

Application Number: 20/10433 Full Planning Permission

Site: FULWOOD, PARK LANE, MILFORD-ON-SEA SO41 0PN
(PROPOSED LEGAL AGREEMENT)

Development: Construction of two houses with associated parking, access and landscaping (existing house to be retained) Alternative scheme to planning permission ref 19/10787

Applicant: Mrs Killeen and Mr Morton on behalf of The Estate of C
Westwood

Agent: Spruce Town Planning Ltd

Target Date: 22/06/2020

Case Officer: Vivienne Baxter

Extension Date: 14/08/2020

20/10433

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) principle of the development
- 2) impact on the character and appearance of the area
- 3) Impact on residential amenities of the area
- 4) impact on protected trees
- 5) impact on highway safety
- 6) impact on flood risk

This application is to be considered by Committee because of a contrary view expressed by the Parish Council. The application was deferred at the October meeting due to the late receipt of additional information .

2 SITE DESCRIPTION

The site lies within the built up area of Milford on Sea in a residential area and comprises the access to and rear garden of a detached two storey property set within mature landscaped grounds. Trees at the front of the site are subject to a group Tree Preservation Order. The property is elevated from Park Lane with the levels of the site rising to the west.

The site is surrounded by predominantly detached dwellings set in varying sized plots. There is a good degree of separation between existing and proposed development by virtue of the distance between properties and from the screening afforded by existing landscaping. The existing dwelling is situated higher than the road and the land drops significantly to a stream to the east.

3 PROPOSED DEVELOPMENT

Planning permission was granted on this site for 2 detached dwellings in 2019. The proposal is for the erection of two detached 4-bed dwellings and a detached car port on land to the rear of Fulwood. The new dwellings would be accessed via the existing entrance serving the site, however the driveway would be extended and realigned to lead down the eastern side of Fulwood 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 would be removed however the proposal indicates additional landscaping.

The proposed development differs from the approved scheme in the following ways;

- both plots have been moved slightly to the east in order to accommodate a drainage easement to the SW corner of the site
- first floor accommodation is proposed over the ground floor rear projection to each dwelling
- accommodation is proposed over the attached garage to plot 2
- the pedestrian access between the two dwellings would be for plot 2 rather than plot 1

4 PLANNING HISTORY

19/10787 Two detached houses; associated parking; carport; access and landscaping	19/12/2019	Granted Subject to Conditions	Decided
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5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
Policy ENV3: Design quality and local distinctiveness
Policy CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy IMPL1: Developer Contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM5: Contaminated land

Supplementary Planning Guidance And Documents

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

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
Section 197 Trees
Town and Country Planning Act 1990

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Flood Zone
Aerodrome Safeguarding Zone
Historic Land Use

Conservation Area: Milford-on-Sea Conservation Area - front of site only

Tree Preservation Order: 102/02/G4

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal and would not accept a delegated decision.

These plans are a re-working of original plans submitted in 2019. At this time, the Parish Council and the Case Officer both considered the scheme to be "cramped?". The Parish Council also had concerns about flood risk issues, particularly to neighbouring properties in Danestream Close. The scheme was subsequently scaled down and received planning permission.

However, the original concerns still apply to this current application. The Parish Council considers it to be overdevelopment of the plot with increased ridge heights which will impact on neighbouring houses and the character of the area. In addition, flood issues are still a concern ? not to this site per se but the effect it will have on neighbouring properties and the lake that often forms at the end of Lucerne Road in times of wet weather.

The Parish Council requests this application be refused.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land : no concerns

HCC Highways: no objection subject to conditions

NFDC Tree Team: no objection subject to previously agreed condition

Conservation Officer - raises concerns in respect of the impact on the Conservation Area and the scale of the proposed dwellings.

Environment Agency - no objection subject to condition

Southern Gas Networks - offer advice

Scottish and Southern Electricity Networks - offer advice

9 REPRESENTATIONS RECEIVED

Objections have been received from three local residents concerned with the following:

- flooding could be worse as a result of the proposal
- proposal is bulkier than approved scheme
- proposal appears to reflect plans superseded on the previous application
- boundary fence appears excessively high
- loss of light due to increased size of garage
- overdevelopment and cramped form of development
- loss of privacy
- over bearing impact

10 PLANNING ASSESSMENT

Introduction

The application follows the granting of permission for 2 similar dwellings at the end of last year under planning ref 19/10787. The main changes are:

- moving the dwellings further east to accommodate a drainage easement
- the addition of a 4th bedroom to each property
- associated changes to the floor plans at both ground and first floor level.

Externally, the first floor side windows have been deleted although a low cill rooflight is proposed to the side of the rear projections serving bedroom 2.

Principle of Development

There is an extant permission for two similar houses on the site. The site lies within the built up area where new residential development can be acceptable subject to there being no adverse impacts.

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

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.

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.

The slight change to the positioning of the dwellings from the approved scheme would have a limited impact on the character or appearance of the area. The dwellings would have a 1.6m gap between them in addition to the height difference in view of the levels across the site.

Landscape impact and trees

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.

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. This was accepted previously in granting planning permission.

The slight changes to the siting of the dwellings, with the dwellings being moved away from the western boundary would not impact on vegetation or increase tree loss over and above the extant scheme and adequate space would remain for landscaping. However, in view of the slightly reduced space to the east of the site where there is a ditch, additional details, such as a cross section, in respect of how the proposed landscaping will be achieved is required in order to ensure an adequate scheme.

Concern has been expressed in relation to a boundary fence. It is not clear which boundary fence this refers to although it is noted that the drawing indicates a fence between, and therefore at right angles to, plot 2 and the eastern boundary. Given the drainage ditch along this boundary, the fence will have to accommodate the ditch and conditions relating to landscaping and drainage will need to be satisfied prior to commencement or occupation of the dwellings.

Highway safety, access and parking

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. It reflects the approved scheme.

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.

Residential amenity

The rear of the site is surrounded by a variety of dwellings with those either side of a similar orientation to those proposed (Heathcliffe, Lucerne Road and 2, Danstream Close) and that immediately to the rear of the site (4, Danestream Close) being a single storey dwelling with no windows facing the site. The extant permission did not include any side facing windows.

There is now proposed an east facing low cill roof light to plot 2 and a west facing low cill roof light to plot 1, both of which are set back from the boundaries. These roof lights would be 9m from the boundary with 2, Danestream Close which has a first floor side ensuite window facing the site (and a secondary bedroom window in the same elevation but which faces the drive of the bungalow to the rear of the site). Although the distance between the actual windows would be around 17m and at an angle, there is potential for the proposed low cill roof light to look across the rear garden area of the adjacent dwelling and for this reason, it is considered reasonable therefore that a condition is placed on any approval to ensure the lower part of the window is obscured and fixed shut. The roof light to plot 1 would be 8m from the boundary to the west. It is unlikely that it would impact as significantly given it would overlook the drive area of the adjacent dwelling to the west.

The distance between the proposed rear dormers - including the additional one over the garage - and adjacent property is in excess of 21m. However, the additional accommodation over the rear projection include roof lights which would be just 8m from the rear boundary and side garden area to 4, Danestream Close. It is considered appropriate that these roof lights are also obscure glazed and fixed shut in order to maintain privacy to the adjacent dwelling.

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. The host dwelling has several first floor rear windows although as the siting of plot 1 is 24m away 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.

The changes to the plots have resulted in a 6.4m high gable wall 1.8m from the boundary with 2, Danestream Close. The adjacent property has recently had a new garage provided to the side of the dwelling adjacent to the site and landscaping works are underway to the rear garden area although the rear sited garage remains. The approved scheme had a single storey flat roofed structure 2.5m from the boundary. In considering this change, it is noted that the slab level of the proposed garage is higher than the adjacent property although given the siting of the proposed dwelling to the north west of this property, together with the fact that the habitable part of the adjacent dwelling is over 5m from the boundary, it is not considered that the proposal would give rise to unacceptable living conditions given the separation in excess of 7m. Together with the vegetation which will be maintained and supplemented along the mutual boundary, this change would not have a significantly harmful impact.

Ecology

An ecology report has been provided as part of the application documentation. The details indicate provision for mammals including bat and swift boxes to each new dwelling in order to address biodiversity issues. The extant scheme secured these provisions through a suitably worded condition and it is considered appropriate to impose this condition again.

Flood Risk

The application is supported with a Flood Risk Assessment and Emergency Flood Plan in view of concerns raised locally and the proximity of the Danestream. As with the previous scheme, the details included within these documents are adequate subject to an appropriately worded condition relating to slab levels.

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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement or unilateral undertaking to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed to enter into a Section 106 legal agreement, which secures the required habitat mitigation contribution. The document also includes a contribution towards Air Quality Monitoring.

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 is attached to this consent.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement:

- air quality monitoring
- habitat mitigation

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

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	373.96		373.96	373.96	£80/sqm	£38,431.58 *

Subtotal:	£38,431.58
Relief:	£0.00
Total Payable:	£38,431.58

11 CONCLUSION

The proposal is similar to the extant permission and would not give rise to unacceptable impacts as a result of the differences between the two schemes. Permission is therefore recommended subject to conditions and the prior completion of a legal agreement.

12 OTHER CONSIDERATIONS

N/A

13 RECOMMENDATION

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

- i) the completion of a S.106 Agreement or Unilateral Undertaking to secure Habitat Mitigation and Air Quality Monitoring financial contributions, 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: SL.01 rev.E (x2), SE.01 rev.E, P1.e rev.D, P1.p rev.D, P2.e rev.D, P2.p rev.D, CP.pe rev.A, LP.01 rev.A, Preliminary Ecological Appraisal (Sept 2019), Emergency Flood Plan, Flood Risk Assessment (Nov 2019), Design and Access Statement and addendum dated October 2020; Arboricultural Impact Assessment and Tree Protection Scheme JH/AIA/20/063/Rev2.

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 ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park (Planning 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 ENV3 of the Local Plan Part 1 (Planning 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) a cross-section through the eastern boundary and proposed plot 2 to show how the landscaping will accommodate the ditch;
- (d) areas for hard surfacing and the materials to be used;
- (e) other means of enclosure;
- (f) 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 ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park (Planning Strategy).

6. 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.

10. The development hereby permitted shall not be occupied until the spaces shown on plan SL.01 rev.D for the parking of motor vehicles have been provided. The spaces shown on plan SL.01 rev.D for the parking or 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 CCC2 of the Local Plan Part 1 for the New Forest outside of the National Park (Planning Strategy).

11. 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 ENV3 of the Local Plan Part 1 for the New Forest District outside of the National Park (Planning Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

12. 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/18/063/Rev2) dated 8 October 2020 and Tree Protection Plan (JH-TPP-17-6-19.1 rev.4) 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 ENV3 of the Local Plan Part 1 for the New Forest District outside of the National Park (Planning Strategy).

13. 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 the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks and the NPPF.

14. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref 19195, titled "Fulwood, Park Lane, Milford on Sea, Flood Risk Assessment", Revision 3, dated November 2019) and compiled by Godsell Arnold Partnership Ltd) and the following mitigation measures it details:

Finished floor levels shall be set no lower than as detailed below:

- o For Plot 1, the finished floor levels shall be set no lower than 4.6 metres above Ordnance Datum (AOD).
- o For Plot 2, the finished floor levels shall be set no lower than 3.52 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to comply with New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks and the NPPF.

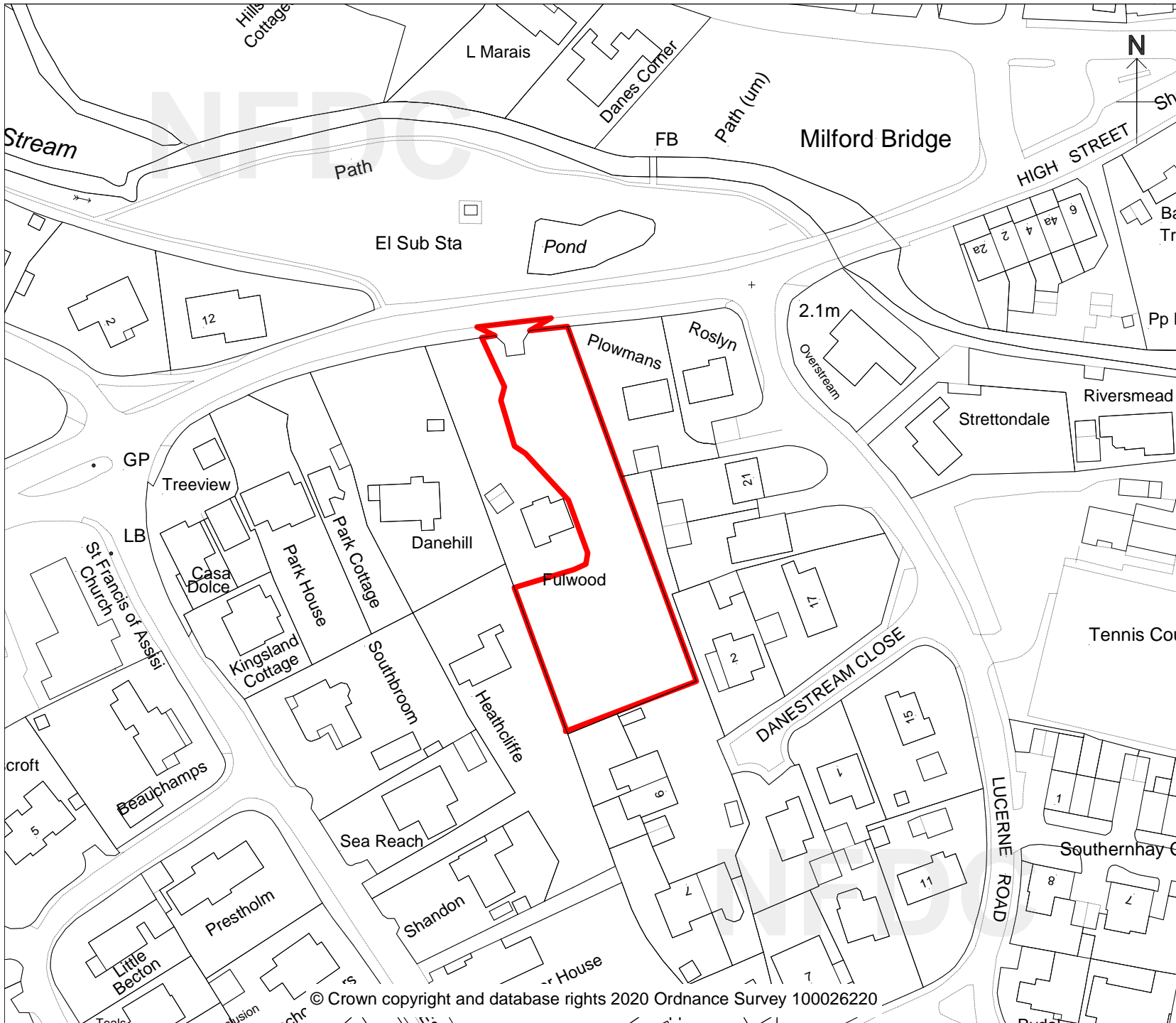
15. The lower part of the first floor window on the east elevation of plot 2 and the roof lights on the rear projection of each dwelling shall all be obscurely glazed and non-opening at all times unless the parts that can be opened are more than 1.7m above the floor.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

Further Information:

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New Forest

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PLANNING COMMITTEE

November 2020

Fulwood, Park Lane
 Milford on Sea
 SO41 0PN
 20/10433

Scale 1:1250

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