

Application Number: 15/10032 Full Planning Permission

Site: 59 STATION ROAD, NEW MILTON BH25 6JA

Development: Second floor & three-storey extensions to create 10 flats; parking

Applicant: Sheet Anchor Evolve Ltd

Target Date: 13/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre
Built up area
Primary Shopping Area
Adjacent protected trees

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

- CS2: Design quality
- CS7: Open spaces, sport and recreation
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2

- DM3: Mitigation of impacts on European nature conservation sites
- DM14: Primary shopping frontages

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

6 RELEVANT PLANNING HISTORY

None of direct relevance

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal

- (1) Inappropriate design, use of metal cladding and balconies at this important central site, therefore considered out of character as the building would become incongruous in the street scene;
- (2) Could create persistent pressure to prune the protected Oak tree.

Members support the principle of having one bedroom homes at this location (including affordable housing) but require a more aesthetically pleasing design and more traditional material usage.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections subject to condition
- 9.2 Tree Officer: No objection subject to condition
- 9.3 Land Drainage Engineer: No objection subject to condition
- 9.4 Strategic Housing Officer: The proposed development would require 40% for affordable housing which would equate to 4 units on site to be affordable
- 9.5 Urban Design Officer: The proposal is acceptable
- 9.6 Environmental Health (historic land use): No objection
- 9.7 Southern Water Authority: No objection subject to condition
- 9.8 Environment Agency: No objection

REPRESENTATIONS RECEIVED

1 letter of objection concerned that New Milton is built on a sand foundation and already the centre of town is crowded with buildings with poor access for emergency services. Examining the site there does not seem any available space for any more building and there is already a car park for the use of shop owners/lessees.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £11,520 in each of the following six years from the dwellings' completion, and as a result, a total of £69,120 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £122,400.00.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of 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.

Following discussions with the applicants, revised and additional plans have been submitted to address design concerns and issues raised by the highway authority which have enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in the Primary Shopping Area of the Town Centre. The western part of the site contains a part single part two storey brick building with a flat roof currently in use as a bank, with separate uses including an estate agents office and a vacant retail unit, with offices on the first floor. Other than a landscape strip to the front of the site, the rest of it is hard surfaced and in use as a car park accessed from Ashley Road, although the exit is onto Station Road.
- 14.2 The proposal seeks to create ten residential flats by constructing a second floor on the existing building and a new three storey extension to the rear on part of the existing car park. The proposal would create 9 one bedroom flats and one two bedroom flat. It is proposed to retain the existing retail and office uses on the ground and first floors of the building. The proposed second floor would be constructed over the existing first floor and would be set slightly back from the edge of the building to enable an outside terrace to be created. The new three storey extension would rise to the same scale linking into the second floor addition with its main elevation facing onto Ashley Road.
- 14.3 Visually, the proposed structure would have a contemporary flat roof design constructed of grey metal vertical cladding with part horizontal timber cladding. A glazed balustrade would be provided around the perimeter of the terrace facing the two roads. The proposed extension would be constructed on concrete support columns so that car and cycle parking can be provided beneath and the extension would be built over approximately half the car park. Alterations are proposed to the car parking layout, with new tree and soft landscaping provided.
- 14.4 In terms of policy matters, the site lies within the town centre and the Primary Shopping Frontage. Within this defined area, policies in the local plan and the National Planning Policy Framework support new residential uses providing that there is no loss of existing commercial uses and residential uses are not provided on the ground floor. The proposal seeks to retain the existing retail, commercial and office spaces within the building, although there would be some loss of car parking spaces to these units.
- 14.5 In assessing the proposal against these policies, on the basis that the existing employment and retail activity is retained, it is considered that this is supported under Core Strategy Policy CS20 and Local Plan Part 2 Policy DM14. Indeed, the site lies within a town centre location with a large car parking area and the proposal to create additional residential units would make good use of the site. There are no policies that prohibit such a proposal. While there would be a loss of car parking spaces that serve the existing retail and commercial uses, it is considered that the proposed residential development would provide overriding benefits and that the small loss of spaces would not be unreasonable on a town centre site nor would it compromise the attractiveness or viability of these commercial units.
- 14.6 In terms of the effect on the character and appearance of the area, the site lies within Character Area 1 'Town Centre' of the New Milton Local Distinctiveness Document. The Local Distinctiveness SPD described one of the key defining features that characterise the town centre as the:

“Rhythms of built form and features along Station Road”. The guidance seeks that: *“Rhythm should be retained through window and facade patterns, articulation and detail that run vertically through the whole building and articulation of sky line”*.

- 14.7 The existing building occupies a very prominent position on the corner of two roads, including the main street in the town centre. The building is slightly set back from Station Road compared to other buildings in the street, and is constructed from brick under a flat roof, rising to two storeys. Along Station Road building types, materials and designs vary throughout, ranging between two and three storeys. Opposite the site, along the west side of Ashley Road, there is a predominantly two storey scale with additional accommodation in the roof space. The building opposite comprises a single terrace located close to the road frontage with its ridge running parallel with the road, and the shop fronts and window patterns are very similar. On the corner of Ashley Road, the building rises to three storeys where the building makes a statement on this corner junction and adds interest into the street scene.
- 14.8 Along the east side of Station Road, to the north of the site, the buildings tend to be more modern developments with residential flats above shops rising to three storeys, with hipped roofs, and glazed canopies over the shop units. Some of these modern developments do not positively contribute to the character of the high street in terms of their design, massing, scale and appearance. In particular the scale, design and massing of the building immediately to the north, known as Bursledon House is poor. This building extends at three storey level into the rear of that site.
- 14.9 Generally the buildings along Station Road are two and three storeys in scale, some with further accommodation in the roof space. There are also some four storey buildings along Station Road, but building heights vary throughout. Along Ashley Road there are large three storey residential flatted buildings. Accordingly, it is considered that there is no objection to a three storey building in this location, subject to design and respect for the rhythms of built form and features along Station Road. Moreover, it is considered that the proposal to create a second floor and a building over the existing car park would make good use of the site in this town centre location.
- 14.10 The proposed second floor would be constructed over the majority of the existing building but recessed back from the front elevation to provide an outside terrace which would help break up the massing of the building. The extension in the car park would be set back from the road and linked to the appearance of the second floor extension which is considered to be the correct design approach. The balconies would provide some outdoor space for the residents and enable the massing of the building to be recessive. Using glazed balconies at a low height, as shown, would be appropriate in this context. The design of the second floor, with its vertical cladding and fenestration in line with the first floor windows of the existing building, picks up the rhythms in the street and this would accord with the principles of the New Milton Local Distinctiveness Document. The proposed use of a darkish metal clad finish would contrast with the existing brick building, but this is felt to create a contemporary design approach which would add character and presence to the existing building and would be acceptable in this location. If the building was designed with brick

materials to match the existing building, this would be likely to exacerbate the scale and massing of the overall building. Accordingly, the design approach and use of materials which link in with the three storey building in the car park would not unacceptably detract from the character of the area and would be viewed as an innovative design solution to extend and alter the building so that it appears as an extension to the original building.

- 14.11 The proposal has very limited private amenity space for the proposed dwellings, but the residential flats would have outside terraced areas and balconies which would broadly accord with the Councils Supplementary Planning Document - Housing Design Density and Character. New tree planting and soft landscaping in the existing car parking area would help soften the views and outlook from these residential properties.
- 14.12 With regard to residential amenity, the proposed residential properties that are most likely to be affected are to the north at Bursledon House and to the rear at Shannock House, 1 Ashley Road.
- 14.13 The building to the north at Bursledon House comprises several residential flats and has a number of windows on the side elevation at first, second and third floor level facing the application site. The proposed second floor to be added to the existing frontage building would have some impact on the outlook from the residential flats at Bursledon House. There is currently a third storey dormer and second floor window nearest to the proposed extension and both these windows serve bedrooms which face the existing two storey building. The view from those windows would be onto the side elevation of the new extension which would extend approximately 3.7 metres above the existing two storey building. The distances from the existing windows at Bursledon House to the side elevation of the proposed second floor building would range from approximately 5.5 metres to 7 metres. Because of this close relationship and the design of the building with dark cladding, it is considered that there would be some loss of outlook from these windows, however the effect would not be so severe as to justify refusing planning permission. The windows serve bedrooms and are not main living rooms such as a lounge and the residential flats have their main windows facing Station Road or to the rear of the site. It is also considered that a minimum distance in excess of 5 metres would be reasonable and not result in a level of impact that would warrant a refusal of planning permission in a densely developed Town Centre location such as this.
- 14.14 In terms of the three storey extension in the car park, the rear elevation of the building would have first and second floor windows together with balconies facing the side elevation to Bursledon House, which has first, second and third level windows which serve bedrooms, bathrooms and kitchens facing the application site. The distance from the proposed windows on the rear elevation would be approximately 11 metres but the views from the windows would be slightly oblique given that the building at Bursledon House is set further back from the proposed building in the car park. There is a high leylandii hedgerow along the boundary which provides some screening but this landscape feature is very unattractive and in a poor condition and it is proposed to replace this with some new trees and a hedgerow. Given the distances involved between the properties and the oblique angled views, it is not considered that it would result in unacceptable overlooking. It should also be noted that overlooking is more apparent in town centre locations where buildings and residential properties tend to be at a higher density and located closer together.

- 14.15 Concerning Shannock House, 1 Ashley Road, there are several first and second floor windows proposed facing in the direction of these neighbouring residential flats, although part of the building incorporates angled windows which predominantly face to the front and rear of the site. In total, there would be eight windows facing east serving bedrooms and lounge areas. It is considered that there would be an element of overlooking of the neighbouring residential flats at Shannock House, but the impact would not be so severe as to justify the refusal of planning permission. The existing windows comprise small kitchen windows rather than main living or lounge areas. The proposed building would be approximately 12 metres away from these windows, which is considered to be an acceptable distance and not result in any loss of light or look in this Town Centre location.
- 14.16 In terms of public highway safety matters, the proposal would result in the provision of 10 apartments, (9 x one-bed and 1 x two-bed) together with 26 car parking spaces and a number of secure cycle spaces. Parking is sought in accordance with the NFDC document 'Parking Standards Supplementary Planning Document (SPD)' which sets a recommended average provision for residential car parking provision and recommended car parking provisions for all non-residential use classes. For one-bed dwellings the recommended provision is 1.4 per unit where shared/communal, rising to 2 spaces where allocated, for two-bed dwellings the shared/communal recommended provision is 1.5 with the allocated provision the same as for a one-bed dwelling.
- 14.17 However, given the close proximity of the site to local amenities, including public transport, together with the fact that the parking SPD provides a recommended average provision and does not seek to set minimum or maximum standards, the highway authority consider that an objection based upon an under provision of car parking for the proposed residential development would be neither appropriate nor sustainable. The transport statement indicates that the level of off-street parking would increase by 2 spaces, with 1 space allocated to each dwelling with the remainder allocated to the ground floor commercial units, which represents a loss of 8 spaces for the existing users, i.e. an approximate reduction of 33% in capacity. In order to substantiate this reduction in car parking capacity the applicant should provide secure and covered cycle parking for the existing commercial units, in order to encourage alternative modes of transport to the private car. The parking SPD provides minimum standards for both long and short stay cycle parking, for long stay this is 1 space & 1 loop/hoop per one-bed unit while the long stay provision rises to 2 spaces.
- 14.18 Due to the restricted widths of the existing vehicular access the car park operates under a one-way system with vehicular access being achieved from Ashley Road and egress onto Station Road. Given that both Ashley Road and Station Road are classified, together with the close proximity to the signalised crossroads, the highway authority considers that the continuation of this one-way system is necessary in highway safety terms and will need to be controlled and self policing. The plans show spring loaded recessed plates in the road to self police the one way system.
- 14.19 In terms of tree matters, situated to the east of the car park's entrance on the site's southern boundary is a large, mature Oak tree that provides a good level of public amenity. The tree is protected by TPO: 0033/13 and is considered as a constraint to the development of this site. The Tree Officer does not raise any objections subject to the imposition of a condition.

- 14.20 The proposed development would require contributions towards affordable housing under Policy CS15. The target minimum would be 40% of all dwellings to be for affordable housing which would equate to 4 of the 10 dwellings. The applicant has proposed 2 units on site for affordable housing and an offsite contribution of £22,750. While it is considered 4 units should be affordable on site, on the basis that the applicant is meeting the policy provision which includes both on site and a financial payment, it is considered that this approach would be acceptable. In addition a contribution towards habitats mitigation would be required as set out in the contributions table. The other contributions would be dealt with under CIL. The Section 106 Agreement has not been completed and is currently being progressed.
- 14.21 On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing. The changes are not strictly new national policy but they are “material considerations” when determining a planning application. As such when determining an application they have to be weighed against all other material considerations notably locally adopted policies in the Development Plan. The changes do not apply to Habitat Mitigation measures or site-specific requirements e.g. an improved access on highway land that will continue to be applied in full. This is a complex issue. However, New Forest District Council’s evidence shows that small sites contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). The loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing as small sites make a major contribution to our housing supply in this area. Developers not wishing to make a financial contribution do have the option of making provision on-site for affordable housing, to comply with the policies in the adopted Local Plan.
- 14.22 In these circumstances, and with an up-to-date Local Plan, it will generally be appropriate to conclude that the material consideration of the Government’s recent announcement does not outweigh the presumption in favour of following the Development Plan.
- 14.23 In conclusion, it is considered that the proposed development would be acceptable, and subject to the completion of a Section 106 Agreement for the required contributions the proposal would be acceptable.
- 14.24 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.

Developers Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing	40%		
No. of Affordable dwellings	4	2	2
Financial Contribution	0	£22,750	0
Public Open Space			
On site provision by area			
Financial Contribution			
Transport Infrastructure			
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£5500	£5500	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	1530	0	1530	£122,400.00

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

i) the completion, by the 30th October 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure affordable housing (2 on site dwellings and an offsite financial contribution of £22,750) and habitat mitigation and monitoring contributions of £5550.

ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th October 2015, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

Conditions to be attached to any consent:

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: 947/12 rev j, 947/10 rev i, 947/20 rev g, 947/21 rev h, 947/23 rev h, 947/22 rev h, 947/20 rev c .

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 to include the colour finishes to be applied and the details of the windows, doors and balconies 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. The development hereby permitted shall not be occupied until the arrangements for parking within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety.
5. Prior to commencement of works (including site clearance and any other preparatory works) a scheme for the protection of trees in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' shall be submitted to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with policy CS2 of the Core Strategy for the New Forest outside the National Park.

6. In accordance with the submitted strategic landscape details on Drawing No 947/10 Rev 1, the following additional details shall be submitted to and approved by the Local Planning Authority:

- (a) a specification for new planting (species, size, spacing and location);
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure;
- (d) 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 all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

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 Core Strategy for the New Forest District outside the National Park.

7. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the future maintenance of the drainage system and the maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

Notes for inclusion on certificate:

This decision relates to amended / additional plans received by the Local Planning Authority on the 13th May 2015

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. Following discussions with the applicants, revised and additional plans have been submitted to address design concerns and issues raised by the highway authority which have enabled a positive recommendation to be made.

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Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
June 2015**

Item No: 3c

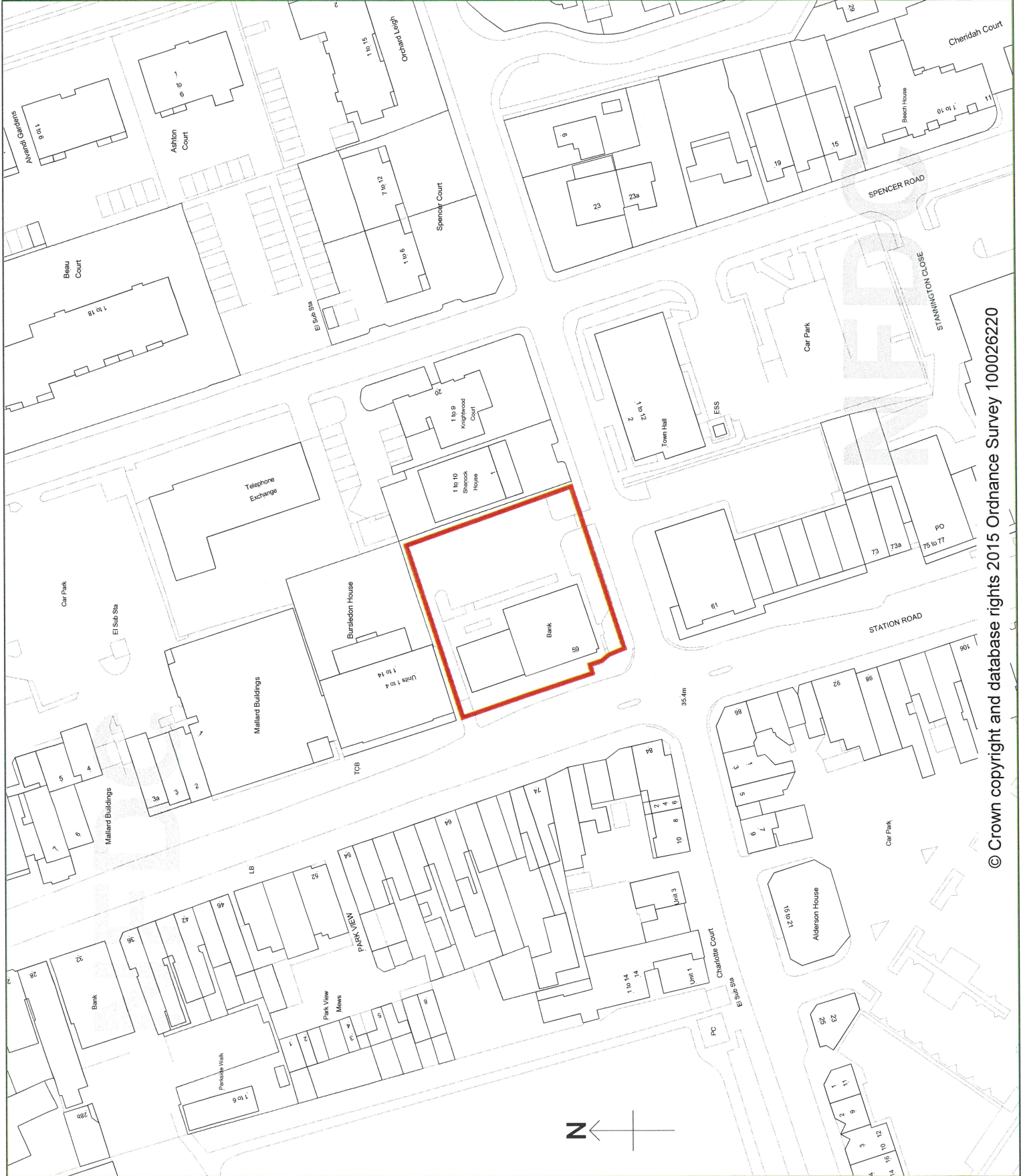
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Station Road
New Milton

App No 15/10032
SZ2494

Scale 1:1250

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