

Application Number: 17/10241 Full Planning Permission

Site: BURLEIGH COURT, 4 SOUTHERN LANE, BARTON-ON-SEA,
NEW MILTON BH25 7JA

Development: Create 1 flat; roof alterations including alter pitch; 2 dormers; 5
rooflights; exterior alterations; remove cladding; window
alterations; garage block; parking

Applicant: Mr & Mrs Serbatoio

Target Date: 14/04/2017

Extension Date: 10/05/2017

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 - Design of Waste Management Facilities in New Development
SPD - Parking Standards
SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 04/81078 - roof alterations to form flat. Refused 14.6.04, appeal dismissed.
- 6.2 03/78908 - roof alterations to form flat. Refused 13.10.03, appeal dismissed.
- 6.3 02/75226 - construct new 2nd floor comprising two flats (existing roof to be replaced) and replacement garages. Refused 25.7.02, appeal dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval. Building would be more prominent, overlooking concerns and contrary to local distinctiveness.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - offer advice
- 9.2 Hampshire County Council Highway Engineer - no objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 One response in support of the proposal has been received.
- 10.2 Objections have also been received from 2 local residents concerned with the following:
- proposal would adversely affect the street scene
 - increased traffic
 - increased massing of the garage block
 - will set a precedent for future development
 - garage roof does not address residential amenity issues

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus of £1,224 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 £10,384.00.

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 Barton on Sea in a residential area. It contains a 1960s 2-storey block of flats with associated garages to the rear. The majority of other dwellings in the area are bungalows although there is a pair of semi-detached cottages immediately to the north-east of the site. The proposal entails the provision of an additional flat within the slightly enlarged roof space, a replacement block of garages to include an additional one and minor fenestration alterations. This application follows pre-application advice for this proposal which offered support for this scheme.

- 14.2 With regard to residential amenity, the proposed alterations are unlikely to give rise to any significant loss of light to adjoining properties. The most affected by this would be the north western boundary to 8a at the rear of the site but this would be marginal towards the end of the day. Overlooking has previously been of concern at this property and this is reflected in comments received. However, of the four new side windows at second floor level, one would be obscure glazed and two large clear glazed kitchen windows at first floor level would be removed. It is considered that this offers an improvement on the existing situation. The proposed dormer windows to the rear elevation would have limited views of the adjoining gardens due to the provision of a pitched roof over the garages. This roof would also minimise existing overlooking from the first floor windows. The proposed garage block would replace an existing flat roofed block, in a similar position, with a pitched roof. The building would be 4.5m high to the ridge close to the site boundaries (min 0.5m). This relationship to neighbours would be appropriate for a building of this scale.
- 14.3 Visually, Burleigh Court is the largest building in the area in terms of height and this height would not be increased. It is noted that concerns have been raised with regard to the bulk and massing of the proposed building although this is minimal with the eaves being raised by 0.6m. It could be construed that the largest building in the area shouldn't be increased in size further although alternatively, it is not considered that this small increase is such that the building would be out of character within this area given its current appearance. The applicant is keen to improve the outdated appearance of the property in addition to the provision of an additional unit and this is proposed through the gable features to the front eaves line, replacement of the tile hanging and stone cladding with render and the provision of uPVC cladding at first/second floor level to the sides and part front/rear elevations. Most of the brickwork would be retained. It is noted that many properties in the area are render on a brick plinth and this would not be seen as out of keeping. Whilst there is limited uPVC cladding in the area, this could also be said of the tile hanging and stone cladding. The adjacent cottages have gable features to the front elevation and on this basis, the proposed physical changes to the building are not considered to be out of keeping in this area and would represent an improvement on the appearance of the property.
- 14.4 The appeals were dismissed on the grounds that there would be a loss of privacy to the occupants of 8a, even though first floor windows currently overlook, and that the roof alterations would result in a tall, bulky building. Having regard to this, the proposed garage roof would mitigate against both existing and potential overlooking to this property and the proposed roof alterations do not involve increasing the ridge or any significant increase in eaves level. It is not considered that the new garage building would result in significant harm to adjoining properties.
- 14.5 The Highway Authority has not raised any objections to the proposal as the over provision of a parking space is not a sustainable reason for refusal. The hard surfacing is in existence in any case.
- 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 the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.8 In conclusion, it is considered that the proposed alterations would be appropriate to the character of the area with no significant adverse implications for neighbours. The proposals make adequate provision for car parking and approval is recommended.
- 14.9 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	£3,050		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	429	311	118	118	£80/sqm	£10,384.00 *
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Subtotal:	£10,384.00
Relief:	£0.00
Total Payable:	£10,384.00

* 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. Before development commences, samples or exact details of the colour of the render and cladding 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.

3. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plan (LTD(140) 18 revision 'A') and shall be retained thereafter.

Reason - To ensure adequate on-site car parking provision for the approved development and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

4. The development permitted shall be carried out in accordance with the following approved plans: Planning Statement, LTD (140) 10 [Revision 'A'], LTD (140) 18 revision 'A', LTD (140) 11 (Revision 'C'), LTD (140) 17 A, LTD (140) 12 C.

Reason: To ensure satisfactory provision of the development.

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.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
May 2017**

Item No: 3e

Burleigh Court
4 Southern Lane
Barton on Sea
17/10241
SZ2393

Scale 1:1250

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

