

Application Number: 16/11385 Variation / Removal of Condition

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

Development: Variation of Condition 2 of Planning Permission 16/10758 to vary plan numbers 8502/500, 8502/501 to allow attached garage and front dormer to unit 1 and remove window on south elevation, rooflight, cladding and fenestration alterations to rear of unit 2

Applicant: Mr Tizzard

Target Date: 02/12/2016

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
- 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 two storey detached houses, detached garage, boundary wall and fence, parking, access (11567) Refused on the 18th December 2015
- 6.2 2 two storey detached dwellings, detached garage, access parking, fencing, landscaping - demolition of existing (10758) Granted with conditions on the 11th August 2016

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal

- (1) The amendments, in particular the garage moving to the forward building line causes issues on Site Coverage. The Local Distinctiveness Study text on page 85 was referred to by the Town Council and later became part of the Appeal Inspector's dismissal of 15/10713 (para.7-9 of appeal decision). Therefore it is out of character.
- (2) Members are concerned about the strategic nature of these changes, which are tantamount to 'back door' planning.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned that the amendment to unit 1 would in effect be reverting to the planning application refused in December 2015 in that it would create a poor treatment to Dilly Lane and excessive footprint. These two houses are already too big.

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 £26,516.31.

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 Planning permission was recently granted to demolish the existing bungalow and to construct two detached dwellings under reference number 10758. No works have commenced to implement that permission. This current application seeks to vary condition 2 of planning permission 10758 to amend the plan numbers to allow an attached garage and dormer window to be added to plot 1, and the front canopy extended in length. The only changes to plot 2 entails the addition of a roof light on the rear elevation, fenestrations and cladding changes.
- 14.4 The main issues in this case are whether the proposed changes would have an adverse impact on the character and appearance of the area or the living conditions of the adjoining neighbouring properties.
- 14.5 It is considered that the proposed addition of a rooflight on the rear (east) elevation which would face in the direction of the rear garden, would have no material impact. Equally the minor changes to the fenestration of plot 2 would be acceptable.
- 14.6 Concerning the proposed changes to plot 1, the provision of an additional dormer window on the front elevation replacing the two previously approved rooflights would be acceptable. The additional dormer has been designed to reflect the size and design of the two other dormer windows and it is considered that there is sufficient space on the roof to accommodate the extra window without appearing cluttered. Indeed the additional dormer window would help strengthen up the front elevation of the building.
- 14.7 The main issue is the changes to plot 1 through the addition of an attached garage which would be sited adjacent to Dilly Lane. It is considered unfortunate that the current proposal now seeks to add an additional building on the side elevation adjacent to Dilly Lane. When the previous application was assessed, the gap between plot 1 and Dilly Lane was important to ensure the retention of the hedgerow and maintain the spatial character of the site. The proposed garage would reduce the gap between the approved building and Dilly Lane.
- 14.8 It should also be noted that concerns were raised in relation to the close proximity and poor treatment of the side elevation of plot 1 to Dilly Lane under reference 11567. However it should be noted that the proposed dwelling on plot 1 was larger in scale and size in proximity to Dilly Lane, whereas with this current application, the articulation is better and there would be a single storey element on the side elevation adjacent to Dilly Lane.

- 14.9 In balancing out the issues, the proposed attached garage would be single storey with a roof slope projecting away from the boundary. The distance from the north west corner to Dilly Lane would measure 4 metres, with a distance of 2 metres from the north east corner. Providing that the existing hedgerow to Dilly Lane is retained and reinforced, this will help screen part of the attached garage. Moreover, as the building on plot 1 descends to the rear, the building projects further away from Dilly Lane which will ensure that the spatial characteristic of the site and surrounding area are maintained. Both plots would also maintain reasonable open space around the buildings. Overall, whilst it is unfortunate that the current proposal now seeks to create an attached garage adjacent to Dilly Lane, this would not justify a refusal of planning permission on character grounds.
- 14.10 In relation to other matters, the site layout now provides additional car parking spaces and the proposed changes would not have any greater impact on the living conditions of the adjoining neighbouring properties.
- 14.11 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.
- 14.12 In conclusion, it is considered that the proposed amendments to the approved development would not have an adverse impact on the character and appearance of the area or on the living conditions of the adjoining neighbouring properties.
- 14.13 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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
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Dwelling houses	318	0	318	318	£80/sqm	£26,516.31 *
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Subtotal:	£26,516.31
Relief:	£0.00
Total Payable:	£26,516.31

* 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) x CIL Rate (R) x Inflation Index (I)

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

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: 8502/500, 8502/501, 8502/502

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 8502/500 for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 8502/500 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 first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method. In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park 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. 7 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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**Planning Development
Control Committee
December 2016**

Item No: 3k
45 Barton Court Avenue
Barton on Sea
New Milton
16/11385
SZ2393

Scale 1:1250

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

