

Application Number: 15/10198 Full Planning Permission

Site: THE CHAPEL, FORDINGBRIDGE ROAD, WHITSBURY

Development: Use as 1 residential unit (Use Class C3); associated external alterations

Applicant: Mrs Mann

Target Date: 05/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor & Parish Council View, and to agree the waiving of the affordable housing contribution.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside, Area of Outstanding Natural Beauty

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
- 7. The countryside

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside
- DM24: Loss of rural employment sites, shops, public houses and community facilities

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

None

6 RELEVANT PLANNING HISTORY

- 6.1 Ground Floor extension (63460) - refused 29/4/98
- 6.2 Ground Floor Extension (65797) - granted 19/3/99
- 6.3 Use as 1 residential unit (Use Class C3); associated external alterations (14/11749) - withdrawn 12/2/15

7 PARISH / TOWN COUNCIL COMMENTS

Whitsbury Parish Council: - Considers the proposals are a sympathetic conversion of the building.

8 COUNCILLOR COMMENTS

Cllr Edward Heron: - Supports - The proposed residential conversion delivers a sympathetic and appropriate new use of the redundant chapel. The case for the reduced contributions, with the exception of environmental mitigation payments, put forward by the applicant is understood and reasonable. Whilst the loss of some trees is regrettable, the arboricultural report makes a coherent case and the loss of trees is acceptable to enable the preservation of this important building in the long term.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to parking and cycle store condition
- 9.2 Tree Officer: - Objects - the proposed development threatens an important mature tree that contributes to local amenity.
- 9.3 Hampshire County Council Archaeologist:- No objection
- 9.4 Ministry of Defence:- No objection
- 9.5 Ecologist:- No objection subject to securing measures in Biodiversity Mitigation Plan
- 9.6 Policy: - In policy terms, a residential conversion will only be acceptable where it would be for a holiday let or for affordable housing to meet a local need.
- 9.7 Estates & Valuation:- Considers that it will not be viable for a contribution to affordable housing to be made; in the absence of an appropriate marketing exercise it has not been demonstrated that there is an absence of demand for possible alternative uses.

9.8 Environmental Design (Conservation & Design):- Objects to the removal of the historic boundary wall and railings, which would have an adverse impact on the character and appearance of the Conservation Area; the general works are otherwise supported with slight amendments.

10 REPRESENTATIONS RECEIVED

One letter from a neighbour who comments that they would prefer to see a permanent dwelling rather than a holiday let and off road parking would be sensible given the width of the road and large vehicles that use it.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 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 £1,842.40.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.

- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, the application proposals have been the subject of discussion with the applicant's agent, but given the objections that have been identified, it has not been possible to negotiate on this application to secure an acceptable outcome.

14 ASSESSMENT

- 14.1 Whitsbury Chapel is a redundant Methodist chapel that dates from 1901. The building, which fronts onto Whitsbury's main highway, is located within a relatively modest plot that is bounded by the large and mature gardens of 2 adjacent dwelling houses. There is a low wall with railings along the front boundary of the site, while to the rear of the site are a number of mature trees, including trees that are protected by a Tree Preservation Order. Beyond the site, the nearby highway is mainly bounded by mature hedgerows, and the area generally has an attractive rural character. The site is located within the Whitsbury Conservation Area and within a designated Area of Outstanding Natural Beauty.
- 14.2 The submitted application seeks to convert the redundant chapel to a single dwelling house. Various external alterations are proposed to the building, including the removal of an existing single-storey projection at the rear of the property, the provision of new ground floor bifold doors / full length windows within the newly exposed rear elevation, the creation of 2 new first floor round windows within the front and rear gables of the building, the insertion of a number of new conservation rooflights, and the infilling of some 'blind' window openings. Within the external areas of the site, it is proposed to reposition the existing front boundary railings to allow for a parking area to the front of the building, while to the rear it is proposed to remove a number of trees and provide a new timber decking area.
- 14.3 The proposed residential conversion would result in the loss of an existing community facility. Local Plan Part 2 Policy DM24 only allows for the loss of rural community facilities where certain criteria are met. In this case, none of the relevant criteria would be met and therefore the proposed development would not be in accordance with Policy DM24. However, the chapel has been redundant for a few years, and there seems to be little prospect that the building would continue to function as a place of worship. Although the applicant does not appear to have explored any alternative community uses, it seems unlikely that using the building for alternative community uses would be viable in this specific rural location, taking into account the absence of a dedicated parking area. In these circumstances, it is felt that permitting the loss of the existing community use would be justified, notwithstanding an apparent conflict with Local Plan Part 2 Policy DM24.
- 14.4 Policy DM20 of the Local Plan Part 2 only allows for new dwellings in the countryside where they are replacement dwellings, dwellings to meet local affordable housing need or dwellings for agricultural workers. The residential conversion that is proposed would not meet a local affordable housing need, and nor would it be a dwelling for an agricultural worker.

As such, the residential conversion that is proposed would be contrary to Local Plan Part 2 Policy DM20.

- 14.5 If it is accepted that the re-use of the building for community purposes is not practical or viable, then planning policy would favour the re-use of the building either for suitable employment uses in accordance with Local Plan Part 2 Policy DM22, or for visitor accommodation in the form of a holiday let in accordance with Local Plan Part 2 Policy DM13. With respect to these 2 potentially acceptable alternative uses, the holiday let use is considered to have the greater potential as there is likely to be a demand for additional holiday accommodation in this location, and it is also a use that could be provided without detriment to the surrounding rural context.
- 14.6 The applicant's main justification for permitting this proposal contrary to policy is that the building is unsuitable for conversion to other uses. Specifically, they consider that the building is not suitable for conversion to an employment or community use due to a lack of external parking, a lack of demand, and due to the chapel's unsuitable location. They recognise that conversion of the building to a holiday let would be possible, but having carried out a viability assessment they have concluded that conversion to a holiday let would not be an economically viable business proposition.
- 14.7 The Council's Senior Valuer, who has considered the applicant's viability arguments, has noted that the property has not been marketed as being potentially suitable for an employment use, and on this basis he considers that the case has not been made that there would be no demand for such a use. With respect to a holiday let use, it is considered that the applicants have presented an extreme case in their viability appraisal. The Council's Senior Valuer feels that it is not inconceivable that a local resident could see the chapel building as an opportunity to create a holiday let investment that they can run economically in their spare time. The Council's Senior Valuer suggests that marketing the property at an appropriate price and for an appropriate period would help to demonstrate the existence or absence of demand for alternative uses. It should be noted that although the building was marketed for a period in 2012, the price it was marketed at was too high to attract interest other than for conversion to a permanent dwelling. Therefore, the marketing that took place was at a price that failed to take into account the Council's policy restrictions, and on this basis the applicant's marketing evidence does not adequately demonstrate a lack of demand for alternative uses.
- 14.8 Given the conflict with policy, and the failure to adequately market the property for alternative uses that would be more policy compliant, it is felt the applicants have not made a sufficiently compelling case to permit a new permanent dwelling that would be contrary to Local Plan Part 2 Policy DM22. It is recognised that at a national level, there are now many circumstances where the conversion of buildings to residential dwellings is permitted development. However, such permitted development rights do not apply in this case, and as such, it is not seen that there is a reasonable justification to permit a residential conversion contrary to policy.

- 14.9 The existing chapel building is considered to make a positive contribution to the character and appearance of the Whitsbury Conservation Area. Most of the physical alterations to the chapel building are low-key, well-considered, and sympathetic to the site's historic context. However, the loss of the Chapel name plaque on the front gable, to facilitate a new window, is not considered to be a sympathetic or appropriate change. The Council's Conservation Officer has also expressed concern that the important original windows on the front elevation are to be replaced with new timber windows. It is felt unlikely that any replacement windows would be able to match the glazing profile of the windows being replaced. There is also concern that the new first floor within the building would have an awkward relationship with the front windows, as the floor would cut through the line of the windows. Therefore, although many of the proposed external alterations to the building would be acceptable, the alterations to the front elevation would erode the building's heritage interest to the detriment of the character and appearance of the Whitsbury Conservation Area.
- 14.10 A further significant concern is the applicant's proposal to relocate the historic front wall and railings to facilitate a parking space. The boundary wall and railings are a distinctive feature and a key characteristic of the Conservation Area. There are numerous examples of boundaries running along the back edge of the street and generally this gives a defined enclosure to properties within the Conservation Area. The proposed relocation of the front boundary would significantly weaken what is a strong boundary line and would erode the frontage with a tarmac surfaced parking space. It would create a boundary that would feel uncomfortably close to the chapel. It is felt this change would be unacceptable and would adversely impact on the character and appearance of the Conservation Area. The applicant has suggested that this change is needed to allow for off-street parking. However, taking into account the site's historic use, it is not considered that the provision of such off-street parking is essential in the interests of highway safety. Also the quiet rural character of Fordingbridge Road should be taken into account. In essence, it is felt that Heritage considerations outweigh the desire for off-street parking in this particular case.
- 14.11 Situated in the rear south-western corner of the site is a group of 3 yew trees protected by a Tree Preservation Order. The application seeks to remove all 3 trees. The removal of 2 of these trees (T2 and T3) is considered to be justified as neither of these trees provides public amenity value. However, by contrast, the remaining tree (T1) is considered to provide a good level of public amenity. The Tree Officer cannot see a reasonable justification for the removal of this tree and does not accept the safety arguments for removal that have been put forward by the applicants. The applicant has also suggested that the tree needs to be removed to facilitate adequate drainage arrangements for the new dwelling. However, this argument is not felt to be convincing. It is felt that the removal of a tree that makes a positive contribution to the character and appearance of the Whitsbury Conservation Area would cause unjustified harm to the visual amenities of the area.
- 14.12 The proposal would see the introduction of first floor accommodation. The rooflights on the side-elevations would not result in undue overlooking of neighbouring dwellings, given their distance from those neighbouring dwellings and the modest size and design of the rooflights.

Overall, it is considered the proposed conversion could take place without detriment to the amenities of neighbouring dwellings.

- 14.13 The application is accompanied by an ecological report. The Ecologist is satisfied that the proposed conversion would not harm any protected species and therefore, subject to conditions, the proposal is one that would not harm biodiversity interests.
- 14.14 The proposed development is one that would be expected to secure contributions to affordable housing in line with Core Strategy policies. In this case, the target affordable housing contribution would be £43,400. The applicants have argued that making such a contribution would render the proposed conversion unviable. The Council's Senior Valuer has considered the applicants' viability arguments and has concluded that it would not be viable for any affordable housing contribution to be provided in association with this proposed development. As such, it is considered that there is a reasonable justification to waive the affordable housing contribution in this instance.
- 14.15 The proposed development would have a potential impact on designated European sites that would need to be mitigated in line with Local Plan policies. In this case, as most of the Habitat Mitigation Contribution would be met through CIL, there is only a need to secure a Visitor Management and Monitoring Contribution of £550. At the time of writing, this contribution has not been secured.
- 14.16 Overall, it is not felt that the applicants have put forward an adequate justification for the proposed dwelling, given that the proposal would conflict with Local Plan policies. It is felt that other forms of conversion that would be consistent with the Council's local plan policies, particularly a holiday let conversion, should be explored more thoroughly before conversion to a permanent dwelling could be accepted in this sensitive rural location. Notwithstanding the use that is proposed, the alterations to the front elevation of the building, the resiting of the front boundary, and the removal of a protected tree are all considered to be detrimental to the character and appearance of the Whitsbury Conservation Area. As such, the application is recommended for refusal.
- 14.17 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	
Financial Contribution	£43,400	0	-£43,400
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550	0	-£550

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	84.75	61.72	23.03	£1,842.40

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in an unjustified new permanent dwelling within an area of open countryside that forms part of a designated Area of Outstanding Natural Beauty, contrary to Policy DM20 of the New Forest District Local Plan Part 2: Sites and Development Management. The proposed dwelling would be unjustified, particularly as it has not been clearly demonstrated that the existing redundant building could not be reasonably used for alternative purposes that would be consistent with the Council's Local Plan policies.
2. The proposed development would be detrimental to the character and appearance of the Whitsbury Conservation Area because:-
 - a) the relocation of the historic front boundary wall and railings to provide parking area would result in a significant weakening of the existing front boundary, and would result in a boundary that would be uncomfortably close to the main chapel building, to the detriment of the setting of this building;
 - b) the alterations to the front elevation of the building, consisting of the loss of the existing Chapel plaque and the alterations affecting the front windows, would materially diminish the positive contribution that the existing chapel building makes to the character and appearance of the Conservation Area.

As such, the proposal would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

3. The proposed development would also be detrimental to the character and appearance of the Whitsbury Conservation Area because the proposal would result in the unjustified removal of a significant yew tree (T1) that is protected by a Tree Preservation Order. The loss of this tree would be detrimental to the visual amenities of the area, contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park.
4. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site, 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.

Notes for inclusion on certificate:

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In this case, the application proposals were the subject of discussion with the applicant's agent, but given the objections that have been identified, it was not possible to secure an acceptable outcome.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee**
June 2015

Item No: 3d

The Chapel
Fordingbridge Road
Whitsbury
App No 15/10198
SU1219

Scale 1:1250

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

