

**Application Number:** 18/10198 Full Planning Permission

**Site:** 21, KENNARD ROAD, NEW MILTON BH25 5JR

**Development:** 1 Block of 9 flats and 1 maisonette; cycle & bin store; parking

**Applicant:** Jackson Developments Ltd

**Target Date:** 14/05/2018

**Extension Date:** 15/06/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Vivienne Baxter
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**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
- 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
- Section 197 Trees
- Town and Country Planning Act 1990

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Design of Waste Management Facilities in New Development  
SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - New Milton Local Distinctiveness  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

- 6.1 17/10533 - 1 three-storey block of 8 flats, completion of development already commenced (LDCE). Was not lawful 14.7.17
- 6.2 13/10150 - removal of condition 3 (affordable housing requirement) of 10/95081. Refused 8.5.13, appeal allowed
- 6.3 10/95081 - 1 three storey block of 16 flats, one 2-storey block of 2 flats, bin store, cycle store, access alterations, parking, demolition of existing. Refused 20.4.10, appeal allowed
- 6.4 07/91520 - 1 three-storey block of 8 flats. Refused 13.2.08, appeal allowed.

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council - recommend refusal and would not accept a delegated approval. Support Highway Authority comments.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Southern Gas Networks: offer advice
- 9.2 Southern Water: request informative
- 9.3 Hampshire County Council Highway Engineer: raise concern regarding parking provision
- 9.4 Tree Officer - no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

- 10.1 One response in support has been received but subject to the consideration of traffic impacts on the corner.
- 10.2 An objection has been received concerned with congestion in Kennard Road and that increased on street parking could be dangerous.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus of £12,240 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 £85,434.55.

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.

Initial concerns in respect of the width of the access and location of the bin store provision were addressed by the agent and amended plans provided to improve the outlook from the maisonette.

## 14 ASSESSMENT

- 14.1 The site lies on a corner plot within the built up area of New Milton in a residential area. It is currently devoid of any buildings following the demolition of the former children's care home several years ago. There is a triple garage, within the same plot but outside of the site area, which was used in association with the previous use. The boundaries are well screened and include statutorily protected trees to the north, east and southern boundaries. The area is essentially residential in character with a mixture of houses and flats.
- 14.2 The proposal entails the provision of a block of 10 flats with associated cycle and bin store facilities and parking. It follows the lapse of the grant of permission for 16 flats in one building on the site.
- 14.3 In visual terms, whilst the proposed building is large, it is not as substantial as no.29 to the north and would sit within a site capable of providing a reasonable setting. The scale and design of the building is similar to that allowed on appeal and includes traditional design features such as tile hanging and flat roofed dormers which are both found locally.
- 14.4 With regard to residential amenity, the rear elevation of the proposed building is between 18.8m and 23m from the flank elevation of the property in Kennard Court. This property has a first floor side window which would be partially screened by existing vegetation. Previous schemes have not been refused due to any substantive overlooking and given the siting of the proposed building being very similar to those, there are no objections to the proposal in this respect.
- 14.5 Turning to the parking provision, the previous scheme (18 1-bed units in total) was allowed on appeal having a shortfall of 6.4 parking spaces. At the time it was considered, the Highway Authority did not raise any objections to this shortfall and the Inspector concluded that 'the appeal site is sustainably located within walking distance to the services and facilities of New Milton'. He further concluded that both Kennard Road and Kennard Court were capable of accommodating on street parking without any harmful impact upon the pleasant and spacious character of the area.
- 14.6 The current scheme is for 9 x 2-bed and 1 x 1 bed flats which would generate a recommended parking provision of 14.9 unallocated spaces, thus the proposal offers a shortfall of 4.9 spaces. The Highway Authority has indicated that a shortfall of up to 20% could be acceptable subject to good access (400m) to public transport. The local railway station is within 500m and there are bus stops within 30m of the front of the site. Having regard to the circumstances of this proposal, it is considered that although there is a small shortfall of parking (1.9 spaces given the 20% flexibility), it is not sufficient to warrant refusal of the scheme for this reason. In respect of the proposed cycle parking provision, it is noted that the proposed building would accommodate racks for 10 cycles although its capacity would be slightly in excess of this number and the flats building could accommodate additional cycles where necessary.
- 14.7 In light of this current application, the two separate Tree Preservation Orders on site have been revoked and replaced with a single TPO which is a constraint to development on the site. However in view of the

previous building and associated hard surfaces within the site, subject to appropriate protection measures as detailed in the submitted documentation, the trees should not be adversely affected by the proposed development.

#### Other material considerations

- 14.8 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 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 With regard to affordable housing, Government Guidance issued in 2014 advises that contributions should not be sought from developments of 10 units or less. While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. On this basis, no affordable housing or tariff style contributions would be sought from this proposal, in accordance with National Planning Practice Guidance but contrary to the provisions of Policy CS15 of the Core Strategy.

#### Conclusion

- 14.11 The proposal would provide 10 units without harming visual or residential amenity, making good use of this corner plot. The protected trees would not be harmed and given the limited shortfall in parking, it is not considered that a reason for refusal could be sustained.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	£29,500		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	887.1	0	887.1	887.1	£80/sqm	£85,434.55 *

Subtotal:	£85,434.55
Relief:	£0.00
Total Payable:	£85,434.55

\* 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 2018 this value is 1.2

## 15. RECOMMENDATION

**Grant Subject to Conditions**

## Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of one year 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 and in order to comply with policy CS15 of the Core Strategy for the New Forest District outside the National Park.

2. The development permitted shall be carried out in accordance with the following approved plans: 100 rev D; 101 rev D; 102 rev D; 103 rev A; 104 rev A

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved by the Local Planning Authority.

Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

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.

5. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) 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 then only in accordance with those details.

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.

6. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Mark Hinsley Tree Report ref 1159-01-18/JC/IMP/01/18 dated 16 January 2018 and Tree Protection Plan ref -1159-01-18 dated 16 January 2018 while in accordance with the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DW-E8 of the New Forest District Local Plan First Alteration.

7. The development hereby permitted shall not be occupied until the arrangements for parking and cycle parking within its curtilage and shown on drawing 8970/100 revD 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 and in accordance with policy CS2 of the New Forest District Council Core Strategy.

8. 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.

Initial concerns in respect of the width of the access and location of the bin store provision were addressed by the agent and amended plans provided to improve the outlook from the maisonette.

2. In discharging condition No. 8 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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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
June 2018

Item No: 3h  
21 Kennard Road  
New Milton  
18/10198

Scale 1:1250  
N.B. If printing this plan from  
the internet, it will not be to  
scale.

