

Application Number: 16/11633 Full Planning Permission

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

Development: 2 detached houses; associated parking; landscaping; demolition of existing

Applicant: AA Jupe Developments Ltd

Target Date: 25/01/2017

Extension Date: 08/02/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council 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
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

6 RELEVANT PLANNING HISTORY

16/11022 - 1 detached house, 1 detached chalet bungalow, detached single garage, associated parking, landscaping, decking, demolition of existing.
Refused 13.10.16

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea parish council - recommend refusal and would not accept a delegated approval. Over-development, too bulky, harm to residential amenity, loss of existing house, impact on character of the area/street scene.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

9.2 Environmental Health (Contamination) - no concerns

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

10 REPRESENTATIONS RECEIVED

One letter from the joint owner of no.23 Sea Road stating that the access drive is owned by no.23 and that no.25 has a right of way over part of it. No works can be undertaken to the drive (e.g. resurfacing) without the consent of the landowners.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the dwellings are completed and the overall number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District, the Council will receive a New Homes Bonus (£1224) in each of the following four years.

Based on the information provided at the time of this report this development has a CIL liability of £9,613.12.

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea to the east side of Sea Road. It contains a vacant property of some character, set back from and at an angle to the road. There is a substantial hedge and other vegetation to the front boundary, some of which has been removed in recent months in order to provide a vehicular access to the south of the site where further vegetation clearance has also occurred. To the north of the site is a shared access owned by the adjoining property to the rear of the site and which provides vehicular access to the existing dwelling.
- 14.2 The proposal follows the refusal of a similar scheme in 2016 and entails the demolition of the existing property and associated garage and their replacement with two 2-storey houses comprising large open plan kitchen/dining/living space, study,WC, utility room and either an integral garage or en suite bedroom at ground floor level. The dwelling with the integral garage would have 4 bedrooms (two en suite) and a family bathroom at first floor level and the other one would have three bedrooms and a family bathroom at first floor level. The main bedroom would have two en suites with a further en suite to bedroom 2. This house would also have an attached garage.
- 14.3 The previous application was refused on the grounds that it would have been at odds with the character of the area through the size, depth and massing of the two properties. In trying to address this concern, the design of the dwellings has been amended so the main roof forms are both fully hipped. The depth of the footprint has been reduced by 5.2m in

the case of plot 2 and 2.4m for plot 1 and, combined with a reduction in the width of each property, the bulk and massing is considered to be significantly reduced from the refused scheme.

- 14.4 Although the existing dwelling has much character in terms of its design and, in particular, the chimneys, it is not listed nor is it in a conservation area and on this basis, it would be difficult to justify its retention. It is also unusual in its positioning in relation to the road, being set back some distance and at an angle - presumably to obtain maximum views of the sea from the upper floor - whereas other properties are more traditionally sited facing the road and with a typical set back from the road of around 8-10m. The proposed dwellings would have a set back of 9-10m although the building line would be more apparent than the front corner of the existing dwelling.
- 14.5 The site is large enough to accommodate two dwellings and the proposal could be said to be similar to that undertaken 3 doors away at no.17. The proposal would provide greater spacing between the proposed dwellings - 4.6m at the front and 3m to the rear. This enables the site to account for the different angles of the dwellings either side at 21 and 27. Plot 2 would be 2m from the southern boundary and the corner of the garage to no.27.
- 14.6 The design of the dwellings includes brick work, render and cladding, all of which are used locally. The 14/15m width of each plot is comparable to others in the area although would be slightly less than those immediately adjacent. Given the spacing and different angles to the proposed dwellings, it is not considered that they would be out of context in this location. The Parish Council have raised concerns about the bulk of the dwellings which is obviously greater than the bulk of the existing dwelling. However, the footprints are comparable to other buildings in the area and the dwellings would be only between 0.5m and 0.8m taller than the existing dwelling.
- 14.7 With regard to residential amenity, the proposed dwellings are sufficiently far enough away from the adjoining properties not to result in any loss of light. The first floor side windows relate only to bathrooms or stairs and are indicated as being obscure glazed to maintain privacy levels. The Parish Council has raised concern about the noise implications associated with the parking arrangement for plot 1. The access shared by nos.23 and 25 at present would be maintained for use by two dwellings. It is accepted that the proposed attached garage/parking spaces would be closer to no.21 than the existing garage but the distance between the first floor side windows to the adjacent house and the parking spaces would be some 15m. Given the use of the access by two dwellings at present, it is not considered that the proposal would result in harm to the amenities of the neighbouring property. To the rear, the proposed houses are sited far enough from no.23 not to result in significant overlooking (minimum of 17 metres from the rear boundary).
- 14.8 The Highway Authority has not raised any objections to the proposed additional vehicular access or the parking arrangements to the dwellings subject to the retention of the spaces and cycle parking provision.

- 14.9 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 floor space 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”

- 14.10 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.
- 14.11 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.
- 14.12 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.
- 14.13 The proposed scheme is not considered to be harmful to the established residential amenities of the area and while the visual impact of the proposal would be very different from the existing situation, size and design of the proposed dwellings would reflect other developments in the area and would not be seen as out of context in this locality.
- 14.14 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Financial Contribution			
Habitats Mitigation			
Financial Contribution			

Cil Summary Table

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	390	131	259	259	£80/sqm	£22,792.00 *
Subtotal:	£22,792.00					
Relief:	£0.00					
Total Payable:	£22,792.00					

* 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)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

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: Design and Access Statement, 1976-50A, 1976-56A, 1976-51A, 1976-52A, 1976-54A, 1976-53A, 1976-55A.

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 the occupation of the first dwelling 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, in particular along the front boundary;
- (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 occupation shall take place unless the agreed scheme has been implemented.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. 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).

6. 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.

7. The development hereby permitted shall not be occupied until the spaces shown on plan 1976-52A for the parking and garaging of motor vehicles and cycles have been provided.

The spaces shown on plan 1976-52A 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. The first floor windows on the side elevations of the approved buildings shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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 and as the application was acceptable as submitted no specific further actions were required.

2. In discharging condition No. 6 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

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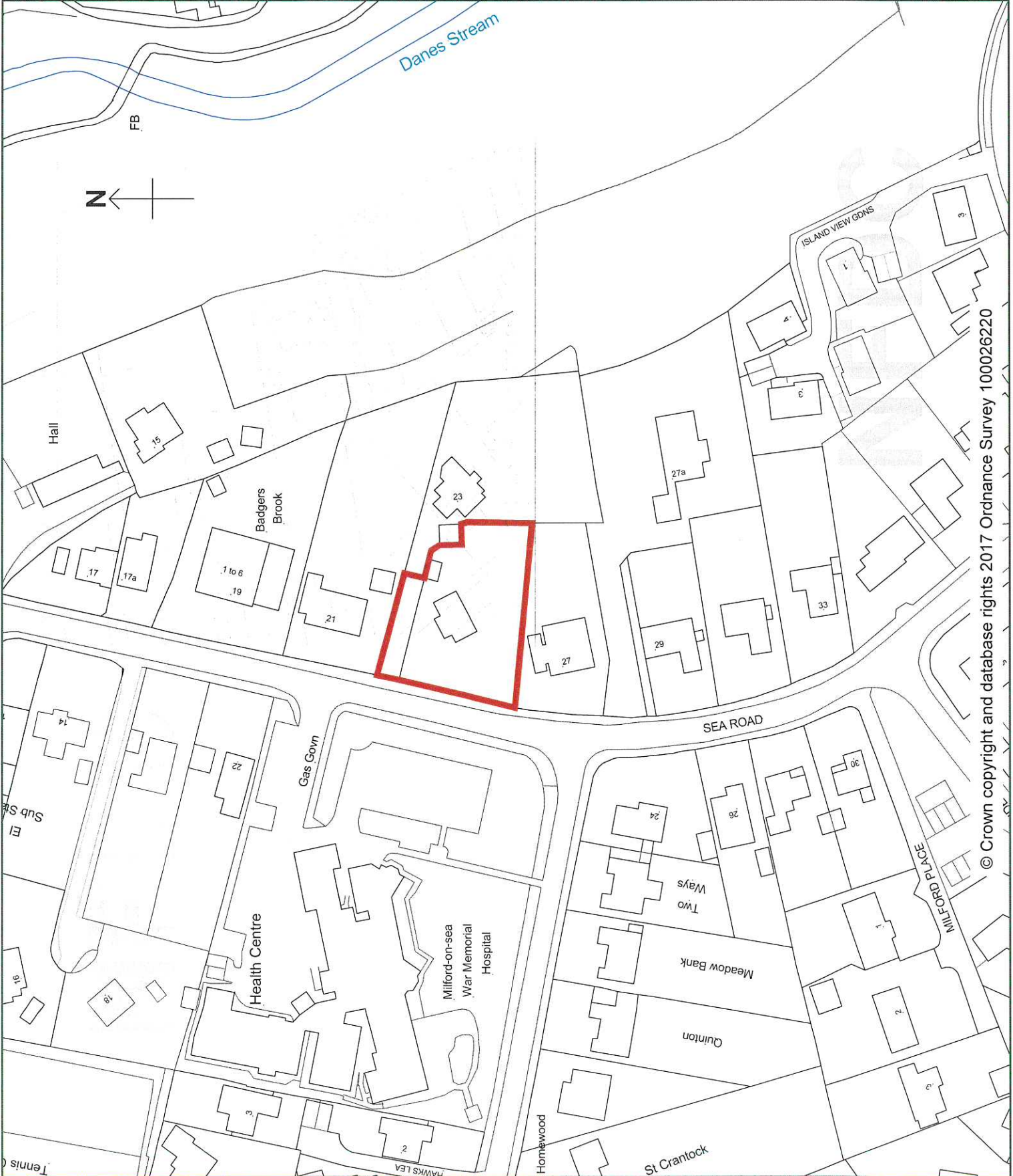
**Planning Development
Control Committee
February 2017**

Item No: 3n

25
Sea Road
Milford on Sea
16/11633
SZ2891

Scale 1:1250

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



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