

Application Number: 18/10870 Full Planning Permission

Site: Land of 14, 16 & 18 MILFORD ROAD, PENNINGTON,
LYMINGTON SO41 8DJ

Development: 1 block of 31 retirement flats; communal facilities; landscaping
and car parking

Applicant: McCarthy and Stone Retirement Lifestyles Ltd

Target Date: 01/10/2018

RECOMMENDATION: Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

No affordable housing contribution being provided.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 3. Housing
- 4. Economy
- 5. Travel
- 6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 (Sites and Development Management DPD) 2014

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM10: Residential accommodation for older people

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 - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Lymington Local Distinctiveness
SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

None of direct relevance

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. Out of character and not sympathetic to local distinctiveness; Overbearing in mass and scale; Impact upon neighbour amenity from overlooking which would exist even if the proposal were to be reduced to two stories; location of substation and car parking is considered harmful to neighbours amenity. We have concerns that the special characteristics of this gateway into the town is under threat from developments proposed at this location and also at Tudor Close (which has now been refused several times) and wish to send a message to developers that such proposals are not acceptable.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Waste Management: they do not provide 1100lt bins for general waste. NFDC is a sack collection.
- 9.2 Hampshire County Council Highway Engineer: the visibility and sight lines are acceptable. There are also no objections in regards to the level of car parking provided. However an objection is raised in relation to the internal layout and refuse collection. No turning head is shown on the site plan and the Highway Authority considers that this would make it very difficult for emergency and service vehicles such as ambulance, fire tender, refuse collection vehicles or drivers to turn around especially when car park is full. The lack of turning head would lead to vehicles having to reverse into/from the A337 which is a classified road to the detriment of public highway safety. Furthermore the Transport Statement states that refuse collection would be undertaken from the carriageway of the A337. The Highway Authority strongly opposes this proposals as the A337 is a classified road, and collecting and loading the refuse of 31 flats would take a considerable amount of time, and this would cause unacceptable delays and question the A337 and could also lead to highway safety risks.

- 9.3 Ecologist: the Ecologist states that the submitted ecological report by Abbas ecology makes a case that the development is largely unlikely to have harmful impacts on biodiversity interests and protected species. However the Councils Ecologist notes that it also recommends that further surveys are required in order to assess the presence/absence of bat species and it also seems to suggest that a protected species licence would be required to implement the proposals. Currently the recommended survey information does not appear available and there are no details relating to the tests of the Habitats and Species Regulations relevant to licensing (imperative reason of overriding public interest, no alternatives and maintenance of the species at a favourable conservation status).

The application does not seek to engage in the biodiversity policies of the Council (CS3, DM2) or NPPF (para 170, 174, 175). Accordance with policy, in particular provision of net environmental gains and enhancement, has not been demonstrated. To date the ecology information has been focused on legislation and dates to January 2018, prior the current NPPF. Currently there is insufficient information to demonstrate accordance with planning policy and allow engagement with legislative tests, and the Ecologist therefore recommend refusal. Provision of the further survey work and confirmation of measures of biodiversity compensation (e.g. suitable native planting to offset losses of green character, bat tubes as compensation for loss of existing potential/crevices) and enhancement (e.g. substantive provision for swift via suitable built-in bricks) would be capable of addressing the Ecologist's concerns.

- 9.4 Tree Officer: No objection subject to condition. The application site is not subject to any Tree Preservation Orders and is not situated within a Conservation Area. The site currently has a mixture of small trees, shrubs and plants. The majority of the trees on site are of no significance to the local area and provide a low level of amenity value to the immediate street scene. Several trees do provide a higher level of public amenity and are suitable for retention, but not considered suitable for inclusion within a Tree Preservation Order.
- 9.5 Southern Water: No objection subject to condition. Southern Water initial view of the drainage proposals indicate that the total combined foul and surface water discharge can be allowed in public foul sewage network, if proven to be connected into the public sewer.
- 9.6 Urban Design Officer: The proposal is far too big to be considered appropriate in this location and fails to accord with Policy CS2. The policy seeks developments which contribute positively to local distinctiveness. The loss of three fairly attractive houses in attractive garden spaces which altogether contribute much to local character, needs to be replaced by something better. Vastly inappropriate in terms of scale, height, layout and appearance, such a building would appear extremely incongruous along Milford Road, and North Greenlands. The local distinctiveness SPD explains the Council's expectation in relation to a number of these issues and also the important issues of massing, set back and the very special contribution that such tranquil islands of cumulative garden space offer to the distinctive qualities of the area. This proposal cannot be considered to accord with that guidance.

Garden space is extremely limited for the amenities of residents. The entrance door does not contribute to the vitality of the street as it is tucked into the rear. There is not enough room for significant tree cover in the frontage, once the garden margin of Milford Road has been hard surfaced.

- 9.7 Estates and Valuation: detailed comments to be updated at Committee.
- 9.8 Strategic Housing Officer: to be updated at Committee.
- 9.9 NHS Foundation Trust Southampton: Detailed impact assessment submitted to demonstrate the impact of the development on existing and future capacity within the local health service. Consider that the developer should be required to fund infrastructure improvements. Considers this a piecemeal development which has not been planned for. They refer to Policy CS8 which states that the Authority will work with infrastructure providers to ensure development does not harmfully impact on local services. National guidance also supports this view. The NHS Foundation Trust therefore seek a contribution of £25,776.00 to meet the specific impact of this development.

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection with 30 signatures (Belmore Lodge Nursing Home) concerned that the proposed development is too large and out of character and would have an adverse impact on their living environment, loss of privacy and outlook. Both parking and access is not suitable.
- 10.2 2 letters of objection concerned that the proposed development would be out of character with the area and an overdevelopment of the site. The site currently contains three attractive dwellings in a low density spatial character. There are concerns with the design including the siting of the substation. The proposed layout has a lack of amenity space for the residents. There are concerns with the impact of the proposed development on the living conditions of the adjoining neighbouring properties including loss of light, privacy, and outlook. There are also concerns in relation to the impact of noise and disturbance from the proposed access, refuse collection and car parking. Concerns over light pollution. The proposal should be providing affordable housing, not more elderly accommodation. Impact on trees. Impact on public highway safety and lack of in site car parking.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £42480 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 £230,884.21.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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, while the applicants had submitted a pre application enquiry, prior to the Officers responding the planning application was submitted. In the light of the significant concerns set out in the report below, it has not been possible to negotiate an acceptable outcome to this current application.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The site lies within the built up area of Pennington and is currently occupied by three detached dwellings within generous gardens. The three detached dwellings rise to two storeys in height and are fairly large buildings set back from Milford Road, and are set within spacious plots with trees, vegetation and greenery. The site is bound by a care home known as Belmore Lodge to the west, by a modest sized development of terraced dwellings to the east, by the rear curtilage of a bungalow (Hawthorn) to the north and by Milford Road to the south.

- 14.1.2 The proposal entails demolition of the existing three dwellings and structures on the site and erection of a substantially larger structure, to provide flatted accommodation of 31 units for the elderly on two and three levels. Off-street parking for 21 vehicles and a disabled car parking space would be provided.
- 14.1.3 The proposal would be accessed via a single new point of access onto Milford Road to 22 no. parking spaces predominantly to the side/ rear of the building, adjoining North Greenlands. An area of car parking would be provided to the front of the building. Amenity space for the residents would be provided to the rear of the building.
- 14.1.4 Visually the proposed building would rise to three storeys adjacent to Milford Road which reduces to two storeys in height towards the rear of the site. The building would be predominately finished in red brick with tiled roofs.
- 14.2 Main Considerations
- 14.2.1 Consideration needs to be given to the size, scale and mass of the development in relation to its impact on the local street scene and character of the area generally, against the relevant provisions of Policy CS2. Consideration must also be given to the impacts of the proposal on the amenity of adjoining residents, in line with the amenity guidance offered by Policy CS2. Highway safety, tree impacts and ecology also need to be considered, balanced against the needs to provide new housing and to meet the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10.
- 14.3 Statement of Community Involvement
- 14.3.1 The applicants have carried out a consultation process with local residents and community for the redevelopment of the site, in which residents and stakeholders were offered the opportunity to give feed back regarding the proposals. The applicants state that their current proposal has been adapted as far as possible to address a number of points raised in the consultation process.
- 14.4 Character Impacts
- 14.4.1 In assessing the effect on the character and appearance of the area, the site lies within the built up area of Pennington. The application site does not lie within or close to any Conservation Area. There are also no listed buildings adjacent to the site. The site lies on a busy main road through Lymington.
- 14.4.2 The application site lies within Character 8 - Pennington Village of the Lymington Local Distinctiveness Document. The local distinctiveness SPD explains the Council's expectations in relation to a number of issues including massing, set-back, setting (including green setting) and the very special contribution that such tranquil islands of cumulative garden space offer to the distinctive qualities of the area.

- 14.4.3 Within the document, Milford Road is highlighted as a Green Corridor of wide verges, hedgerows larger tree specimens in garden settings. Fig 9.4 highlights Milford Road as varied suburban houses in large garden settings and green verges that make up the green corridor character of Milford Road. Paragraph 4.9.3 states that these elements are important and must not be allowed to become unduly compromised by gradual loss of garden space, incremental loss of hedges or loss of verges through additional driveway crossovers or further hardsfacing. Moreover the illustrative map within the document highlights important tree groups/ tree along the frontage of Milford Road and in this case, there is a clear line of trees on both sides of the road, which significantly contribute to the character of the area.
- 14.4.4 The character of the area is predominately residential, although there is a petrol filling station and car sales garage to the east of the application site, further along Milford Road. A short distance to the south west there is a small shopping parade which provides a wide range of facilities all within walking distance. The site is also located close to Pennington Square which provides a further range of facilities including a convenience store and church. It is considered that the site lies within a reasonably sustainable location.
- 14.4.5 There is a clear mixture of dwelling types and styles along Milford Road including detached, terraced and semi detached dwellings. For the most part the buildings in the locality rise to two storeys in height. The distinctive feature of the dwellings in the locality is that they tend to be larger dwellings set in spacious settings with greenery and trees. This character continues further along Milford Road when travelling west. A recent development of chalet bungalows in terraces with a garden setting has been created to the east of the site, and this has been designed in sympathy with the domestic scale and qualities of North Greenlands.
- 14.4.6 Along Milford Road, close to the application site, there are some taller and larger scaled buildings, which include the neighbouring building at Belmore Lodge Nursing Home and the shopping parade, both of which occupy the corner of Milford Road and South Street. Belmore Lodge which lies to the west is a fairly substantial building and occupies the corner of Milford Road and South Street. Although it is a large building, it is set well back from the two roads, and there are large tree specimens around the perimeter of the site with hedgerows and vegetation. Moreover, its overall scale and massing is stepped down and reduced by the articulation of the roof and a number of lower two storey elements. Indeed a special corner building referencing arts and craft styles was created which enabled a three storey building at this point.
- 14.4.7 The shopping parade building further along Milford Road also rises to three stories, all under a flat roof. Because the building forms part of the local centre, one would expect a larger scaled building at this point on the corner of two roads. It is not felt that this building positively contributes to the character of the area or street scene.

- 14.4.8 The existing three dwellings on this site are fairly attractive and their spacious and green setting contribute to the character of the area, however, there would be no objection to the principle of redevelopment. Indeed, given the site's sustainable location close to local services and other facilities, it is considered that the site is one that could be reasonably developed in a slightly more intensive manner. Nonetheless, it is important that the proposed redevelopment should be well designed and contextually appropriate, and in this respect there are some significant concerns.
- 14.4.9 In assessing this proposal, it has failed to acknowledge these significant contextual features and cannot be considered to accord with policy and guidance, ignoring almost every single element of character and identity that the local distinctiveness document discusses. The proposal would create a substantial plot coverage with a single building that sits forward and back into the plot located very close to the edges of the site to provide a very dominant and assertive structure in its setting. There are also concerns with the proposed siting of the building much closer to the road than the existing dwellings, which would add to the overall presence of the building and also awkwardly relate to the neighbouring buildings in the street scene.
- 14.4.10 Rising to three storeys in height and extending across nearly the whole width of the site, and its siting close to the road, the proposed building would clearly be dominant in its setting. Indeed, not only does the proposed building fail to incorporate any meaningful reduced building heights, recessed elements or gaps in the front elevation, the depth of the front building is significantly deeper than the neighbouring buildings which will add to its sheer scale and mass. Equally the sheer size of the proposed rear building element with its significant footprint and scale rising to three and two storeys would be seen as a negative and incongruous feature when viewed from Milford Road and North Greenlands.
- 14.4.11 Notwithstanding the negative impact on the road caused by the sheer size and scale of the proposed building, it is also considered that its siting in close proximity to the road severely restricts space for large tree specimens and greenery along the site frontage, which is a characteristic feature along Milford Road. The front part of the site would be dominated by hardsurfacing and car parking all set in front of a substantially larger and dominant building which would have a negative impact on the street. Indeed, there will be insufficient space provided for large scaled tree planting to help soften the scale of the building.
- 14.4.12 As highlighted above, the proposed building would have a significant footprint within an area characterised by low density housing. The general open space and soft landscaping around the building would be very limited. Areas not occupied by built form would be hardstanding areas used for car parking and access, which would be a further negative feature. A building of this scale and size would expect to have considerably more open and green space to provide an appropriate setting for the building. The proposed level of amenity space for the residents would be restricted to a small area behind the building which is considered to be insufficient to provide any future residents with a reasonable quality living environment.

14.4.13 Architecturally the proposed building creates a mixture of designs with varying roof forms, building heights, dormer windows, window positioning and detailing. It is considered that the overall appearance of the proposed building is let down by a number of design elements and would appear very unbalanced lacking any design cohesion and quality. On the front elevation, both individual main and patio doors are proposed, with the main entrance into the building to the side and out of view from the main road. A building of this scale needs to have a main entrance door on the front elevation to give the building legibility and to reinforce the 'active' frontage on Milford Road. Proposing the main entrance door to the side of the building is not considered to be an appropriate design approach to address Milford Road.

14.4.14 Overall, it is considered that the proposed building is far too big for the site and is inappropriate in terms of scale, height, layout and appearance that would be contextually inappropriate and would appear incongruous along Milford Road, and North Greenlands. As such the design of the development would not support local distinctiveness. The development would fail to incorporate well integrated car parking or appropriate green space and as such, the setting of the building would be too harsh. It is felt that the proposed development would appear as an overdevelopment of the site that would cause unreasonable harm to the character and appearance of the area. While concerns have been expressed in relation to the siting and design of the proposed substation, while not ideal, the main issue relates to the scale and design of the main proposed building.

14.5 Amenity Impacts

14.5.1 Consideration must be given to the impacts of the proposal on the amenity of adjoining residents and future occupiers, in terms of overbearing presence, outlook, loss of privacy, loss of light, noise and amenity space. In these respects the proposal will be determined in line with the amenity guidance offered by Policy CS2.

14.5.2 There are a number of residential properties that would be effected by the proposal. In relation to No 1 North Greenlands, this neighbouring property lies adjacent to the site and has an obscurely glazed first floor landing window on the side elevation facing the application site. This neighbouring property has a small rear garden area. The proposed layout entails the main vehicular access to serve the car parking to run immediately adjacent to the side of No 1. Whilst there is an existing access and driveway, this only serves one property, whereas the new access would serve the majority of the proposed 31 flats. Accordingly, it is clear that the proposal would result in a considerable increase in activity, noise and disturbance to this neighbouring property. The eastern flank of the proposed building would be sited immediately adjacent to No 1. The proposed building at this point rises to two storeys in height and there is gap of approximately 6 metres to the side boundary. Two first floor windows are proposed on the side elevation which would directly face into the rear garden area of No 1. The proposed windows serve main living rooms and would have a direct view at a short distance into the rear garden of No 1, which is considered to

be unacceptable and would result in a loss of privacy. Overall, it is considered that the combination of the close proximity of the proposed building, windows and the access would have an unacceptable impact on the living conditions of No 1 North Greenlands.

14.5.3 Concerning the neighbouring residential properties at Nos 7 to 11 North Greenlands, their rear garden areas back onto the application site. The rear gardens of No 7-11 are fairly small and the residents currently experience a fairly tranquil environment with a high level of privacy with an open view. The proposed layout entails car parking to be positioned along the entire length of their rear gardens. The car parking would be open with no car port or physical enclosure. It is considered that the extent and close proximity of the access and car parking would give rise to unacceptable noise and disturbance to the neighbouring properties at 7-11 North Greenlands. The proposed building would be sited approximately 15-18 metres away from their rear boundary and this includes a number of first and second floor windows including balconies. These windows in the proposed building serve main living rooms including lounge, kitchens and bedrooms. While there is a degree of separation from the rear boundary, given the extent of the building running along their rear boundaries and the relationship of upper floor windows, it is considered that in combination with the impact caused by the access and car parking, the physical relationship and overlooking from the east elevation would result in demonstrable harm to the living conditions of the neighbouring properties at 7-11 North Greenland's.

14.5.4 It is also considered that the physical relationship and location of car parking of the proposed development to the neighbouring property at Hawthorn is not acceptable. Currently this neighbouring property experiences a quiet living environment and high level of privacy. The proposed layout entails a building extending a considerable length along their side boundary, together with the car parking area. This is considered to be unacceptable.

14.4.5 In terms of the relationship to Belmore Lodge Nursing Home, this lies immediately to the west of the site. The proposed building would be sited around 12 metres from the side boundary to Belmore Lodge. It is considered that the impact on Belmore Lodge is not as severe compared to the effect on the neighbouring properties discussed above. The proposed garden areas to the flats would be sited adjacent to the side boundary at Belmore Lodge, as this would be far better than the relationship of access and car parking that is proposed on the eastern side. The proposed building would result in overlooking of the existing communal garden at Belmore Lodge, however, this is a fairly large area used by the existing residents and it is not felt that the impact is so severe to refuse permission.

14.6 Highway Impacts

14.6.1 In terms of car parking provision and access, the proposal entails a single access into the site from Milford Road to serve the development. The development is comprised of 16 one bedroom flats and 15 two bedroom flats. A total of 22 car parking spaces would be provided on the site as well as parking spaces for 7 mobility scooters and 1 bicycle. A Transport Statement accompanies the application. The Highway Authority considers that the proposed

access which is located on the eastern side of the site frontage with visibility splays of 43 metres to the right and 44.1 metres to the left when leaving the site are acceptable.

- 14.6.2 With regard to the provision of off-street parking, the Parking Standards provide a recommended car parking provision in respect of developments for 'active elderly with warden control' of 1 space per apartment. For cycle parking, the minimum cycle parking standard is specified as 1 space per unit (long term) and 1 hoop per 2 units. It is important to note that mobility scooters can be considered as part of the cycle parking provision. Based on the above, in theory, 31 car parking spaces and 31 long stay as well as 16 short stay cycle/scooter spaces should be provided for the proposed development.
- 14.6.3 As this proposal states that 22 car parking spaces would be provided on the site, this is equivalent to 71% of the level required in the Parking SPD. Clearly this level of provision represents a shortfall of 9 car parking spaces and a significant shortfall on cycle/ mobility scooter parking spaces. The submitted Transport Statement provides evidence in the form of parking surveys at existing McCarthy and Stone Retirement Living developments across the country to demonstrate that in reality both car and cycle/ scooter parking demand are lower than the required level specified in the SPD. Accordingly, given the data provided the Highway Authority consider in this instance that an objection based upon an under-provision of parking would be neither appropriate nor sustainable.
- 14.6.4 However, the Highway Authority have raised an objection in relation to the proposed internal layout and refuse collection. No turning head is shown on the site plan and this is considered to be unacceptable by the Highway Authority as it would make it very difficult for emergency and service vehicles such as ambulances, fire tenders, refuse collection vehicles or drivers to turn around especially when the car park is full. The lack of a turning head would lead to vehicles having to reverse in to/from the A337 classified road, which would prejudice highway safety.
- 14.6.5 Furthermore the Transport Statement states that refuse collection would be undertaken from the carriage way of the A337. The Highway Authority strongly objects to the proposal as the A337 is a classified road, collecting and loading the refuse of 31 flats could take a considerable length of time, and this would cause unacceptable delays and queues on the A337 and could also lead to highway safety risk.
- 14.7 Ecology matters
- 14.7.1 The Ecologist states that the submitted ecological report by Abbas ecology makes a case that the development is largely unlikely to have harmful impacts on biodiversity interests and protected species. However, the Ecologist notes that it also recommends that a survey is required in order to assess the presence/absence of bat species and it also seems to suggest that a protected species licence would be required to implement the proposals. Currently the recommended survey information does not appear to be available and there are no details relating to the tests of the Habitats and Species Regulations

relevant to licensing (imperative reason of overriding public interest, no alternatives and maintenance of the species at a favourable conservation status).

- 14.7.2 The application does not seek to engage in the biodiversity policies of the Council (CS3, DM2) or NPPF (para 170, 174, 175). Accordance with policy, in particular provision of net environmental gains and enhancement, has not been demonstrated. To date the ecology information has been focused on legislation and dates to January 2018, prior the current NPPF. Currently there is insufficient information to demonstrate accordance with planning policy and allow engagement with legislative tests, and the Ecologist therefore recommend refusal. Provision of the further survey work and confirmation of measures of biodiversity compensation (e.g. suitable native planting to offset losses of green character, bat tubes as compensation for loss of existing potential/crevices) and enhancement (e.g. substantive provision for swift via suitable built-in bricks) would be capable of addressing his concerns.

14.8 Financial considerations and affordable Housing

- 14.8.1 A scheme for 31 flats is one that would be expected to secure 14.4 on-site affordable housing units (a 40% rate of provision). In practice this means that the development should secure 14 on-site affordable housing units and a separate financial contribution. The applicants have submitted a viability appraisal as they consider that the scheme would be unviable if required to secure any on-site affordable housing units or financial contribution. Accordingly the applicants have not offered any on site or off site affordable housing contribution.

- 14.8.2 In cases where viability assessments are submitted by the applicant, the Council have a procedure in place in which assessments are assessed by the District Valuer. This is to enable an independant assessment of the applicants viability case. In this particular case, given the recommendation, the Estates and Valuation Officer has been requested to comment on the applicants viability case and their initial view is that the scheme would not be viable with full provision. This will be the subject of an update at the meeting.

14.9 Meeting the needs of the Elderly

- 14.9.1 The proposed development needs to be balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10. The proposal would contribute to the provision of housing and in particular, housing for the elderly where there is a defined shortfall thereby boosting the supply. The contribution to housing need carries significant weight in favour of the scheme. While it is recognised that provision of suitable accommodation for older people needs to be made, those needs must be balanced against other material considerations.

14.10 Housing Need

- 14.10.1 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.

14.11 NHS Foundation Trust Southampton

14.11.1 Throughout the preparation of our Local Plan Review 2016-2036 Part One: Planning Strategy we have not received any indication from the Southampton NHS Trust of a requirement for increased service delivery based on the proposed housing delivery within the plan area. As the proposals do not meet the definition for infrastructure then any contribution would need to be secured via a S106 agreement.

For a contribution to be legally secured it would need to meet the tests of Regulation 122 of the CIL Regulations 2010 (as amended) namely:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

Their request states it to be required for service delivery but it is not clear how this would be achieved in relation to this specific development. The contribution requested does not appear to meet the test of Regulation 122 as:

1. There is no evidence to suggest that the medical needs of the occupiers of these new retirement homes are not already being met by the NHS in the current system.
2. There is no local evidence to suggest that the assumption of 2 people per flat is correct.

14.12 Habitats Issues

14.12.1 In accordance with the Conservation of Habitats and Species Regulations 2017 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.

14.12.2 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and

Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.13 Human Rights

14.13.1 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.

14.14 In conclusion

14.14.1 Overall, it is considered that the proposal would provide a number of benefits including additional housing for the elderly, which should be given significant weight. Moreover, while there is an identified need for this type of accommodation, the proposed development is considered to be inconsistent with Core Strategy policies and the harm identified does not outweigh the benefits. The proposed development would have a significantly negative impact on the character and appearance of the area and would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area, contrary to adopted policies. The proposed development would also have an unacceptable impact on the living conditions of the adjoining neighbouring properties. There are also concerns with the effect on public highway safety and ecology. As such, the application is recommended for refusal.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution			
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	2866.71	469.35	2397.36	2397.36	£80/ sqm	£230,884.21 *
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Subtotal:	£230,884.21
Relief:	£0.00
Total Payable:	£230,884.21

* 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 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal would constitute an overdevelopment of this site with a lack of open space around the building which would appear cramped with a single building that sits forward on the site, very close to the boundaries and it would also extend deep into the rear of the site which would be intrusive and harsh within its setting. The footprint, layout, scale and massing would appear unduly dominant within its particular context. The proposed development would be of a poor design quality comprising an unsympathetic configuration of building heights, forms and roof shapes that would be significantly out of keeping with the more typical 2 storey scale and

domestic rhythms that are characteristic of the surrounding context, and which would therefore appear too dominant and incongruous, both within the Milford Road street scene and from other nearby public viewpoints including North Greenlands. Moreover, the proposed development would result in a harmful loss of the site's green landscaped character and having regard to the proposed building's significant footprint, the extensive areas of car parking and hardstanding and lack of amenity space, would result in this aspect of the development having a harsh and unsympathetic setting that would create an unattractive and poor quality living environment for the residents. As such, the proposed development would be of poor design quality that would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park and the Lymington Local Distinctiveness Document Supplementary Planning Document.

2. The proposed development would have an unreasonable impact on the amenities of the occupants of the adjoining residential properties at No's 1, 7, 9, 11 and Hawthorn North Greenlands contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park:
 - a) By reason of the scale and close relationship of the proposed building, the proposed development would lead to an unacceptable visual impact and loss of outlook to the detriment of the amenities of the occupiers of those properties,
 - b) By reason of its close proximity, and the number of first and second floor windows and balconies, the proposed development would result in unacceptable overlooking of the adjoining properties to the detriment of the amenities of the occupiers of those properties,
 - c) The use of the access drive and car parking areas would generate an unacceptable level of noise and activity which would be to the detriment of the quiet amenities of the occupants of the adjoining properties.

As such, it is considered that the combination of all these issues, the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The proposed internal layout of the site does not provide a turning head for vehicles, emergency services such as ambulances and fire tenders or drivers to turn and as such, this would lead to vehicles reversing into/ from the A337 and this would be likely to cause undue interference with the safety and convenience of users of the public highway, which is a classified road. Moreover, the proposal for refuse collection to be undertaken from the carriage way of the A337 would lead to unacceptable delays and queues on the A337 and this would be likely to cause undue interference with the safety and convenience of users of the public highway, which is a classified road. As such, the proposal would be contrary to Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
4. In the absence of an appropriate detailed ecological assessment, it has not been adequately demonstrated that the proposed development could be implemented without adversely affecting protected species, biodiversity interests, and the ecological interest of the land. As such, the proposal would be contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 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, whilst the applicants had submitted a pre application enquiry, prior to the Officers responding the planning application was submitted. In the light of the significant concerns set out in the report below, it has not been possible to negotiate an acceptable outcome to this current application and still meet performance targets.

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

October 2018

Item No: 3b
Land of 14,16 &18
Milford Road
Pennington Lymington
18/10870

Scale 1:1250

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

