

**Application Number:** 16/10753 Full Planning Permission

**Site:** 1 KNOWLAND DRIVE, MILFORD-ON-SEA SO41 0RH

**Development:** 2 detached houses; demolition of existing

**Applicant:** Mr & Mrs Wills

**Target Date:** 02/08/2016

**Extension Date:** 12/08/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 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

- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

- 6.1 House (demolition of existing); outbuilding (14/10721) - refused 30/7/14
- 6.2 2 detached houses (demolition of existing) (15/10664) - refused 14/7/15 - appeal dismissed 26/1/16

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

Milford-on-Sea Parish Council:- recommend refusal but would accept a delegated decision - concerned about the bulk and mass of the proposed houses. The scale is too large, particularly the horizontal line of the first floor, and will impact negatively on the streetscene.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions on parking
- 9.2 Land Drainage:- No objection subject to conditions
- 9.3 Southern Gas:- Advise of site's proximity to gas main

## **10 REPRESENTATIONS RECEIVED**

- 10.1 2 letters of objection from local residents:- overdevelopment of plot; adverse impact on character and appearance of area; unsympathetic design that does not address findings in recent appeal decision
- 10.2 15 letters of support from residents (mainly) of Milford:- Feel the existing property is rundown and unattractive and feel the proposal would improve the character of the area, providing much needed family housing.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 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 £16,977.11.

Tables setting out all contributions are at the end of this report.

## 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, despite the refusal of a previous application and the dismissal of a subsequent appeal, no pre-application advice was sought from the Local Planning Authority, and given the concerns that have been identified (as set out in the assessment report below) it is not felt possible to recommend this application for permission.

## 14 ASSESSMENT

- 14.1 The application site is a detached chalet bungalow that is set within a generous sized garden plot. Along the site's front boundary is a low wall with a hedge behind. The wider area is characterised by detached buildings set within generous sized garden plots. Most nearby properties are either single-storey bungalows or chalet bungalows, although there are some taller 2-storey dwellings within the adjacent cul-de-sac section of Knowland Drive. Dwellings in the local area are mainly constructed of brick and tile. The area has an attractively spacious character.
- 14.2 An application for a single replacement dwelling was refused at this site in 2014 on account of the dwelling's excessive scale and massing and its inappropriate design. More recently, an application to demolish the existing dwelling and replace it with 2 detached houses was refused by the Local Planning Authority due to the development's adverse impact

on the character and appearance of the area. A subsequent appeal was dismissed. The appeal inspector felt the proposed dwellings would be "starkly different in appearance to the uniform pattern of bungalows / chalet bungalows, with their simple, low roof profiles that make up the main run through Knowland Drive". He felt that the roof profiles of the proposed dwellings would have a bulky and dominating appearance, and he concluded that the dwellings would be "overtly and incongruously two-storey in scale and thereby not in keeping with the area". The inspector also felt that the proposed hard-standings and wide access points would augment the incongruous appearance of the development. He concluded that the development would be materially harmful to the character and appearance of the local area.

- 14.3 Like the application dismissed on appeal earlier this year, this application seeks to demolish the existing property and replace it with 2 detached houses. The houses would be 2 storeys high, albeit that the first floor accommodation would be set partly into the roof of the proposed dwellings. The application proposes a new access onto Knowland Drive and new areas of hardstanding.
- 14.4 The dwellings now proposed are lower than those which were dismissed on appeal earlier this year, but not significantly so. The dwellings proposed previously were 7.2 metres in height, whereas those now proposed would be 6.8 metre high, which would still be materially higher than the 5 metre ridge heights that the previous appeal inspector identified as being typical of the local streetscene. The dwellings now proposed would have a more obvious subordinate element than the previously refused dwellings, but even these subordinate elements would be quite tall when viewed from the road (6.5 metres high), with the dormer windows to the front serving to emphasise the dwelling's rather incongruous 2-storey scale. It is felt that the changes to the design of the 2 dwellings has not gone far enough to secure a development that would be contextually appropriate. The dwellings would still be of an excessive scale in this location, the partly elevated eaves being uncharacteristic and the large and relatively deep roofs appearing too dominant in the streetscene.
- 14.5 The application plans show the profile of an unbuilt building at 3 Knowland Drive granted planning permission in 2009. This permission (granted under a different policy context) was never implemented and has lapsed. It can carry no weight in determining what would now be acceptable on the application site. As a lapsed permission, it should not be shown on the plans.
- 14.6 The access points would be narrower than before resulting in less hardstanding to the fronts of the dwellings than was the case with the previous proposal. On balance, with appropriate landscaping, the access and parking arrangements would now be visually acceptable.
- 14.7 Many of the local people who have written in support of the application have suggested that the existing dwelling detracts from the character of the area. This is not accepted. While the dwelling, like many dwellings of its age, may need some maintenance work, it is typical of this part of Knowland Drive. The character and condition of the existing dwelling in no way justifies development of the scale and design proposed.

- 14.8 The dwellings proposed would not have any first floor side windows facing neighbouring dwellings, while first floor rear windows would be set an acceptable distance away from the neighbouring properties to the rear. As such, the development would not have any material impact on the privacy of neighbouring dwellings. The development would have limited impact on the light and outlook of neighbouring dwellings. Overall, it is considered that the development would not be harmful to the amenities of neighbouring dwellings.
- 14.9 The Highway Authority have confirmed that the proposed access and parking arrangements would be acceptable from a highway safety perspective.
- 14.10 On 19<sup>th</sup> May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13<sup>th</sup> May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:
- “Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm;*
- In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...;*
- Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house”*
- This national guidance is at odds with Policy CS15 of the Council’s Core Strategy which requires many small scale housing developments including the current application proposals to make affordable housing provision.
- 14.11 The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail in the determination of a planning application. However, the Secretary of State, through his Inspectors, can be anticipated to give greater weight to the Government’s national guidance unless there are reasons to make an exception.
- 14.12 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. Therefore, it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.

- 14.13 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission were to be granted for the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.14 Overall, the proposed development is considered to be inconsistent with Local Plan policies and objectives. It is not considered the development has satisfactorily addressed the key objections to the previously refused scheme. The dwellings would not be of a contextually appropriate design. They would not be a positive response to local distinctiveness, and would detract from the character and appearance of the area. As such, the application is recommended for refusal.
- 14.15 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## Section 106 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			
<b>Habitats Mitigation</b>			
Financial Contribution			

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Rate Floorspace (sq/m)	Total
Dwelling houses	402.6	199	203.6	£80/sqm	£16,977.11 *
Subtotal:	£16,977.11				
Relief:	£0.00				
Total Payable:	£16,977.11				

*\*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:*

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. As a result of their excessive scale and height and their rather bulky roof forms, the proposed dwellings would be unsympathetic and inappropriate to their context, appearing unduly dominant and intrusive in the streetscene, and materially out of keeping with the more low-key scale and relatively harmonious character of other adjacent development, to the detriment of local distinctiveness and the character and appearance of the area. As such, the proposal would be a poor design that would contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

#### **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 despite the refusal of a previous application and the dismissal of a subsequent appeal, no pre-application advice was sought from the Local Planning Authority, and given the concerns that have been identified it was not felt possible to recommend this application for permission.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee  
August 2016**

**Item No: 3w**

**1  
Knowland Drive  
Milford on Sea  
16/10753  
SZ2892**

**Scale 1:1250**

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

