

Application Number: 16/11748 Variation / Removal of Condition**Site:** 9 HURST ROAD, MILFORD-ON-SEA SO41 0PY**Development:** Variation of Condition 2 of Planning Permission 16/10621 to allow amended plans 1049.100;101;102a;103a;104a;105a;106a;107a to allow privacy screens to all balconies; single-storey extension to rear of all dwellings**Applicant:** OPM (Bournemouth) Ltd**Target Date:** 15/02/2017**Extension Date:** 09/03/2017

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
- 3. Housing
- 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 - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 This site is the subject of a significant planning history culminating in the planning permission referred to below
- 6.2 16/10621 - 2 pairs of semi-detached houses, parking, access, demolition of existing. Granted 11.8.16

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal and would not accept a delegated approval. Concerned about loss of amenity through overlooking, bulk and over development.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

- 10.1 5 objections have been received regarding:
- flat roof is of poor design and would add more bulk
 - patio doors would lessen privacy for future occupants
 - garden boundary to plot 4 doesn't follow previously agreed building line
 - balconies overhang agreed building line

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, in general terms, receive New Homes Bonus £3,672 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 £59,676.32.

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 in a residential area close to the beach. It currently contains a detached two storey dwelling which appears to be vacant following the original grant of permission for its redevelopment last year. The proposal entails the variation of the plan numbers condition and, in doing so, the following changes are proposed to the approved scheme:

- deletion of a WC window to the front elevation
- replacement of the rear 'lean-to' projection to the centre of each pair with a flat roofed structure across the full width of each pair (increasing the footprint of the dwellings by 3m²) and providing French Windows instead of windows to all ground floor openings to the rear
- provision of an additional first floor side window to plot 2
- deletion of the first floor stair window to plots 3 and 4
- provision of curved privacy screens to the sides of each balcony

- 14.2 Concern has been expressed locally that the properties would be much bulkier than the extant scheme as the balconies now project beyond the main roof form which previously overhung the balconies giving a ridge length of 12.3m. This is not the case as the ridge length has been reduced in size (to 10.9m) thus exposing the balconies rather than the houses being extended out. While the small amount of additional floor space would result in additional bulk, it is not considered that this addition would result in excessive bulk over and above the extant scheme. Being at ground floor level and to the rear of the dwellings, its impact would be minimal from most public viewpoints and landscaping would help screen it from Sea Road.
- 14.3 With regard to residential amenity, the number of rear facing first floor windows has been reduced on plots 3 and 4 leaving a WC and a kitchen window in the northern elevation. An additional first floor side window is proposed on plot 2, although given the angles, it is not considered that this window would adversely affect residential amenity. The change to the ground floor windows (now proposed to be French Windows) in the north elevation has caused some concern locally although the proposal itself would not cause overlooking as a result of this particular change. The provision of privacy screens to the front balconies would ensure a higher level of privacy for future occupiers.
- 14.4 The south east corner of plot 4 and indicated garden boundary is the same distance from both Sea Road and Hurst Road as in the extant scheme, contrary to the view expressed above.
- 14.5 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.
- 14.6 In light of recent changes to national planning policy it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.7 Overall, the changes are such that the proposal would have a limited impact on both residential and visual amenity having regard to the extant scheme. The small additional increase in ground floor bulk would be offset by the reduction in the length of the main ridge by almost 1.5m and this would have the effect of reducing the apparent size of the dwellings. Subject to the other previous conditions, approval is recommended. Further neighbour notification has been carried out which means that a decision cannot be issued until after 9th March 2017.
- 14.8 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	678.14		678.14	678.14	£80/sqm	£59,676.32 *

Subtotal:	£59,676.32
Relief:	£0.00
Total Payable:	£59,676.32

* 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:

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

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

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT the VARIATION OF CONDITION** subject to no further substantive comments being received by 9th March 2017 and the following 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: Planning, Design and Access Statement, 1049.101, 1049.100, 1049.104a, 1049.102a, 1049.103a, 1049.107a, 1049.105a, 1049.106a.

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. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. Prior to the occupation of the first dwelling, plans and particulars showing details of the provisions of cycle storage within the site shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.

7. Before first occupation of the development hereby approved the applicant shall have set up a detailed scheme for the future maintenance of the sustainable drainage system, including arrangements of the responsible parties for the maintenance of the sustainable drainage system. The system shall thereafter be retained and maintained in accordance with the scheme.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. 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

9. 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).

10. The first and second floor windows on the north elevation of the approved buildings shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to 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. 8 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

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
March 2017**

Item No: 3k

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Hurst Road
Milford on Sea
16/11748
SZ2991

Scale 1:1250

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

