

Application Number: 16/10462 Full Planning Permission

Site: 54 - 56 STATION ROAD, NEW MILTON BH25 6LE

Development: Extend side dormer; front, side & rear dormers to create 2 additional flats; window alterations

Applicant: JDM Executive Homes

Target Date: 10/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre

Primary Shopping Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal:

- (1) Overdevelopment;
- (2) Lack of parking.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No highway objections

10 REPRESENTATIONS RECEIVED

10.1 1 letter of objection raising concerns in relation to parking congestion, noise, dust and rubbish.

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 £2304 in each of the following six years from the dwellings' completion, and as a result, a total of £13824 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 £8,171.69.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site comprises a two and a half storey end terrace building situated along the High Street in New Milton Town Centre. Although the building fronts onto the High Street, the building bounds a side vehicular access which provides rear access to a number of buildings fronting onto the High Street and housing to the rear at Park View Mews. The ground floor of the building is in commercial/ retail use and the first and second floors are occupied by three residential flats.
- 14.2 This application proposes two additional residential flats through alterations to the building including the introduction of dormer windows to the existing roof. In total the building would comprise five 2 bedroom flats. It is proposed to insert dormer windows on the front side and rear elevations of the building.
- 14.3 In policy terms, the site lies within the Primary Shopping Frontage where new residential uses are permitted on the upper floors. The site lies within the central part of the town centre where higher density living is considered acceptable and accordingly the principle of increasing the number of residential flats in this building is acceptable. There would be no changes to the ground floor of the building and the commercial and retail element would remain unaffected. It is considered that providing two additional residential flats, resulting in a total of five flats, would be acceptable. Given the sustainable location of the site, which is in the centre of New Milton town centre, the proposal is not considered to be an overdevelopment of the site

- 14.4 In assessing the effect on the character of the area, generally, there are a number of dormer windows in the second floor of buildings within this area and three storey buildings. The proposed front dormer window would match the size and design of the existing dormer window, which would be acceptable. The proposed dormer windows to the side and rear elevations would use existing roof spaces and are of a size, proportion and design which would be in keeping with the character of the existing building and would not result in any adverse impact on the surrounding area.
- 14.5 With regard to residential amenity, it is not considered that the proposal would result in any adverse impact on the living conditions of the neighbouring properties. The proposed dormer windows on the side (north) elevation would face onto a two storey building which is currently used for storage space in association with the uses fronting onto the High Street. The proposed extension to the existing dormer window on the south side elevation would be acceptable given that this would have a relatively small window on the far end of the elevation with oblique views to the neighbouring properties.
- 14.6 In terms of the rear elevation, two dormer windows are proposed which would face onto existing residential properties at No's 5-8 Park View. The distance between the proposed dormers and the front elevation of No's 5-8 Park View measures around 14 metres. Given that there are already windows on the rear elevation facing these neighbouring properties, the distance of 14 metres between the properties and the fact that the site is located in a town centre location in which you would normally expect a higher degree of overlooking, it is not considered a refusal of planning permission would be justified or sustainable at appeal.
- 14.7 In terms of public highway safety matters, there are no proposals to increase the number of on site car parking spaces at the site. Based upon the adopted car parking standards supplementary planning document, the proposals would generate a requirement for 4 spaces. The site is situated close to good public transport links and local amenities, and on street parking controls are enforced in the vicinity to prevent the possibility of any displaced vehicles causing undue danger and inconvenience to users of the highway. The Highway Authority would therefore consider that in this instance any shortfall in off street parking provision would not result in any detrimental effect on users of the local highway network and accordingly no objections are raised.
- 14.8 The proposal would result in additional residential units on site. However, Policy CS15 states that if the development entails the conversion or subdivision (without significant extension) of an existing dwelling, an affordable housing contribution is not required. In this case, part of the existing roof space would be utilised and apart from the addition of dormer windows, the proposal would mainly be a conversion and, accordingly, an affordable housing contribution is not required.
- 14.9 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the

proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

- 14.10 In conclusion, it is considered that the proposal to create new dormer windows within the roof of the existing building together with internal changes to create two additional flats would be acceptable on this site which lies within the central part of the town centre in which higher densities are appropriate. The proposal would have no adverse impact on the character of the area, residential amenity or public highway safety.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	330	232	98	£8,171.69 *
Shops	140	140	0	£0.00 *

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: 70/15/6, 70/15/5 Rev A, 70/15/2, Location plan.

Reason: To ensure satisfactory provision of the development.

3. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

4. Before development commences, samples or exact details of the facing and roofing materials to be used for the dormer windows 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.

Notes for inclusion on certificate:

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 23rd June 2016.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

3. In discharging condition No.3 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

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New Forest DISTRICT COUNCIL

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Control Committee
July 2016

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scale.

