

Application Number: 16/10758 Full Planning Permission

Site: 45 BARTON COURT AVENUE, BARTON-ON-SEA,
NEW MILTON BH25 7ET

Development: 2 two-storey detached houses; detached garage; access; parking;
fencing; landscaping; demolition of existing

Applicant: Bisterne Developments Limited

Target Date: 02/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to 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

- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- 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 - Mitigation Strategy for European Sites
SPD - New Milton Local Distinctiveness
SPD - Parking Standards
SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

- 6.1 2 detached houses, detached garage, boundary wall (11567) Refused on the 18th December 2015
- 6.2 1 block of 4 flats, 1.8 metre high boundary wall (10713) Refused on the 8th July 2015. Appeal dismissed
- 6.3 One terrace of 3 houses (10047) Refused on the 11th March 2015
- 6.4 Bungalow - demolition of existing (11244) Granted with conditions on the 29th November 2013

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object for the following reasons:

- (1) Lack of parking
- (2) Overdevelopment, due to its two storey nature
- (3) Out of character
- (4) Contrary to NFDC Core Strategy policy CS2 (Design Quality) due to its continued use of a flat roof.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no highway objections
- 9.2 Land Drainage: No objection subject to condition

10 REPRESENTATIONS RECEIVED

7 letters of objection concerned that the proposal would be out of character with the area, and an inappropriate form of development. The proposal is an overdevelopment of the site and the plot size is insufficient. The proposal would create a poor living environment for future residents. The proposal would impact on public highway safety, there are inadequate parking spaces and turning facilities within the site. The proposal would result in unacceptable overlooking. Concerns over drainage. Lack of visibility onto Dilly Lane. There is no pavement along Dilly Lane. Incorrect details in relation to CIL. It is more appropriate to construct a bungalow. Height of boundary fence is unacceptable.

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 £1152 in each of the following six years from the dwellings' 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 £3,585.54.

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 contains a low profile detached bungalow located at the junction of Barton Court Avenue with Dilly Lane. The site is irregular in shape with a wide frontage, but due to the positioning of Dilly Lane the depth of the site reduces considerably. The existing bungalow is of no architectural merit and fronts onto Barton Court Avenue and has a front, side and rear garden area. There is a relatively high timber fence enclosing the front of the site along Barton Court Avenue but there is vegetation and a hedgerow adjacent to Dilly Lane. Access and car parking is gained from Barton Court Avenue.
- 14.2 Barton Court Avenue is a long tree-lined suburban road which connects New Miltons main shopping street with the sea front. In the vicinity of the site in particular, the dwellings are mostly two storey detached buildings of a similar size and age, dating from the early to mid 20th Century. The dwellings vary in design but many exhibit common features in terms of elevational treatment, roof form and materials. The dwellings are set in ample plots of similar size with reasonably regular spacing between the them .On the whole the dwellings are set back a similar distance from the street, their generous landscape planted gardens often fronted by low walls backed by hedging. Although some modern infill development has taken place further along the road, these attributes all contribute to the environs of the site exhibiting a pleasant and coherent suburban, sylvan character.
- 14.3 There is a significant planning history on the site. Planning permission has been granted for a replacement dwelling, which has not been implemented. Separate proposals for a block of three houses, a block of four flats and two detached dwellings have all been refused on this site, and the block of four flats was subsequently dismissed on appeal. The main issues raised in the refused applications were on the grounds of the impact on the character and appearance of the area, and the lack of suitable living conditions provided for future occupiers, having regard to the garden spaces provided.
- 14.4 This current application proposes to demolish the existing dwelling and to construct two detached houses and a single detached garage. Both proposed dwellings would front onto Barton Court Avenue with rear garden areas backing onto Dilly Lane. A single detached garage would be sited adjacent to Dilly Lane. Access and car parking would be from Barton Court Avenue. Visually the proposed dwellings would rise to two storeys, but most of the first floor accommodation would be provided within the roof space. Both the dwellings are designed with different roof forms, materials and footprints, but they would be sited within the existing building line along Barton Court Avenue. In comparison to the 2 additional dwellings refused under 11567, this current proposal has significantly reduced the footprint and scale of the building. Plot 1 has been reduced in size adjacent to Dilly Lane and the attached garage has been omitted and the detached garage has been amended from a double to a single size.
- 14.5 In assessing the effect on the character and appearance of the area, it is considered that the proposed development would respect the spatial character of the area. The proposed dwellings would be set back from both Barton Court Avenue (around 12 metres distance from the road to the front of the dwellings) and Dilly Lane (around 8 metres from the side

elevation of plot one to the road) with a reasonable amount of space around the buildings. Indeed, a generous gap to the north side of the plot would be created that would also enable the existing vegetation along Dilly Lane to be retained. The proposed footprints of the dwellings would be comparable with the majority of properties in the locality and it is also considered that reasonably sized front and rear garden areas (both dwellings achieve a minimum rear garden depth of 10 metres) would be provided.

- 14.6 Rising to around 7.7 metres in height, the proposed dwellings would be no taller than the neighbouring buildings in Barton Court Avenue. Indeed, the majority of the dwellings along the street are full two storey dwellings and, the proposed dwellings would reflect this scale. Although the dwellings design and roof form is varied, this would be appropriate in this location which consist of a mixture of property types and styles. Plot one has been designed with a single storey side element adjacent to Dilly Lane to reduce the extent of built form when viewing the site from the north. In terms of the flat roof to be created on plot two, this is unfortunate. However, the flat roof would partly be disguised by the pitched roof of the proposed house and the actual extent of the flat roof is relatively small. Overall it is considered that the proposed development would not harm the spatial characteristics of the area or the character of the area.
- 14.7 With regard to residential amenity, the proposed development would have an acceptable relationship to the neighbouring properties. Proposed plot one would be sited a sufficient distance away from the neighbouring properties. While proposed plot two would be sited adjacent to No 47, the first floor window on the side elevation would serve a bathroom and this window can be fitted with obscure glass to maintain a reasonable level of privacy. The physical relationship of the building is acceptable with respect to No 47.
- 14.8 The proposed layout of the site shows adequate car parking and turning within the site, which accords with the recommended guidance set out in the Councils adopted Supplementary Planning Document. The proposed three bedroom dwellings would have two car parking spaces and a detached garage for plot 2 which would be acceptable. The Highway Authority does not raise any objections and considers that the proposal would not prejudice public highway safety.
- 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 Solvent 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 site can acceptably accommodate two dwellings in the layout proposed without appearing cramped or overdeveloped. Although the buildings rise to two storeys, the scale of the buildings would be lower than the neighbouring properties and the design and use of materials of the buildings would be of a good standard which would be in keeping with the street scene.

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.

Section 106 Contributions Summary Table

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

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	298	255	43	£3,585.54 *

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: 8502/400, 8502/401, 8502/402.

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 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 spaces shown on plan 8502/400 for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 8502/400 for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

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 Local Plan for the New Forest District outside the National Park (Core Strategy).

6. 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. 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.

7. 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.

8. The first floor window on the side [south] elevation of the approved building identified as Plot 2 shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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 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:

Major Team

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DISTRICT COUNCIL

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**Planning Development
Control Committee
August 2016**

Item No: 3x

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Barton Court Avenue
Barton on Sea
16/10758
SZ2393

Scale 1:1250

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the internet, it will not be to
scale.



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