

Application Number: 16/11022 Full Planning Permission

Site: 25 SEA ROAD, MILFORD-ON-SEA SO41 0PH

Development: 1 detached house; 1 detached chalet bungalow; detached single garage; associated parking; landscaping; decking; demolition of existing

Applicant: AA Jupe Developments Ltd

Target Date: 22/09/2016

Extension Date: 12/10/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy CS15 (Affordable housing contribution requirements from developments)

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
6. Towns, villages and built environment quality

Policies

CS1: Sustainable development principles
CS2: Design quality
CS15: Affordable housing contribution requirements from developments
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

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
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal and would not accept a delegated decision. Bulk and massing, overbearing roof of house which is dominant and detrimental to the street scene. Concern about building line.

8 COUNCILLOR COMMENTS

Cllr Kendal - objects to the massing of the house, roof line too high and out of context, chimneys aggravate this. Permission will be required for the new access.

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

9.2 Environmental Health (Contaminated Land) - no concerns

9.3 Hampshire County Council Highway Engineer - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

10.1 Objections have been received from 6 local residents concerned with the following:

- massing of the house too great
- roof too high
- chimneys inappropriate
- properties appear to be in front of the building line
- no access to chalet bungalow
- sad at the loss of a Ravenscroft house
- properties need to be set back to accord with 1924 conveyance
- blue edged land is not owned by the applicant
- plot boundaries are incorrect
- turning is tight if all spaces are used
- proposed dwellings are too large
- house should be smaller with front access
- side of house would be imposing along drive
-

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £2,304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 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 £31,019.08.

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.

The applicant has sought to address concerns raised prior to and during the course of the application. It is not considered that the changes are sufficient to overcome all the issues.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea in a residential area. It comprises a large plot with a single detached two storey house and separate garage. There is a substantial hedge to the front boundary and in recent months, much vegetation clearance has occurred to the southern part of the site and a new vehicular access created in the front boundary. The proposal entails the demolition of the existing house and garage and the provision of a two storey house (comprising dining/study, lounge, utility, WC and large open plan kitchen/breakfast, snug and orangery area at ground floor level with four bedrooms (one ensuite) and a family bathroom at first floor level) with detached single garage and a chalet style property comprising integral garage, dining/study, utility, WC and large open plan kitchen, breakfast and living space at ground floor level with two ensuite bedrooms at first floor level.
- 14.2 The application follows pre-application advice where it was advised that while the plot is large enough to accommodate two dwellings, the two properties were too large for the site and picked up on characteristics of the area which should not be seen as a precedent. Small changes have been made to the scheme since these comments were made and again during the course of the application.
- 14.3 While the proposed house is shown as having a similar ridge height (albeit marginally higher) to the adjacent house, because of the associated depth of the building across two floors, the resultant massing would be significantly larger than no.21 which retains a shallower footprint more characteristic of the area. Combined with the lack of vegetation to screen the large expanse of the northern elevation of the house, it is considered that the proposal would be harmful to the established characteristics of the area. The applicant makes reference to 19 Sea Road which is a block of flats constructed in recent years. This particular site has a lengthy history including appeals and the resultant building on site has a massing which is significantly greater than anything else in the area. On this basis, it is considered inappropriate to draw design themes from this property.
- 14.4 The chalet property has a particularly deep footprint which is not found elsewhere in the immediate area. The closest similar property (no.26) has a depth of approximately 12m compared to the proposed 18.8m and is also smaller in both height and width. Again, the proportions of the dwelling would appear to be at odds with the general pattern of development in the area, resulting in the scheme having a disproportionate feel in this location.
- 14.5 With regard to residential amenity, consideration has been given to the juxtaposition of no.23 which is unusually sited to the rear of the site and which has first floor windows across the site in a south westerly direction. The proposal does not include any first floor windows within 21m of these windows. The proposed house would be 14m from the south facing first floor windows to no.21 and while this would impact on outlook from these windows, it is not considered to be significant such as to warrant refusal for this reason.
- 14.6 The site does not include the access to the existing house as this is in separate ownership but the applicant has a right of way as shown by the blue line. The proposal indicates adequate parking facilities for both

dwellings and no objections have been raised by the Highway Authority. The recently constructed access would not usually require planning permission as Sea Road is not classified; however, it is noted that the access does not benefit from a dropped kerb at present.

- 14.7 On 28th November 2014 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. In these circumstances, the law gives no priority to either the Council's Core Strategy or to the Government's national guidance. It is for the decision maker to assess both policies as “material considerations” and to decide which should have greater weight 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 exceptional circumstances which indicate otherwise.

- 14.8 While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. 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.
- 14.9 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 is granted for the proposed development, a condition is recommended 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.
- 14.10 However, in view of the concerns raised in respect of the proposed size of the dwellings, it is considered that the proposal would not represent a positive contribution to the local distinctiveness and refusal is therefore recommended.

- 14.11 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	1	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£8,400		

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
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Dwelling houses	503	131	372	372	£80/sqm	£31,019.08 *
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Subtotal:	£31,019.08
Relief:	£0.00
Total Payable:	£31,019.08

* 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. By virtue of the size, depth and associated massing of the two dwellings, the proposal would be at odds with the character of the area and would not contribute positively to local distinctiveness contrary to policy CS2 of the Council Core Strategy for the New Forest District outside 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.

The applicant has sought to address concerns raised prior to and during the course of the application. It is not considered that the changes are sufficient to overcome all the issues.

Further Information:

Major Team

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**Planning Development
Control Committee
October 2016**

Item No: 3m

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Sea Road
Milford on Sea
16/11022
SZ2891

Scale 1:1250

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

