

**Application Number:** 17/11736 Full Planning Permission

**Site:** 41 KIVERNELL ROAD, MILFORD-ON-SEA SO41 0PP

**Development:** Chalet bungalow; shed/bike store; parking; landscaping

**Applicant:** Mr & Mrs Cooke

**Target Date:** 09/02/2018

**Extension Date:** 20/02/2018

<b>RECOMMENDATION:</b> Service Manager Planning & Building Control Refuse
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<b>Case Officer:</b> Vivienne Baxter
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**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  
SPD - Mitigation Strategy for European Sites  
SPG - Milford-on-Sea Village Design Statement  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

None

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

Milford on Sea Parish Council - recommend permission and would not accept a delegated refusal.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Surface Water: no comment
- 9.2 Hampshire County Council Highway Engineer: no objection
- 9.3 Southern Water - request informative

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive a New Homes Bonus of £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £5,931.59.

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 application followed pre-application advice and while some elements of concern have been addressed, the proposal is still not considered to be appropriate in this location.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Milford on Sea in a residential area characterised by detached dwellings in their own plots. The site is different in that it contains a single storey semi-detached property which is situated on the highway rather than being set back from the road. There is mature boundary hedging (in excess of 2m high) to the northern and western boundaries with further vegetation to other boundaries and within the site. To the south of the site is the side elevation of a terrace of 2-storey flat roofed houses and there is a pedestrian access to these properties to the east of the site.
- 14.2 The proposal entails the demolition of the existing garage and associated lean-to additions and the provision of a detached dwelling comprising WC, hall and open plan kitchen/dining/living room at ground floor level and two bedrooms and a bathroom at first floor level. The existing access would be altered to allow parking provision for both existing and proposed dwellings and the new dwelling would have a shed in the south eastern corner.
- 14.3 Although new residential development can be acceptable within the built up area, this particular site has a significant amount of vegetation which would be lost should permission be granted. Kivernell Road has a very

green feel to it and the majority of dwellings, while visible from the street, have substantial vegetation to their front boundaries and garden areas. The proposal would result in the loss of mature hedging to the front corner of the site as well as the vegetation to the frontage which would adversely impact the appearance of the site within this setting.

14.4 The siting of the proposed dwelling would be 1.6m behind the front boundary wall and be close to the side boundaries. This position does not relate well to either the host dwelling or the adjacent bungalow to the east which is some 18m back from the road, and would be seen as an awkward addition in the street scene. This is compounded by the height and form of the dwelling which would not be typical of other dwellings in this area, particularly having regard to its close proximity to the road frontage, associated with the limited potential for soft landscaping, which could not provide a setting typical of this area.

14.5 With regard to residential amenity, the dwelling itself has been designed to have a limited impact with either high level or obscure glazed windows to the rear. However, the host dwelling has large windows to the east side adjacent to the drive. While this is the existing drive for the property, it would become a combined access for both properties just 1.2m from these windows. In combination with this, the host dwelling would lose some of its rear garden as well as the whole of its side garden through the provision of the parking spaces, which would be separated from the garden by a close boarded fence, reducing the amenity level further. While these issues are not considered sufficient to warrant refusal in their own right, it is considered that they add together to demonstrate the inappropriate nature of the proposal.

14.6 The site includes adequate space for parking and turning within the site and on this basis, there are no objections from the Highway Authority although it is noted above that this provision has other implications. The proposal also includes the provision of a new pedestrian access onto the highway and should permission be granted, an informative could be included in relation to the relevant standards to be applied to such works.

#### 14.7 Other material considerations

14.7.1 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.

14.7.2 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.

14.7.3 Further neighbour notification has been undertaken and the consultation expires on 10th February 2018, as a result a decision cannot be issued until after this date.

14.7.4 It has not been demonstrated that a dwelling of this nature can be satisfactorily accommodated on site without harming the visual and residential amenities of the area and refusal is recommended accordingly.

14.7.5 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	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution			

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	77.59	16	61.59	61.59	£80/sqm	£5,931.59 *
Subtotal:	£5,931.59					
Relief:	£0.00					
Total Payable:	£5,931.59					

\* 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:

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

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 2018 this value is 1.2*

## 15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** subject to no new material comments to the application before 20th February 2018

### Reason(s) for Refusal:

1. By virtue of the height and form of the dwelling, the loss of mature vegetation to the northern and eastern boundaries of the site and the limited potential to provide further plantings, the siting of the dwelling and the layout of the site limiting the current level of amenity enjoyed by the host dwelling, the proposal is considered to represent a poor form of development unsympathetic to its setting and one which would not contribute in a positive way to local distinctiveness. The proposal is therefore contrary to policy CS2 of the New Forest District Council 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.

The application followed pre-application advice and while some elements of concern have been addressed, the proposal was still not considered to be appropriate in this location.

### Further Information:

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# New Forest DISTRICT COUNCIL

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## Planning Development Control Committee

February 2016

Item No: 3c

41 Kivernell Road  
Milford on Sea

17/11736

SZ2891

Scale 1:1250

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

