

**Application Number:** 15/11075 Full Planning Permission

**Site:** Land of NORMANDY HOUSE, BARNES LANE,  
MILFORD-ON-SEA SO41 0RQ

**Development:** House; access

**Applicant:** D2 Projects

**Target Date:** 15/09/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Member request and contrary Member view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

DM3: Mitigation of impacts on European nature conservation sites

MoS2: Transport schemes

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes  
NPPF Ch. 7 - Requiring good design

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

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

## **6 RELEVANT PLANNING HISTORY**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

Milford on Sea Parish Council - recommend refusal but would accept a delegated decision. Concerned with disproportionate size of house to plot, its bulk and height.

## **8 COUNCILLOR COMMENTS**

- 8.1 Councillor Mrs Beeton - objects. The proposal would be overbearing to residents in Wayside Close. Due to the gradient of the land and the loss of the hedge would impact on the green aspect of the lane.
- 8.2 Councillor Kendal - requests Committee consideration due to objections received, traffic speeds along the lane and the drop in levels. Careful consideration is required.

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage Engineer - no objection subject to condition
- 9.2 Tree Officer - no objection subject to compliance with tree report
- 9.3 Hampshire County Council Highway Engineer - no objections subject to conditions

## **10 REPRESENTATIONS RECEIVED**

- 10.1 A letter of support from a local resident has been received as they consider the proposal to be sympathetic with the area. The landowners have also put forward their support and reasoning why the application has been submitted.
- 10.2 Comments from one neighbour have been received stating:
- suggestions of parking restrictions in order that accesses are not impossible to use given the width of Barnes Lane,
  - a new fence would be required adjacent to the church access
  - new trees should minimise hazards such as slippery leaves
  - the access is too close to the church access
- 10.3 Objections have been received on behalf of 6 local residents whose concerns are:
- loss of trees and hedgerows (and wildlife corridor)
  - adjoining properties need to be visited to assess the change in levels
  - it is not possible to identify the trees on the plan
  - overbearing impact on 1, Wayside Close, no cross section to demonstrate this point

- loss of privacy
- not justified on the grounds of housing need
- drainage implications for properties lower than the site
- loss of macrocarpa would be detrimental to the amenity of the area
- principle of such a large house close to the existing would detract from the character of the area
- doesn't take busy recreation ground into account
- the dwelling is too high
- chimney is not necessary
- block plan is incorrect

10.4 2 further comments have been received in response to the submission of amended plans raising concerns about height and overbearing impact, overlooking, levels, landscaping being adequate, loss of trees and hedges and highway safety.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwelling's completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £21,242.40.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply, however, clarification was sought on the proposed second floor window which was confirmed as lighting the attic. The agent has also provided additional information to show that the dwelling would be set into the ground and would not significantly impact on the property to the rear. In demonstrating this, the roof form was reduced in size and rear chimney deleted.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea just outside the Milford on Sea Conservation Area. It forms part of the garden of Normandy House, a two storey detached villa style residence set in its own grounds. There is a row of chalet style properties to the rear (west) of the site and the recreation ground opposite. The Methodist Church is immediately adjacent to the south. There is a mature hedge along the road frontage and protected trees within the wider plot which is a mature garden with planted beds, a shed and greenhouse.
- 14.2 The proposal entails the construction of a detached dwelling comprising study/playroom, hall, living room, utility room, large open plan kitchen/family room and attached garage at ground floor level with four bedrooms, three en-suites a dressing room and laundry room at first floor level. A new access leading to a turning head would be provided towards the south of the site. The plans have been awarded since the application was originally submitted which reduced the height of the proposed dwelling.
- 14.3 In principle, the plot is a good size and a 20m rear garden for Normandy House would be retained. Barnes Lane has quite a rural feel due to the mature boundary hedging along much of its length. Amongst the greenery are large detached properties and that proposed would be considered appropriate in this respect. Due to the staggered front elevation, much of the house would be tucked behind the church when viewed from the south. From the north, existing vegetation which would remain in the garden of Normandy House would screen the dwelling from wider views. In terms of the design of the proposed dwelling, the area contains a variety of dwellings and the proposal would add to this variety.
- 14.4 With regard to residential amenity, the proposed dwelling would have a limited impact on the existing property due to the limited window openings. In addition to this, the retained garden would still have significant trees which would help to screen the proposed dwelling. Concern has been expressed with regard to the relationship of the proposed dwelling with 1, Wayside Close to the west. This property has a large, east facing dormer with two bathroom (obscure glazed) windows at first floor level with the main living accommodation windows below. There is also a conservatory to the rear of this property, although it is unclear how many rear windows this covers. However, it is also noted

that the main living room of this property has a large south facing window in the side elevation as well as a west facing window to the front.

- 14.5 While the site is relatively level, Wayside Close is at a slightly lower level with the front gardens having a small retaining wall along the pavement and the rear gardens at a slightly higher level than the dwellings. It is accepted that the proposed dwelling would be visible from the rear of this dwelling but given the distance between the proposed rear projection from the rear elevation (not including the conservatory) and the existing property in Wayside Close (19.5m), the proposal is unlikely to give rise to any significant loss of light. The main bulk of the proposed dwelling would be 25m from the rear elevation of 1, Wayside Close. Within the rear elevation of the proposed dwelling, there would be a single bedroom window which would face the boundary between no.1 and The Glade. Given the distance and obscure glazing to the rear of Wayside Close properties, the proposal is unlikely to adversely affect privacy. There is a close boarded fence along the western boundary to the site with an existing shed and green house adjacent, between trees. While one of the trees would remain, the fir and outbuildings would be removed, opening up the outlook for Wayside Close a little. It is accepted that the proposed dwelling is a taller property than the chalets to the west, but given the relative distances involved, it is not considered to result in an overbearing effect on their occupants and this is shown in the cross section through the site.
- 14.6 Although the proposal involves the loss of several small ornamental trees, the larger specimens protected under TPO 135/02 are all retained and, subject to compliance with the submitted tree report and appropriate protection measures, the tree officer is satisfied that the proposal would not harm important trees. The loss of the large, prominent Leyland Cypress and Monterey Cypress would have more impact, however, these are in poor condition and could be removed regardless of any development proposals.
- 14.7 In order to provide a new access to the property, it is proposed to replant a hedge set back slightly along the necessary visibility splay. Although this would temporarily result in a loss of vegetation along this part of Barnes Lane, there would be vegetation along the access drive to the church would remain, as well as that to the side of the retained garden for Normandy House. The proposed visibility splays are slightly longer than those required as a result of the submitted speed survey and the Highway Authority has not raised any objections to them or the proposed level of parking and turning space.
- 14.8 The proposal generates a requirement for contributions to be made towards the provision of affordable housing and habitats mitigation. A S.106 Agreement to secure the affordable housing has now been completed and, if permission is granted for the scheme, a further S.106 would be required in order to secure the habitats mitigation should the CIL liability reduce to an amount less than the habitat mitigation mandatory amount.
- 14.9 To conclude, while it is accepted that the proposal would have an impact on the visual amenities of the area, the proposed replacement hedge would mature in time to provide a good setting for the proposed dwelling which would be appropriate to the spatial characteristics of the area.. In view of the proposed dwelling's distance from the rear boundary and

neighbouring properties, its impact would be insufficient to warrant refusal. The proposal would provide an additional dwelling within the confines of the village without harming the visual or residential amenities of the area.

- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Developers' Contributions Summary Table

|                             |                                |                                     |                   |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| <b>Proposal:</b>            |                                |                                     |                   |
| <b>Type of Contribution</b> | <b>NFDC Policy Requirement</b> | <b>Developer Proposed Provision</b> | <b>Difference</b> |
| <b>Affordable Housing</b>   |                                |                                     |                   |
| No. of Affordable dwellings |                                |                                     |                   |
| Financial Contribution      | £48,675                        | £48,675                             | 0                 |

### CIL Contribution Summary Table

| Description of Class | GIA New | GIA Existing | GIA Net Increase | CIL Liability |
|----------------------|---------|--------------|------------------|---------------|
| Dwelling houses      | 265.53  | 0            | 265.53           | £21,242.40    |

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### 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: 06E, 07D, 400, 103, 105, Arboricultural Impact Appraisal and Method Statement, Speed Survey, Design and Access Statement.

Reason: To ensure satisfactory provision of the development.

3. 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.

4. 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 prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Consultancy Arboricultural Impact Appraisal and Method Statement ref 15094-AIA-PB and Plan Ref:15094 BT2 dated 8 May 2015 shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with CS2 of the New Forest District Council Core Strategy.

6. Visibility splays of 2.4 metres by 50 metres shall be provided at the junction of the proposed access with the public highway before development commences and this visibility splay shall thereafter be kept free of any obstacles over 600mm in height at all times.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

7. The development hereby permitted shall not be occupied until the spaces shown on plan 06E for the parking and garaging of motor vehicles and cycles have been provided. The spaces shown on plan 06E for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles 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).

8. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason In the interest of highway safety and in accordance with CS2 of the New Forest District Council Core Strategy.

9. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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

10. 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. 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).

11. 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.

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply. Clarification was sought on the proposed second floor window which was confirmed as lighting the attic.

2. In discharging condition No. 11 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
December 2015**

**Item No: 3c**

Land of Normandy House  
Barnes Lane  
Milford on Sea  
15/11075  
SZ2892

Scale 1:1250

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

