

Application Number: 16/10919 Full Planning Permission

Site: THE COACH HOUSE, 67 KEYHAVEN ROAD,
MILFORD-ON-SEA SO41 0QX

Development: One three-storey block of 8 flats; parking; landscaping; cycle rack;
acoustic fencing; demolition of existing

Applicant: Stoneriver Projects Ltd

Target Date: 16/09/2016

Extension Date: 16/09/16

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
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS15: Affordable housing contribution requirements from developments
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

One three storey block of 5 flats; 2 two-storey dwellings; 1 bungalow; parking; landscaping; demolition of existing (15/11485) - refused 22/12/15

7 PARISH / TOWN COUNCIL COMMENTS

Milford-on-Sea Parish Council:- Recommend refusal - has concerns regarding scale and bulk of flats; feels the design is not in keeping with the character of the village and would be too dominant; concerns about noise from the parking area; concerns about overlooking of neighbouring properties; concerns about highway safety issues.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions on parking, turning and closure of access

9.2 Ecologist:- No objection subject to condition

9.3 Land Drainage:- No objection subject to conditions

9.4 Southern Gas Networks:- Advise of site's proximity to gas main

10 REPRESENTATIONS RECEIVED

1 letter of support from neighbour - site should be brought back into use as soon as practicable

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 £9216 in each of the following six years from the dwellings' completion, and as a result, a total of £55296 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 £23,321.01.

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, in spite of a recent proposal at this site being refused, there were no pre-application discussions on the current application proposals. The applicant's agent has been given feedback on the current application proposals during the course of the consideration of the application, but unfortunately, it is not felt possible to negotiate on this application to secure an acceptable solution within an appropriate timeframe.

14 ASSESSMENT

14.1 67 Keyhaven Road is a vacant 2.5 storey building that was formerly in use as a 13 bedroom care home. The building is set back from the road behind a largely graveled frontage. The property has a generous sized rear garden area that stretches back to a rear boundary with 13-21 Eastern Way, which are semi-detached bungalows that occupy relatively small garden plots. Within the site, close to the site's rear boundary is a detached 1.5 storey outbuilding that is not in a particularly good state of repair. The site is bounded on its western side by a 2-storey building containing 2 flats (63 and 65 Keyhaven Road). On its eastern side the site is bounded by a 2-storey dwelling at 69 Keyhaven Road, and further back by the rear garden of a bungalow at 24 Eastern Way. The wider area is predominantly residential in character.

- 14.2 In December 2015, the Local Planning Authority refused planning permission for a redevelopment of the site with 8 dwellings, comprised of 5 flats within a new 2.5 to 3 storey frontage building, and 2 chalet bungalows and a single-storey bungalow to the rear. The application was deemed to be detrimental to the character and appearance of the area due to its poor design, uncharacteristic layout and cramped appearance. The development was also deemed to be detrimental to the amenities of a number of neighbouring properties in Eastern Way. The development was also deemed unacceptable due to a failure to secure contributions to affordable housing.
- 14.3 The application that has now been submitted also seeks to redevelop the site with 8 dwellings. However, the design would be very different to the previously refused scheme, the 8 units being contained within a single block of flats that would be 3-storeys high, but with some lower elements to the rear. The application proposes a new access drive and areas for the parking of vehicles, which would include the provision of an open pergola structure on the site's rear boundary with properties in Eastern Way.
- 14.4 Given the scale of the existing building that would be demolished and the size of the plot, the site is one that has the capacity to accommodate a new flatted building of a reasonable size. However, the building that is proposed is considered to have too great a scale and massing in this particular context. The proposed building, which would be higher than the existing building (both to the eaves and to the ridge), would be of an overtly 3-storey scale. The 3-storey elements of the building would have a significant and uncharacteristic depth, and while there would be some articulation to the building, it is not felt this articulation would be effective in disguising the building's significant mass that would appear particularly incongruous alongside the 2-storey domestic scale buildings on either side. Although there is a group of taller flatted buildings between 55 and 61 Keyhaven Road, the application site is separated from these and is surrounded by buildings of a much more modest scale. Within this particular setting, it is felt a building of the scale and depth proposed would be visually discordant and too dominant, and thereby detrimental to the character and appearance of the area. It is felt the building's poor design in this context would be compounded by the rather weak and uninviting main entrances to the building, that would be recessed between high walls.
- 14.5 A further design concern arises from the extensive areas of new hardstanding that are proposed to service the development. The proposed new access drive would extend back for the full depth of the site and would lead to an extensive parking and turning area that would extend across almost the full width of the rear part of the site leaving some fairly awkward areas of 'leftover' land for landscaping. Although a green amenity area would be provided to the rear of the building, it is felt that the significant erosion of the site's existing rear green setting would be visually harmful. To the front of the site, an area of greenery would be provided, although the site's frontage would be materially weakened by the uncharacteristically wide bellmouth access onto Keyhaven Road, which would serve to emphasise the development's unduly dominant character.

- 14.6 The proposed development would not have a sympathetic relationship with a number of neighbouring dwellings. It is considered the development's relationship to 69 Keyhaven Road would be particularly poor. The application includes 2 first floor bedroom windows that would overlook the rear garden of 69 Keyhaven Road at a distance of 6.5 metres. These windows, which could not reasonably be required to be glazed with obscure glass, would overlook the private amenity space of 69 Keyhaven Road to a degree that would be unacceptable. First floor windows would also overlook 63-65 Keyhaven Road (2 flats), although in this instance the windows would either face less private areas of garden to the front of the building or the side of the building on which there are only obscure glazed windows. However, there is also a front door to the first floor flat on the side elevation of the building and it is felt the positioning of a 3-storey gable feature so close to this front entrance would be visually imposing to an unacceptable degree.
- 14.7 There are also concerns about the proximity of the parking area to the rear of properties in Eastern Way. A number of car parking spaces would be set just 6-7 metres away from the main rear outlook of these adjacent dwellings. It is felt that the use of this parking area would result in a level of disturbance that would detract materially from the amenities of the occupants of 13-19 Eastern Way. The applicants are proposing the use of acoustic fencing to minimise the impact of noise from the car parking areas. However, there is no precise specification for the type of fencing that would be used and the effectiveness of any acoustic fencing is therefore unclear. Without a clearer specification, it is felt that it must be concluded that the development's impact on the amenities of adjacent dwellings in Eastern Way would be unacceptably harmful.
- 14.8 The application is accompanied by an ecological report, which has been considered by the Council's ecologist. The ecology report proposes appropriate mitigation measures, and subject to adherence to the measures in this report, the development is one that would have an acceptable impact on ecological and biodiversity interests.
- 14.9 The proposed development would provide 13 on-site car parking spaces. Because none of the spaces would be within the curtilage of an individual dwelling, the Highway Authority have assumed that all of the spaces would be classified as shared / communal spaces. On this basis, the level of on-site parking would accord with the Council's standards and would be acceptable from a highway safety perspective. The Highway Authority have confirmed that the proposed access arrangements would also be acceptable from a highway safety perspective.
- 14.10 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. In this case, the full habitat mitigation contribution that would apply

(assuming no CIL is payable) would be £25,600.

- 14.11 On 19th 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 13th 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. In this case, the contribution required under Core Strategy Policy CS15 would be 4 on-site affordable dwellings.

- 14.12 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.
- 14.13 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.
- 14.14 Overall, the proposed development would not be consistent with the Council's Core Strategy policies and objectives. The development would have a poor design and be an overdevelopment of the site that would be detrimental to local distinctiveness, and harmful to the character and appearance of the area. The development would also be detrimental to the amenities of neighbouring dwellings. 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

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	4	0	-4
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£25,600		

CIL Requirements

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	742.68	463	279.68	279.68	£80/sqm	£23,321.01 *

Subtotal:	£23,321.01
Relief:	£0.00
Total Payable:	£23,321.01

* 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:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would be an overdevelopment of the site and a poor design that would be inappropriate to its context and detrimental to the character and appearance of the area. In particular:-
 - a) the proposed building would be of an excessive scale and mass that would be too dominant within this particular setting, taking into account the building's height and its significant and uncharacteristic depth, which would appear visually incongruous alongside buildings of a more modest domestic scale;
 - b) the main entrances to the building would be unduly weak due to their recessed positions with relatively high walls to either side of the recesses;
 - c) the development as a whole would incorporate significant areas of hardstanding, including an uncharacteristically wide entrance onto Keyhaven Road and an extensive and somewhat awkward area for parking and turning at the rear of the site which would result in a harmful erosion of the existing green rear garden character.

As such, the development would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

2. The proposed development would be detrimental to the amenities of the occupants of neighbouring properties. Specifically:-
 - a) the proposed development would incorporate first floor windows that would result in undue overlooking of the private rear garden of the neighbouring dwelling at 69 Keyhaven Road to the detriment of the privacy of the occupants of this property;
 - b) the proposed development would appear unduly dominant from the neighbouring properties at 63-65 Keyhaven Road, particularly having regard to the size of the building and the proximity of the rear gable feature on the west facing side elevation to the front entrance of the adjacent first floor flat;
 - c) the parking and turning areas on the rear boundary of the site would be likely to generate levels of noise and disturbance that would materially detract from the amenities of the adjacent dwellings at 13-19 Eastern Way.

As such, the development would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

Notes for inclusion on certificate:

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In this case, in spite of a recent proposal at this site being refused, there

were no pre-application discussions on the current application proposals. The applicant's agent was given feedback on the current application proposals during the course of the application, but unfortunately, it was not felt possible to negotiate on this application to secure an acceptable solution within an appropriate timeframe.

Further Information:

Major Team

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DISTRICT COUNCIL

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**Planning Development
Control Committee
September 2016**

Item No: 3e

The Coach House
67 Keyhaven Road
Milford on Sea
16/10919
SZ2991

Scale 1:1250

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

