

Application Number: 17/10973 Full Planning Permission

Site: CHESSEL HOUSE, FERNHILL LANE, NEW MILTON BH25 5WR

Development: Roof alterations; dormer and roof lights in association with new flat; 1 additional parking space

Applicant: Jackson Developments Ltd

Target Date: 01/09/2017

Extension Date: 13/10/2017

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 06/88112 - one block of 6 flats (amendments to 87324). Refused 14.9.06, appeal allowed
- 6.2 06/87324 - 1 block of 5 flats, 1 block of 8 flats, demolition of existing buildings. Granted 17.5.06
- 6.3 05/85408 - 13 flats with parking and access alterations. Refused 7.10.05, appeal dismissed
- 6.4 05/84554 - 13 flats with parking and access alterations. Refused 31.5.05

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object and would not accept a delegated approval. Concerns with highway safety, request all windows should be obscure glazed and advise the additional parking space is already in situ.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection; any additional traffic that might be generated at the existing access onto Fernhill Lane would not be likely to have any significant adverse affect on the safety or convenience of users of the highway.

10 REPRESENTATIONS RECEIVED

Objections have been received from 3 households concerned with the following:

- previous schemes were refused for bulk and massing reasons
- inadequate visibility (due to protected trees) will be exacerbated
- loss of privacy
- developer has always intended to increase the number of flats on the site
- over development
- turning within the site is difficult if all spaces are in use
- inadequate parking for so many flats
- there have been accidents in the area recently as there is more traffic than when the flats were originally approved

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £3,960.00.

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 lies within the built up area of New Milton in a residential area close to the town centre. It contains two blocks of flats built around 10 years ago with associated parking and landscaping. There are statutorily protected trees along the road frontage which curves between Fernhill Lane (where the vehicular access is) and Avenue Road. The proposal entails the provision of an additional 1-bed flat in the northern most block. This includes a dormer window to the southern elevation and roof lights to the north and west. The plans also indicate an additional parking space although it should be noted that the site already contains this additional space.
- 14.2 In visual terms, the proposed changes to the building are limited and reflect existing dormer and roof light features. They are not considered to adversely affect the character of the building or area and would have a limited impact on the bulk and massing of the building.
- 14.3 With regard to residential amenity, concern has been expressed with regard to the roof lights in the western elevation towards 4, Avenue Road. It is accepted that there may be some oblique views towards this garden, the boundary of which is approximately 13m away adjacent to adjoining property's out building. Given the set back nature of roof lights in relation to the footprint of the building, the proposed western roof lights would be about 21m from the nearest corner of the actual dwelling. Further, there are other windows in this elevation and given the distances referred to above, it is not considered that the additional roof lights would significantly affect adjoining occupiers.
- 14.4 The front dormer would look across the front garden of the site and those roof lights to the rear (north) would be some 24m from the nearest dwelling and across the access for the site such that no adverse impact would result. There would be no loss of light as a result of this proposal.
- 14.5 Parking provision and access difficulties have also been raised as a concern. However, the proposal would result in there being a single parking space for each dwelling. This was considered acceptable when the Inspector determined the appeal for the scheme to allow a 6th flat in the block of 5, allowing a total of 14 units and 14 parking spaces. It would appear that the site has always accommodated 15 car parking spaces (the proposed space is already in situ), and on this basis, it would be difficult to sustain a reason for refusal. Similarly, there are no proposed changes to the access or turning provisions and the Highway Engineer has raised no objection to the proposals.
- 14.6 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

- 14.7 In conclusion, the proposal would provide an additional unit of accommodation with minimum alterations to the building and site layout. Although the concerns expressed with regard to additional traffic and a loss of amenity have been noted, it is not considered that the addition of a one bedroom unit would exacerbate highway safety matters or result in a loss of residential amenity to an extent which would warrant refusal.
- 14.8 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	
Financial Contribution	0	0	
Habitats Mitigation			
Financial Contribution	£2,050		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	45	0	45	45	£80/sqm	£3,960.00 *
Subtotal:	£3,960.00					
Relief:	£0.00					
Total Payable:	£3,960.00					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

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

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

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: 8893/100, 8893/101, 8893/102.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

4. 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.

Notes for inclusion on certificate:

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

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

2. In discharging condition No. 4 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:

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**Planning Development
Control Committee**
October 2017

Item No: 3f
Chessel House
Fernhill Lane
New Milton
17/10973
SZ2495

Scale 1:1250

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



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