

Application Number: 18/10124 Full Planning Permission

Site: PERHAVER, BARTON COMMON ROAD, BARTON-ON-SEA,
NEW MILTON BH25 5PR

Development: Three-storey block of 10 flats; bin store & cycle store; parking;
demolition of existing

Applicant: AJ Developments

Target Date: 02/05/2018

Extension Date: 10/08/2018

RECOMMENDATION: Refuse

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view in part

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
- 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
- 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. 5 - Delivering a sufficient supply of houses

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 17/11332 - 3-storey block of 12 flats, parking, landscaping, bin and cycle stores, demolition of existing. Withdrawn 22.12.17

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal and would not accept a delegated approval. Impact on Robin Green, lack of AH, loss of privacy, potential flooding issues associated with hard surfacing, bulk mass and scale, support Urban Design comments. The Town Council maintain that they own the grass verge.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Urban Design - design issues have been resolved
- 9.2 Southern Gas Networks - offer advice
- 9.3 Tree Officer - no objection subject to condition
- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.5 Waste Management - if private company is used to collect refuse, no issues.
- 9.6 Ecologist - the proposal doesn't demonstrate compliance with the NPPF or Local Plan policy. Further comments due
- 9.7 Hampshire County Council Flood Authority - request additional details
- 9.8 Southern Water - previous comments from 19.10.17 apply (request informative if permission granted)
- 9.9 Natural England - no objection

10 REPRESENTATIONS RECEIVED

Objections have been received from 29 local residents and on behalf of the New Milton Residents Association. Their concerns are:

- visually out of character and context
- too large and bulky
- loss of existing property is unacceptable as it is eroding the historical heritage of the area
- overlooking
- impact on wildlife - no ecology report
- taller than adjacent properties and permissions
- noise and disturbance from parking and turning area
- impact on oak trees
- damage to adjacent properties during construction of any piling
- increase in traffic generation
- limited on site turning
- increased danger to pedestrians
- excessive built form and tarmaced areas
- continued development of this type would result in a boring and over developed road
- footprint appears three times larger than the existing house
- would set a negative precedent
- any potential benefits of the scheme are obliterated by the huge downsides
- development to other end of road is already having an impact on traffic
- Barton would lose its identity and become an extension of Milford
- inadequate parking doesn't account for visitors, tradespeople or deliveries
- loss of green space
- not sure infrastructure would take increased sewage
- application next door was restricted in terms of window openings and distances
- noise and disturbance from access drive to adjacent property
- inadequate parking
- hard surfacing is detrimental to the wildlife
- the development would contribute to cliff erosion and loss of wildlife
- night sky pollution
- amendments are superficial and do not change the principle objections
- 10 flats is too many
- on street parking would result in hazardous driving conditions
- parking spaces too close to adjoining trees
- displaced parking would be problematic
- proposed building is in front of the building line
- proposed soakaways are inadequate
- plans are not consistent with requirements for the redevelopment of Creek House next door
- Infrastructure consultants have concluded the SUDS provision proposed is wholly inadequate
- one letter requests a street scene from the rear in winter to show the full impact on neighbouring properties

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus 10 x £1224 = £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 £94,045.42.

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.

The application follows a previously withdrawn scheme which had been submitted without the benefit of pre-application advice. During the course of this application further amendments have been made to try and address the concerns raised although it is still considered that the proposed bulk and massing of the building is too large in this location.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Barton on Sea overlooking Barton Common. There are residential properties to either side and at the rear. The existing 2-storey dwelling is set back from the road and is well screened by mature vegetation to all boundaries. There are several statutorily protected trees along the eastern and southern boundaries.

In addition to the dwelling, there are several outbuildings within the site including a triple garage and summerhouse. Much of the front and eastern boundaries of the site are noted in the New Milton Local Distinctiveness SPD as part of a wider area of important tree groups which extends beyond the frontage of the properties to the east as far as the junction of Barton Common Road with Milford Road. This SPD also refers to the area as having villas in extensive plots, that Barton Common Road is an 'older pre-car' road and that Robin Green to the rear of the site is an 'important building'.

- 14.2 The proposal entails the demolition of the buildings on site and the provision of a three storey building comprising 8 x 2-bed and 2 x 3-bed flats. Cycle and bin store structures would be provided along with 16 parking spaces and turning facilities. The development would utilise the existing access point.
- 14.3 The properties to this side of Barton Common Road are within the built up area although opposite the site is Green Belt land. New residential development can be acceptable within the built up area although this is subject to there being no adverse effect on a variety of considerations outlined below.
- 14.4 Residential amenity is a particular concern with many local residents and whilst this is predominantly in respect of privacy, noise and disturbance has also been raised as an issue. With regard to privacy, the rear elevation of the proposed building would be around 23.4m from the rear boundary at its closest. The property immediately to the rear of the site, Robin Green, is at least 20m from this boundary and Deepdene to the east around 17m from the eastern side of the proposed building. While these distances are generous and there is mature vegetation, including statutorily protected trees within the site and adjoining gardens, these properties currently enjoy a very high degree of privacy and it would not be appropriate to apply 'normal' privacy standards to these exceptional properties. The trees would provide a screening effect which would reduce significantly in the winter months and the loss of trees within the site itself to provide car parking would further open up the site to view. In addition to this, the proposal involves the provision of more windows, many of them habitable and at higher levels than existing windows, thus adding to the concerns in respect of privacy.
- 14.5 To the west, the proposed development would relocate the building away from the boundary with Creek House which has an extant permission for redevelopment into flats with houses to the rear. At present, there is a first floor window to the side elevation of this property which is understood to serve a WC. The proposals indicate a large amount of obscure glazing to a second floor bedroom to the side which would be around 14m from the proposed kitchen windows. Were approval to be recommended, a condition to ensure obscure glazing could be included to maintain privacy between the two proposals.
- 14.6 Concern has also been expressed with regard to the extent of parking (16 spaces) to the rear garden which is not characteristic of this area. While this ensures a better setting for buildings when viewed from the road, it has implications for residents in areas where they could reasonably expect peace. Having regard to other dwellings in the immediate area, many, including the existing dwelling (which has a triple garage and associated parking to the rear almost 10m from the rear

boundary), have some parking and garaging located to the rear of the property. However, the area taken up by parking and turning facilities does not encroach significantly into these extensive rear garden areas, unlike the proposed parking layout which takes up the majority of the rear garden area. The proposal would introduce parking spaces to the rear within 2m of the boundary with Robin Green and 2.4m from proposed bedroom windows which is not considered to be an appropriate situation as it would introduce an element of noise and disturbance and therefore harm to the established character of this semi-rural area and Robin Green, an 'important building'. The agents have indicated that the scheme is similar to that approved at 6, Barton Common Road where rear car parking was approved. However, this scheme has a road (Maple Close) running immediately behind it rather than a private rear garden and is therefore less sensitive than this application site.

- 14.7 Overall, while the distances between existing and proposed dwellings are generous, having regard to the special character of this part of Barton Common Road, it is considered that the proposal would give rise to an unacceptable loss of privacy between the proposal, Robin Green and, to a lesser extent, Deepdene. With regard to noise and disturbance, there is concern that the proposed parking area would give rise to some disturbance to the property at the rear and would compound the overall harm caused by the proposal.
- 14.8 In visual terms, there has been much discussion in respect of the size of the building which has a significantly greater footprint than the dwelling to be removed. While it is accepted that the adjacent Creek House has a substantial footprint, this property is two storey and flat roofed with an enclosed, single storey swimming pool adjacent to the site boundary. The approved scheme includes the provision of a second floor in a recessed pavilion style addition. The design of the front and rear elevations of the proposed flats reflects the character of the existing Arts and Crafts dwelling and there are some pleasing features such as the chimneys, eaves and flat roofed dormer windows. Had approval been recommended, it would have been important to ensure that this design was not watered down.
- 14.9 However, the depth of the proposed building is not consistent with a traditional Arts and Crafts style property having large, relatively stark side elevations which are not typical of this architectural era. Whilst the size of the building has been pared down and the design of the side elevations amended since the previous submission, the proposed depth still varies between 14.8m and 19.2m. Combined with the width of the proposed block (26.8m), it would result in a building of significantly greater mass than anything else along Barton Common Road and with excessively large areas of flat roof. The bulk and massing of the proposed flats together with the architecturally incongruent design would therefore be contextually inappropriate. The bulk and massing of the proposed flats would be readily apparent when viewed from neighbouring properties at Robin Green and Deepdene and this adds further weight to the inappropriate impact that a building of the scale proposed would cause.

- 14.10 The layout of the site maintains a green and verdant frontage by utilising the existing access and providing parking to the rear. However, in view of the number of units proposed, the parking requirement results in the rear garden area being almost completely taken over with parking or turning spaces. It is noted that there is a nursing home a few doors to the west which has the majority of its parking situated to the rear although this parking area is again adjacent to Maple Close where there are garage blocks. Where domestic properties have rear parking, it is very often due to the different orientation of the dwelling with main entrance to the north rather than across the front, south facing garden. During the course of the application, discussions were had in respect of frontage parking and it was not considered appropriate to provide any to the frontage. Given this desire, it is not considered that the proposed level of parking can be satisfactorily achieved without causing harm to the spacious garden and green oasis to the rear of the building which would be highly uncharacteristic of the area.
- 14.11 The proposed size of the building and extent of hard surfacing necessary for the provision of the parking spaces, concerns which are also raised locally, would not be a positive contribution to local distinctiveness and are considered to combine to result in over development of the site.
- 14.12 The property of Perhaver is subject to a single Tree Preservation Order (TPO/0050/17) which includes 6 individual trees and 2 groups of trees situated on the southern and eastern boundaries. There are two further trees within the garden of Robin Green to the north also included within this designation. This is therefore a constraint to the proposal. The site mainly consists of open lawn areas with small ornamental trees and shrubs within its interior and while none of this interior vegetation would form a constraint to the development, it does contribute to the green character of Barton Common Road. Small trees and shrubs are shown to be removed to facilitate the development. While this loss could be mitigated against to a certain extent, the potential for mitigation is quite limited given the size of the building proposed and further compounds the harm.
- 14.13 The majority of the proposed development is sufficiently far enough away from root protection zones and the submitted documentation provides detail as to how the development could be achieved without harming the trees. As a result, there are no objections from the Tree Officer to the proposed development, subject to appropriately worded conditions.
- 14.14 Although the Highway Authority no longer comment on parking provision for developments such as this, they have indicated that the proposed 16 spaces would result in a shortfall of two spaces. While more parking was initially indicated, it was not appropriately located and has now been deleted from the scheme along with one of the units. In this location, on-street parking would be very difficult as the road is narrow and could result in inconvenience to passing traffic. It would also impact on the character of the 'pre-car' road and on this basis, it is considered that any proposals should include the recommended standard average of provision which would further compound the harm already identified.

- 14.15 Concerns raised locally in this respect include the increased danger to pedestrians walking along this part of the road, particularly given the likely additional traffic generation. In order to try and promote sustainable travel, the standard of average provision also indicates that a development of this size should accommodate 22 cycles. The proposal includes at least one space for each unit and it is noted that there could also be some capacity for additional storage within the main building and on this basis, the lack of cycle parking provision is not considered to be of significant concern.
- 14.16 An Ecological Appraisal Report has been provided for the site and this indicates that there are several species of bats which frequent the area, including the rare grey long-eared bat. Although the report suggests that the roost could be historic, there is no evidence to demonstrate this and it is considered that further details should be sought prior to any redevelopment. A further reason to provide additional information in relation to bats follows comments received from a local resident which suggest that bats also use adjoining gardens. The loss of trees and significant increase in artificial light could impact upon this use and warrants further investigation.
- 14.17 Concerns have been raised locally in respect of foul and surface water drainage. This includes a concern from a consultant who has investigated the adjacent site which has an extant permission. The County Council Drainage team has also requested additional information in this respect although the information has not been forthcoming. Rather than refuse for this reason, it is likely that suitable conditions could satisfy these matters.

Other material considerations

- 14.18 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. The Town Council's concerns in this respect are noted and relate to the fact that the application as submitted was for 11 units, reduced to 10 following discussion.
- 14.19 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 14.20 In accordance with the Habitat Regulations 2017 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
- 14.21 Although the applicants have made various changes in order to try and address concerns raised in respect of access, turning and the bulk of the proposed building, it is considered that the amount of development proposed is too much for this site. Decisions should aim to ensure that development "is sympathetic to local character and history including the surrounding built environment and landscape setting" (NPPF para.127) and it is not considered that the proposed building would comply with this having an adverse affect on the qualities of the existing plots and their properties which contribute very significantly to local distinctiveness.
- 14.21 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£36,260		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	1395.67	419.16	976.51	976.51	£80/ sqm	£94,045.42 *

Subtotal:	£94,045.42
Relief:	£0.00
Total Payable:	£94,045.42

* 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

Refuse

Reason(s) for Refusal:

- By virtue of the number of units and resultant size of the proposed building, incorporating large areas of flat roof and a depth disproportionate to the Arts and Crafts design, along with a large area of hardstanding, the proposal constitutes an over development of the site of excessive bulk and massing with little space to properly integrate the development into its setting. The proposal would not reinforce local distinctiveness nor integrate appropriately into its setting and would adversely affect the setting of the site and that of Robin Green and Deepdene in terms of the scale of the building and amount of hardsurfacing. Although the proposal does not provide adequate parking in line with the recommended standards, the location of the parking area in close proximity to the boundary in an area where tranquillity is expected would adversely affect the residential amenity of Robin Green and displaced parking could be detrimental to both highway safety and visual amenity. The proposal would therefore be contrary to policies CS2 and CS24 of the New Forest District Council Core Strategy, the New Milton Local Distinctiveness SPD and the National Planning Policy Framework.

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.

The application follows a previously withdrawn scheme which had been submitted without the prior benefit of pre-application advice. During the course of this application further amendments have been made to try and address the concerns raised although it is still considered that the proposed bulk and massing of the building is too large in this location.

Further Information:

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**Planning Development
Control Committee**
August 2018

Item No: 3b
Perhaver
Barton Common Road
Barton on Sea New Milton
18/10124

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

