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. A Grampian style condition has been agreed with the applicant and would be attached to the decision if permission were granted.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications took place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Summer 2020 Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

On Site Biodiversity and protected species

The Ecologist initially objected to this application as it was not supported by an ecological report which considers impacts of the proposals on designated sites, habitats and species. An ecology report has now been submitted and any comments on this report will be provided by way of an update.

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorsepace (sq/m)	Rate	Total
Dwelling houses	149.46		149.46	45.1	£80/sqm	£4,634.89 *
Self Build (CIL Exempt)	149.46		149.46	45.1	£80/sqm	£4,634.89 *
Subtotal:	£9,269.78					
Relief:	£4,634.89					
Total Payable:	£4,634.89					

11 CONCLUSION

The proposed development would give rise to a form of development that would be out of character with the surrounding pattern of development by reason of the cramped nature of the development proposed which would not enhance local distinctiveness.

12 OTHER CONSIDERATIONS

Reference has been made by interested parties to the matter of precedence if this proposal were to be permitted, while this is noted each proposal must be considered on its merits having regard to all material considerations.

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.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal is contrary to Policy CS2 of the New Forest District Council Core Strategy and Policy 13 the Local Plan 2016-2036 Part 1: Planning Strategy in that it would represent a cramped and unsympathetic form of development which does not enhance local distinctiveness . The proposals would be out of character with the area by virtue of their uncharacteristically narrow plot widths and the scale of the new dwellings proposed.

Further Information:

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PLANNING COMMITTEE

July 2020

Land of Victoria Cottage
Victoria Road
Milford on Sea SO41 0NL
20/10492

Scale 1:1250

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

