

**Application Number:** 18/10060 Full Planning Permission

**Site:** THE DOME, 121 BARTON COURT AVENUE, BARTON-ON-SEA,  
NEW MILTON BH25 7EY

**Development:** Roof alterations in association with extension to two existing flats;  
creation of first-floor roof terrace; replace conservatory with  
single-storey front extension; fenestration alterations

**Applicant:** Mr Dean

**Target Date:** 28/03/2018

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

<b>RECOMMENDATION:</b> Service Man Planning Grant
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<b>Case Officer:</b> Vivienne Baxter
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## 1 REASON FOR COMMITTEE CONSIDERATION

The application was deferred from the June Committee meeting, contrary to Member view. The deferral was made in order to secure more details and clarification as set out in the Introduction at Section 14 of this report.

## 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
- CS24: Transport considerations
- 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
- DM6: Coastal Change Management Area
- DM7: Restrictions on new soakaways

#### **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. 7 - Requiring good design

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

SPD - New Milton Local Distinctiveness

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 85/NFDC/30231 - change of use from hotel to rest home for the elderly. Granted 14.11.85.
- 6.2 90/NFDC/44285 - two storey extension to rest home with additional parking. Granted 11.6.90. *This application was for the flats now know as flats 7, 8, 9 and 10 and included a covered way to the front elevation. There was a condition requiring 10 parking spaces to be provided and retained. (This layout is reflected in the current proposal with the addition of an eleventh space.)*
- 6.3 92/NFDC/49432 - addition of conservatory. Granted 30.3.92. *This replaced the covered way referred to above and has been removed as part of the current proposals.*
- 6.4 98/NFDC/64666 - change of use to form independent first floor flat. Granted 6.10.98. *This relates to the property known as flat 10, there were no restrictive conditions.*
- 6.5 99/66834 - part change of use to form one-bed self-contained sheltered flat. Granted 24.8.99. *This relates to the property now known as flat 8, there were no restrictive conditions relating to use or parking.*
- 6.6 99/67375 - change of use of part of premises to form 6 no additional self contained flats and 2 no additional sheltered flats (10 flats in total). Granted 10.5.00. *This application refers to the hairdressers, flats 2-5 inclusive and flat 7. The layout indicated 11 parking spaces (to be kept available for these purposes at all times) and a bin store (to be provided but no restriction to maintain it).*
- 6.7 17/10310 - use as hairdressing salon. Granted 26.6.17. *This permission includes a condition to require two spaces to be kept available at all times.*
- 6.8 17/11720 - (LDCE) continued use of flats 7 & 9 as residential. Was lawful. *These flats are indicated as 6 and 9 in the current scheme.*

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

New Milton Town Council: no comment (in respect of original submission).

The Committee did not feel able to return a valid comment due to the list of validation issues with the application as below:

- No parking layout plan had been submitted.
- The application stated there will be no increase in floor space, which is clearly inaccurate.
- At least one of the flats has recently been sold with the benefit of two dedicated parking spaces, yet there is not adequate parking for 1 space per flat.
- The plans do not show all of the windows in the elevation facing Shoreacre.
- Extensive ground work has/is taking place on site.
- No details have been submitted in relation to the provision of a bin storage area.
- DM6 Coastal Change Management Policy may be relevant as the site is already over developed.

## **8 COUNCILLOR COMMENTS**

Councillor Beck: local concerns on the impact of car parking.

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: no objection to amended proposals, subject to condition

9.2 Southern Gas Networks: offer advice

## **10 REPRESENTATIONS RECEIVED**

10.1 Support has been received from a local resident advising that the forecourt could accommodate 12-14 cars if required and that the terrace would not be visible from Shoreacres.

10.2 Three objections have been received from local residents concerned with the following (original proposal)

- the certificate is incorrect
- no bin store details
- inaccuracies in the application form and plans
- no parking provision
- noise disturbance from roof terrace
- much work has already occurred without consent
- loss of light
- loss of privacy
- inadequate parking
- over development of the site
- will the foundations be strong enough?
- proposed parking provision conflicts with recent sales and tenancies

Since the initial Committee consideration, the following comments have been received:

The freeholder is supporting the scheme and makes a suggestion with regard to the bin store location.

The applicant has further clarified the situation with regard to serving notice on current owners within the red line and the number of parking spaces available.

A local resident suggests the bin store should be provided where it used to be located as its proposed location would be detrimental to the residential amenities of the occupants of Shoreacres and The Dome and the visual amenities of the area. Concern is also raised in respect of the proposed pedestrian gate adjacent to the bin store.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application.

## **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.

Clarification of the ownership of the site and the parking provision have been requested in order that a full assessment can be made. Following discussions at the June meeting of the Committee, additional details in respect of the bin and cycle store provision have also been received.

### Introduction

This application was deferred at the June meeting of this Committee when it was considered that provision of a bin store is essential and clarification was sought about the provision of storage for bicycles and mobility scooters. The degree to which the site is affected by policies restricting development in an area of coastal change was to be clarified along with the exact terms of the lawful uses on the site. Members also noted that there was evidence that parking spaces were being allocated to the flats being sold contrary to the planning requirements for the site. These matters are dealt with in the assessment below.

### **The Site and Proposal**

- 14.1 The site lies within the built up area of Barton on Sea in a prominent location at the southern end of Barton Court Avenue. It contains a detached part two, part single storey building which comprises 9 residential units and a hairdressing salon. There is a small garden area to the south, a courtyard to the north and parking to the west. Much of the site is presently undergoing refurbishment and few of the units are currently occupied. The site benefits from two vehicular accesses onto Barton Court Avenue.
- 14.2 The proposal entails the provision of first floor additions to extend two of the existing flats (3 and 5) and the replacement of the front conservatory with a lobby for flat 4. The works also include a small terrace area for flat 5. The front lobby element is now retrospective. Since the previous reporting of the application to Committee, a plan indicating cycle and bin store provision has been provided.
- 14.3 At present, flat 3 is sited to the rear of the building at ground floor level and comprises a lobby area (within the envelope of The Dome), WC, kitchen, lounge/diner, bedroom and bathroom. This space would be altered to provide a bathroom off the lobby with open plan kitchen/dining/living space and stairs leading to a new first floor comprising landing and two bedrooms (one ensuite).
- 14.4 Flat 5 is a first floor property to the front of the building and currently consists of kitchen, bathroom, lounge and two bedrooms. The proposal would add a further bedroom with ensuite and access to a small terrace off the kitchen area. The access to this area has already been created.
- 14.5 Flat 4 is a ground floor unit to the middle of the building and comprises bedroom, bathroom and lounge area with kitchen. A small section of the former conservatory also formed part of the unit and this has now been replaced with a lobby.

### **The Existing Situation**

- 14.6 Having regard to the planning history referred to above, the property has accommodated 10 self-contained flats since the approval of 99/67375 in May 2000, one of which was subsequently converted into a hairdressing salon in 2017. Two of the flats have the benefit of an LDC confirming their residential status. While concerns have been raised in relation to whether some of the units have been occupied as sheltered units, this is

not relevant to the assessment of this application which is only for extensions to three of the units. Officers are satisfied that the authorised use of the whole building is that of 9 flats and a hairdressing salon.

- 14.7 Works have occurred at the site in recent months and part of this proposal is now retrospective. Other works which have continued are in connection with the refurbishment of the building and do not necessarily require planning permission. The forecourt of the site is not formally laid out with any parking layout although, clearly, it can accommodate several vehicles.
- 14.8 The planning department is satisfied that the ownership certificate and associated notices are an accurate picture of the current situation. In addition to this, the land registry details for four of the existing residential units include a single parking space each. A further unit is registered without any parking spaces. Ultimately, it is the applicants responsibility to ensure that the correct ownership certificates are issued and this should not hold up the determination of this application.

### **Residential and Visual Amenity**

- 14.9 The first floor addition to the property would represent an improvement to the roofscape of the building through the loss of the variety of flat and pitched roofs currently in situ. The loss of the large conservatory to the frontage is also welcomed as it will enable greater space to provide an improved setting for the building. The single story addition to replace the conservatory is relatively small in relation to the frontage as a whole and has a limited impact on the overall appearance of the building.
- 14.10 The proposed extensions would not have any windows which would allow direct overlooking into adjoining sites. The proposed roof terrace would be an internal feature which would be screened from the adjacent flats by the new roof form. The site is to the south of the adjacent property in Barton Court Avenue and will have a higher roof than the existing building. However, in view of the slope away from the boundary and limited projection of the addition beyond the rear building line of this dwelling, it is not considered that light to this property would be adversely affected.
- 14.11 The bin store would be screened behind existing hedging and although the side of the enclosure may be visible from the street through the proposed access point, it is not considered that this would be detrimental to the character of the area. The proposed cycle store would be visible from the adjoining flats but separated by the vehicular access and a hedge/vegetation. At a height of 1.8m it would be no taller than a standard fence panel which could be provided along the boundary between the two sites. It is not considered that these enclosures would adversely affect either residential or visual amenity.

### **Other Matters**

- 14.12 There has been much concern locally in respect of the parking provision for the site as a whole and in this respect, it is perhaps a little unfortunate that the application site area covers the whole property and not just the individual flats to be extended. At present, the three existing flats are two 1-bed and one 2-bed flats. One of the smaller units would remain a single bed flat and the others would each have an additional bedroom,

changing the flats to one 1-bed, one 2-bed and one 3-bed. The increase of 2 bedrooms would amount to an increase of 0.5 parking space (an additional 0.1 space for the 1-2 bed and an additional 0.4 space for the 2-3 bed).

- 14.13 The 2000 permission for the flats included a parking layout of 11 spaces and this can still be achieved and indeed, is indicated as the proposed parking layout for the current proposal. Although there are double yellow lines immediately adjacent to the site, there are on street parking bays close by to the south and west of the public toilets on the eastern most traffic island and to the south of the building on the western most traffic island at the southern end of Barton Court Avenue. In addition to this, there is unrestricted on street parking to the south side of Marine Drive.
- 14.14 Given that the proposal only generates the request for an additional 0.5 parking space and there is adequate on street parking in the immediate vicinity, it is not considered that the proposal would give rise to highway safety issues if the current level of parking is maintained. The site has the capacity to allow two spaces for the hairdressers as previously conditioned plus a further parking space for each residential unit.
- 14.15 Reference was made at the previous Committee to a need to ensure that parking spaces remain unallocated. The relevant permission is referred to in paragraph 6.6 above and includes a condition (No.4) which requires the parking to be kept available for their intended purposes at all times. There is no requirement that they should not be allocated to specific flats and it would therefore be unreasonable to impose a condition to require this as suggested by the Highway Engineer.
- 14.16 As can be seen from the history of the site outlined above, a bin store was provided as required under the 2000 permission and there is therefore no breach in this respect. The condition did not require its retention and whilst it is unfortunate that the bin store was removed some time ago, it is not considered that the onus of providing an area for the collection of bins for the entire site should lie with the current applicant who wishes to extend just three units. However, an area is now indicated on an additional plan in a location which would be screened from the road and accessed through a new pedestrian gate. It is located in an appropriate position having regard to the needs of the waste collection operatives and the residents of the flats.
- 14.17 The additional plan also details the provision of a cycle store which would accommodate 10 cycles. Again, it is not considered that the onus of providing cycle parking provision for the whole site should lie with the current applicant given that cycle parking has not previously been part of any approval for applications at this site. In relation to the matter of mobility scooters, there has been no requirement for the provision of this provision in the past and there is no policy requirement for this type of provision in relation to this current proposal.
- 14.18 Policy DM6 of the Local Plan Part 2 seeks to control development in this area of coastal change. The policy permits limited residential extensions that are closely related to the existing scale of the property. The extensions proposed are considered to fall within the terms of this policy and are acceptable in this respect.

## Conclusions

- 14.19 The proposal would not have any adverse impact on visual or residential amenity and there is plenty of on street parking in the immediate area to accommodate any displaced parking. The additional plan indicates that bin and cycle store provision could be achieved within the site although it is not considered reasonable and proportionate to this particular application to require their provision. Much work has been carried out by Officers in relation to the lawful use of the property and they are satisfied that the authorised use is that of 9 flats and a hairdressing salon.
- 14.20 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.

## 15. RECOMMENDATION

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) no new material objections to the submitted amended plans being received before August 13th, and
- ii) the imposition of the conditions set out below.

### 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: PL-010B, PL-012B, PL-013C, PL-112D, PL-113C, PL-014.

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.

**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.

Although a relatively straight forward application to extend three units, clarification of the ownership of the site and the parking provision was requested in order that a full assessment could be made.

**Further Information:**

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# New Forest DISTRICT COUNCIL

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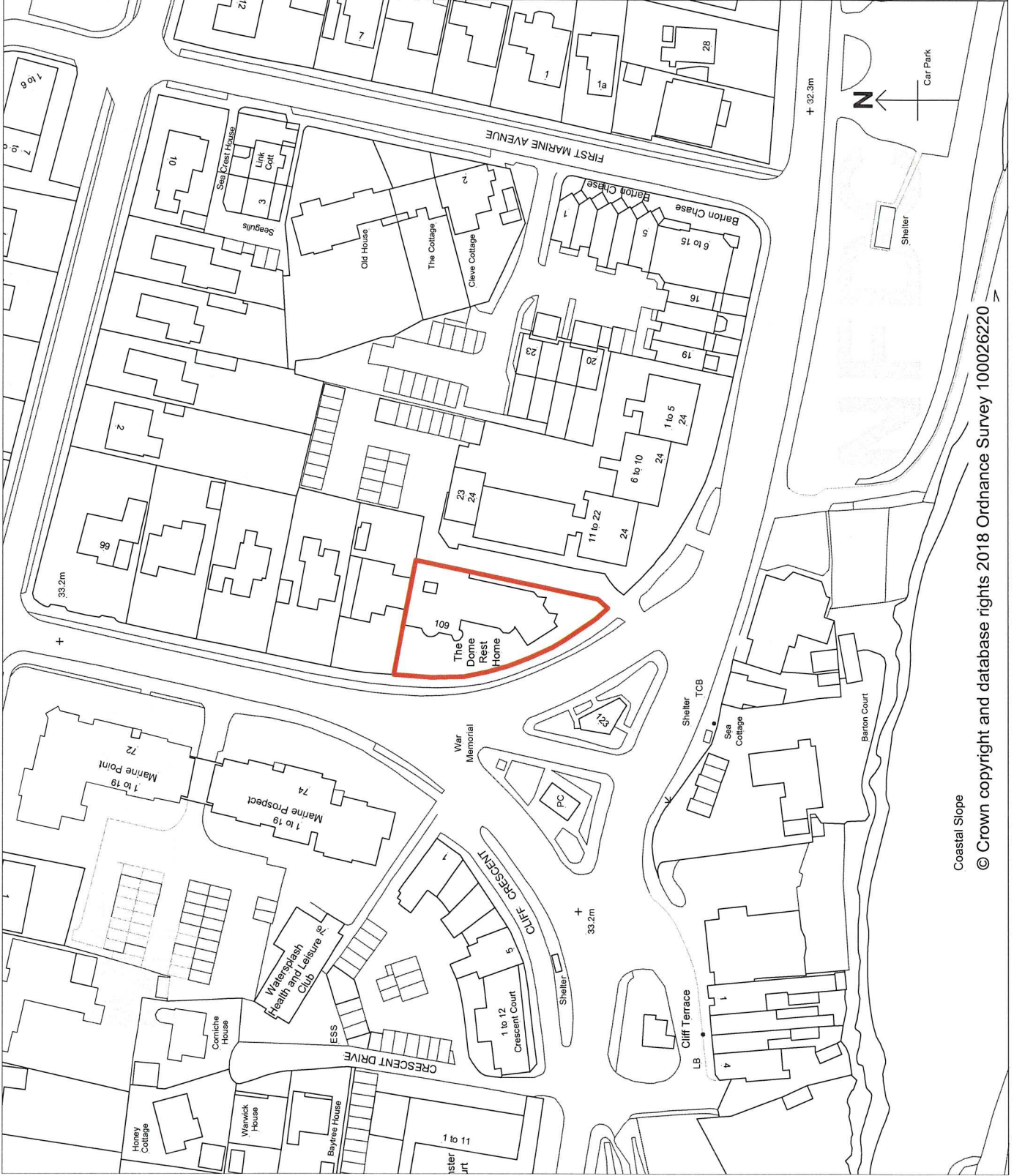
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**Planning Development  
Control Committee**  
August 2018

**Item No: 3a**  
The Dome  
121 Barton Court Ave  
Barton on Sea  
18/10060

Scale 1:1250

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



Coastal Slope

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