

Application Number: 21/10703 Full Planning Permission

Site: Land rear of FULWOOD, PARK LANE, MILFORD-ON-SEA SO41 0PN
Development: Two detached houses; associated parking; carport; access & landscaping
Applicant: Solent Projects New Homes Ltd
Agent: Kee Design
Target Date: 16/07/2021
Case Officer: Vivienne Baxter

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the residential amenities of the area
- 3) Impact on the character and appearance of the area
- 4) Highway matters including parking/turning
- 5) Trees

This application is to be considered by Committee because there is a contrary view from the Parish Council.

2 SITE DESCRIPTION

The site lies within the built up area of Milford on Sea in a residential area. It is part of a larger site which previously accommodated the dwelling known as Fulwood. This property is now in separate ownership. There are several protected trees within the site and adjoining it.

Development is currently under way following the discharge of the relevant conditions on the original planning approval.

3 PROPOSED DEVELOPMENT

The proposal entails the erection of two detached dwellings with either an attached garage (plot 2) or detached car port (plot 1). It follows permission for a similar scheme in December 2019. The differences between the two schemes relate to elevational alterations and the removal of the approved turning head to the north of both the two dwellings and host property, Fulwood.

At ground floor level, the changes relate to additional secondary or WC windows in the side elevations and fenestration alterations to approved openings to kitchens, dining areas and the front door.

At first floor level, the changes involve additional dormer windows in place of approved roof lights, an additional roof light to the front elevation of each dwelling and the provision of gabled roof forms to all dormers. The proposed chimneys also appear slightly shorter than the approved scheme.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|--|---------------|-------------------------------|---------|
| 20/10433 Construction of two houses with associated parking, access and landscaping (existing house to be retained) Alternative scheme to planning permission ref 19/10787 | 11/11/2020 | Refused | Decided |
| 19/10787 Two detached houses; associated parking; carport; access and landscaping | 19/12/2019 | Granted Subject to Conditions | Decided |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy STR1: Achieving Sustainable Development

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPG - Milford-on-Sea Village Design Statement

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 197 Trees

Town and Country Planning Act 1990

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

Constraints

NFSFRA Fluvial

NFSFRA Surface Water

Flood Zone

Article 4 Direction

Aerodrome Safeguarding Zone

Historic Land Use

Conservation Area: Milford-on-Sea Conservation Area

Tree Preservation Order: 102/02/G4

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council

PAR 4: We recommend REFUSAL.

The Parish Council are aware that this application is for additional dormer windows and not for two properties that are already under construction.

A previous application that included these paring gable dormer windows was previously refused in 2019 due to overlooking of neighbouring properties. The applicant has confirmed that the two properties have been sold (subject to contract) so the Parish Council can see no reason why the addition of dormer windows should be included at this stage.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency: No objection subject to condition

Environmental Health Contaminated Land: No concerns

Ecologist: Comment Only

HCC Highways: No objections

NFDC Tree Team: No objection subject to condition

Building Control: Offer advice

Southern Gas Networks: Offer advice

Scottish and Southern Electricity Networks: Offer advice

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 6

- proposed changes are major rather than minor in nature
- turning head should be maintained
- overlooking of Danestream Close and Lucerne Road properties and the host dwelling
- loss of native trees
- no reference to mitigate against climate change
- landscaping doesn't appear to be native
- gabled dormers add to scale of dwellings
- drive surface won't accommodate heavy vehicles

10 PLANNING ASSESSMENT

Principle of Development

The principle of the development has already been accepted following the approval of planning permission at Committee of 19/10787 for two detached houses; associated parking; carport; access and landscaping. The proposed changes to the scheme will be considered under the following headings.

Impact on the residential amenities of the area

Comparing the approved scheme with the proposed scheme, it should be noted that with regard to plot 1 (to the west) the rear elevation included a dormer window and three roof lights serving a bathroom and bedroom. The proposal maintains the dormer window and bathroom roof light and provides a dormer window in place of the two bedroom roof lights. This dormer window would be 11.8m from the rear boundary and 22.8m from the blank side elevation of 4, Danestream Close. It is not considered that this element of the proposal would have a significant impact on the amenities of the occupants of this property.

The changes to the front elevation of plot 1 involve an additional roof light serving the landing and the replacement of an en suite roof light with a dormer window. The roof light would be above head height and the proposed dormer would be in excess of 21m from the rear elevation of Fulwood and a car port would be located between the two. It is not considered that this change would adversely affect the residential amenities of the Fulwood occupants.

Moving to plot 2 (to the east, with the attached garage), the approved first floor fenestration was a bedroom dormer, bathroom roof light and 2 further roof lights for another bedroom. The bathroom roof light is to remain and due to internal alterations, the approved bedroom dormer would serve an en suite, representing an improvement. The bedroom roof lights would be changed to a dormer window which would be 11.8m from the boundary with the parking and turning area for 4, Danestream Close. It is not considered that these changes would materially affect the residential amenities of this property.

To the front of this dwelling, there would be no change to the approved dormer window and an additional roof light to serve the landing would be provided above head height. The approved roof light serving an en suite would be altered to a dormer window and would serve the main bedroom. This dormer would be some 26m from Fulwood and would enjoy views along the access drive to the new properties rather than towards the host dwelling.

The ground floor fenestration alterations would not materially impact upon the residential amenities of adjoining occupiers in view of the boundary treatment.

Concerns have been raised locally that permission was refused for residential amenity reasons when an alternative revised scheme was submitted in 2020. The concern here related to roof lights which were above additional built form over the flat roofed projection and therefore closer to the boundary of the site with 4, Danestream Close. Additional built form over the attached garage to plot 2 also indicated French Windows to the rear. This dwelling was also slightly close to the eastern boundary of the site too.

The proposal is different to the refused scheme in terms of its residential amenity impacts and as highlighted above. The current proposals are not considered to significantly increase harm to the residential amenities of the dwellings to the front or rear of the site and are acceptable in this respect..

Impact on the character and appearance of the area

In design terms, the alterations to the dwellings are in keeping with their overall design. Although plot 1 was approved with flat roofed dormers initially, the increased bulk and mass of the proposed gabled dormers is not significant and would not detract from the character of the area. The change from hipped roof to gabled dormers to plot 2 has less of an impact in terms of the character of the area.

The loss of the approved turning head will allow the front of the site to remain grassed with more space to allow the remaining trees to flourish. This is considered an improvement in terms of its impact on the character of the area.

Highway matters including parking/turning

The application has been supported with plans to indicate that the turning area to the front of the new dwellings is of an adequate size to enable large vehicles to turn in and both enter and leave the site in a forward gear without the need for the turning head. The Highway Authority has considered this revision to the scheme and has raised no objection to the proposal.

This change does not impact on Fulwood which has its own turning facility and is now a separately owned property.

Trees

The proposal has little impact on the agreed works to trees within the site and monitoring of the works implemented so far has occurred. Subject to a condition requiring continued compliance with the Arboricultural Impact Assessment and Method Statement, the Tree Officer is supportive of the proposals.

Habitat Mitigation and off-site recreational impact

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 to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has recently entered into a Section 106 legal agreement under the previous approval for two dwellings at this site and payment has been received. In the event that the current proposals are implemented, a supplementary S.106 will need to ensure these monies are not clawed back.

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 financial contributions will be secured via a Section 106 agreement:

- Habitat Mitigation
- Bird Aware Scheme
- Air Quality Monitoring

The legal agreement will ensure the contributions already paid under application 19/10787 will not be clawed back in the event this revised scheme is implemented.

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 | 385.51 | 0 | 385.51 | 385.51 | £80/sqm | £39,499.95 * |
| Subtotal: | £39,499.95 | | | | | |
| Relief: | £0.00 | | | | | |
| Total Payable: | £39,499.95 | | | | | |

11 CONCLUSION

The proposal involves relatively minor alterations to the approved scheme on site and does not include any additional accommodation. The changes would not adversely affect the character or appearance of the area nor harm highway safety or the residential amenities of those living closest to the development. Planning permission is therefore recommended.

12 OTHER CONSIDERATIONS

Drainage and flooding matters were preciously of concern at this site although subject to the imposition of conditions previously requested by the relevant bodies, these matters can be addressed.

The reference by the Parish Council to the properties being sold is not a relevant planning matter.

13 RECOMMENDATION

That the Executive Head of Planning, Regeneration and Economy be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion of a S.106 Agreement or unilateral undertaking to ensure that the financial contributions paid under application 19/10787 are not clawed back in the event that this permission is implemented, 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
Landscape works: general specification
Arboricultural Impact Assessment and Tree Protection Scheme
JH/AIA/18/061/2
Preliminary Ecological Appraisal
Flood Risk Assessment
FW01 - site location plan
FW02A - site plan one
FW03C - site plan two
FW04 - landscape plan
FW05 - site sections
FW10 - plot 1 elevations
FW17 - plot 2 elevations
FW21 - car port
FW23 - plot 1 floor plans
FW24 - plot 2 floor plans
FW25 - site views
FW26 - block plan
0941 rev.P1 - access driveway, root protection area, construction details

Reason: To ensure satisfactory provision of the development.

3. The materials to be used in the external finish of the buildings shall be as agreed in the Council's decision notice dated 23 June 2021 under 19/10787 unless alternatives are previously agreed in writing. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the buildings in accordance with policy ENV3 of the Local Plan Part 1: Planning Strategy.

4. The slab levels shall be as agreed by the Council's decision notice dated 21 April 2021 under 19/10787.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy ENV3 of the Local Plan Part 1: Planning Strategy.

5. The landscaping of the site shall be as agreed by the Council's decision notice dated 16 June 2021 under 19/10787 unless an alternative scheme is previously approved in writing.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1: Planning Strategy.

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

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;

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

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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.

7. The development hereby permitted shall not be occupied until the spaces shown on plan FW03C - site plan two for the parking of motor vehicles have been provided. The spaces shown on plan FW03C 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 Policies ENV3 and CCC2 of the Local Plan Part 1: Planning Strategy.

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

9. 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 ENV3 of the Local Plan Part 1: Planning Strategy.

10. 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.

11. 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", dated April 2021 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 3.775 metres above Ordnance Datum (AOD).

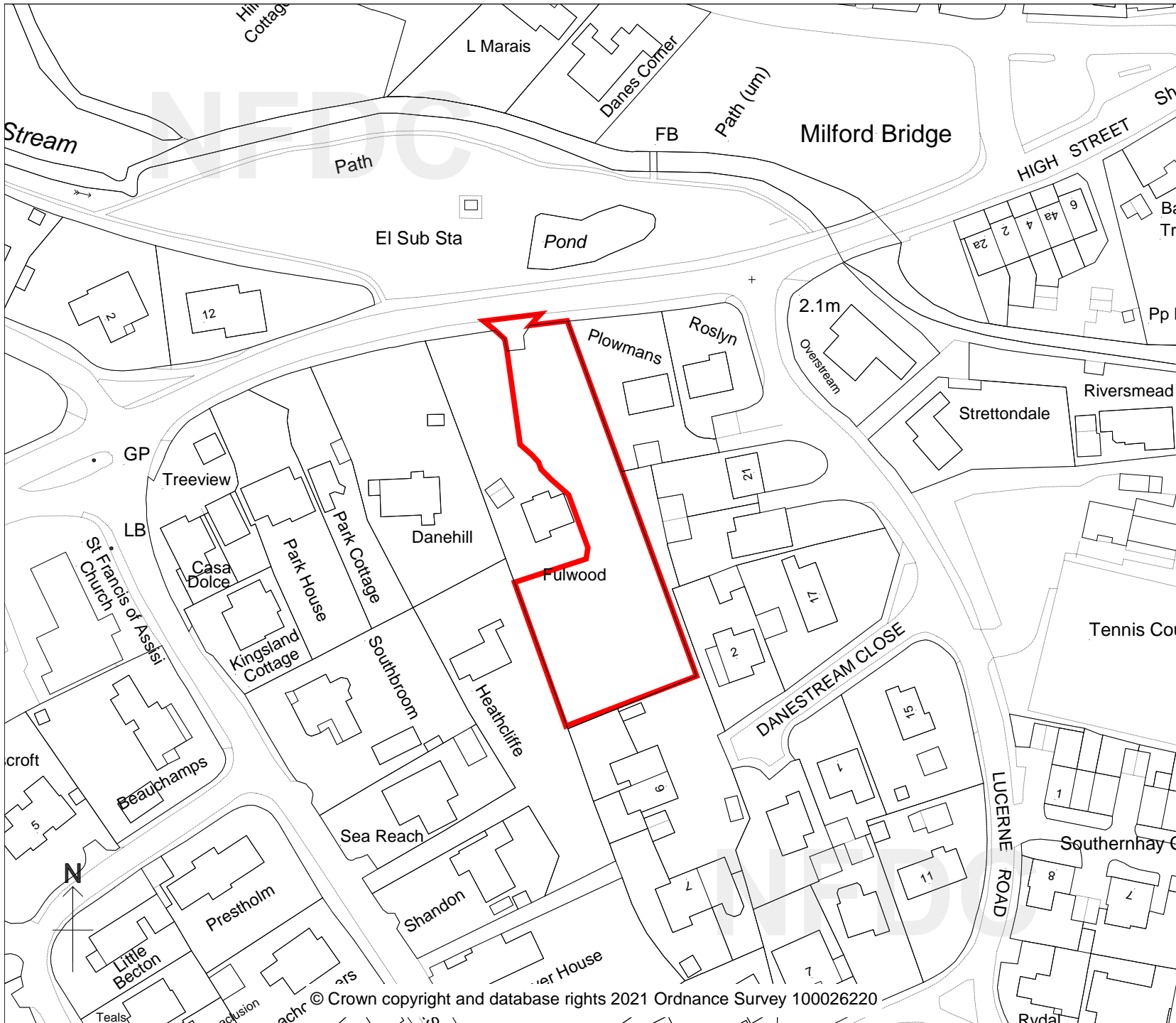
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants and to comply with 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

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PLANNING COMMITTEE

August 2021

Land rear of FULWOOD
 PARK LANE
 MILFORD-ON-SEA SO41 0PN
 21/10703

Scale 1:1250

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