

Application No: 15/00030/FULL Full Application

Site: Yenz Restaurant, Lyndhurst Road, Brockenhurst, SO42 7RL

Proposal: Conversion of first and second floor to four self-contained flats; retention of two flues

Applicant: Mr Maclean, The Snakecatcher Public House

Case Officer: Katie Pearce

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village
Conservation Area: Brockenhurst (Waters Green)

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP6 Design Principles
CP7 The Built Environment
CP12 New Residential Development
CP16 Tourism Development
CP19 Access
CP15 Existing Employment Sites
CP1 Nature Conservation Sites of International Importance

4. SUPPLEMENTARY PLANNING GUIDANCE

Development Standards SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Not applicable

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal:

- The windows should be obscurely glazed.

- The two flues have a detrimental impact on the amenities of the neighbouring properties in terms of odour, noise and fumes.
- The flues also have a detrimental visual impact on the street scene.

8. CONSULTTEES

- 8.1 Highway Authority (HCC): Recommend approval subject to a condition
- 8.2 New Forest District Council (Employment & Tourism Officer): No comments received
- 8.3 Natural England: No objection subject to compliance with the Authority's Development Standards SPD in relation to measures to mitigate against adverse impact upon the New Forest SPA and Solent SPA.
- 8.4 Environmental Protection (NFDC): No objection subject to a report being submitted in relation to sound insulation to prevent sound from the restaurant affecting the occupiers of the flats.
- 8.5 Land Drainage (NFDC): No comment

9. REPRESENTATIONS

- 9.1 One representation received from New Forest Access for All:
- Access should be suitable for disabled users.
- 9.2 One letter of objection received:
- The existing vehicular access should remain the same.
 - There is no indication of car or cycle spaces on the block plan. This is required in accordance with policy DP1 and the Development Standards SPD.
 - The level of parking is inadequate.
 - The rooflights which have been installed are not obscurely glazed.
 - The additional rooflights result in overlooking.
 - Concerns with regards to unacceptable level of noise from the flues and their unsightly appearance from the road.
- 9.3 One letter of support received:
- Supportive of the plans.
 - No air conditioning or extractor fans should be sited on the south of the buildings to protect neighbouring properties amenities.
 - The existing vehicular access should remain the same.

10. RELEVANT HISTORY

- 10.1 10/95798 - Change of use for the first floor only from restaurant

seating to bed and breakfast accommodation - granted 7th December 2010 (not implemented).

- 10.2 04/80773 - Front and rear single-storey additions and roof alterations to form restaurant at ground floor and first floor and a second floor residential flat - granted 11th June 2004.

11. ASSESSMENT

11.1 The application site is a commercial premises serving a restaurant at ground floor with accommodation above. There is an existing area of parking to the rear. The premises is located within the defined village of Brockenhurst and the Brockenhurst Conservation Area. The surrounding area is characterised by a mixture of styles of properties and uses include both residential and commercial and the railway line borders the rear, south eastern boundary of the site. This application seeks retrospective consent for the conversion of the first and second floor above the restaurant into four self-contained flats resulting in a net increase of three dwellings on the site. The application also includes the retention of two flues. The application has been submitted as a result of an enforcement investigation.

- 11.2 The relevant issues that need to be considered are:
- Whether the proposal would comply with local and national planning policy;
 - The impact upon the character and appearance of the area;
 - Whether the development would have an acceptable impact upon the amenities of the neighbouring properties;
 - Highway safety; and
 - Whether the application demonstrates that adequate measures are put in place to avoid or mitigate potential adverse effects on the ecological integrity of the SPA.
- The Parish Council have raised concerns in relation to overlooking to the neighbouring properties and also because the flues are considered to be detrimental to the street scene and the amenities of the neighbouring properties in terms of odour and noise.

Conversion of the first and second floors into four self-contained flats:

- 11.3 As the site lies within the defined village of Brockenhurst, in accordance with policy CP12, there is not an in principle objection to new residential development within this location providing the proposal is acceptable in all other respects.
- 11.4 The residential conversion has mainly consisted of internal alterations with very few changes to the external appearance of the building, comprising the addition of rooflights on the north elevation of the building and a larger rooflight on the south elevation serving a fire escape above the stairway. It is not considered that these minor changes to the fenestration of the

building have a significant impact upon the appearance of the property and are also not considered to be detrimental to the character and appearance of the locality or the surrounding conservation area.

- 11.5 With regards to neighbour amenity, the additional rooflights installed have resulted in a greater number of windows within the roof slope facing Figtree Cottage and the Snakecatcher Public House. The rooflights which have been installed are sited approximately 1.7m above floor level and they are clearly glazed and openable. An objection has been received from the Parish Council and a neighbour raising concerns in relation to potential overlooking to the neighbouring properties from these windows as they are not obscurely glazed. However, the views afforded from the additional rooflights when opened and closed are restricted to the skyline and roof tops of the neighbouring properties only; no direct views into the amenity areas of these properties are achieved due to their height above floor level. A requirement therefore for these windows to be conditioned to be obscurely glazed would be unnecessary and as such would fail to comply with the conditions test as set out in the National Planning Policy Guidance. It is also not considered the additional rooflights would appear imposing from the neighbouring properties, or increase their perception of overlooking, as they are sited flush with the roof and would not project outwards closer to these properties.
- 11.6 With regards to highway safety, it is not proposed to alter the existing access arrangements at the site and the Highways Engineer has raised no objections to the proposal as adequate details have been submitted indicating the provision of one parking space per residential unit in accordance with the Authority's Development Standards SPD. Cycle storage facilities in accordance with drawing number PL06 A have already been provided at the site.
- 11.7 No objections have been received from the Environmental Protection Officer subject to adequate details being submitted demonstrating there would not be an unacceptable impact in terms of noise from the restaurant affecting the amenity of the occupiers of the new flats. The agent has submitted further details with regards to this confirming sound insulation has been installed between the floors and walls and sound tests have been submitted to and approved by the Building Inspector.
- 11.8 The application site also lies within 400m of the New Forest Special Protection Area (SPA) and 5.6km of the Solent SPA. Policy CP1 seeks to ensure that in the case of any proposals for new housing within these distances of the SPAs the applicant should demonstrate that adequate measures would be put in place to avoid or mitigate any potential adverse impacts on the ecological integrity of the SPAs. The buffer zone around these

SPAs is not intended to be an exclusion zone however development can only proceed once it has been ascertained that it will not adversely affect the integrity of the SPAs.

11.9 The applicant has entered into a S106 agreement securing a financial contribution for the net increase of three dwellings on the site providing £3750 in relation to the New Forest SPA and £516 in relation to the Solent SPA in accordance with policy CP1 and the Development Standards SPD.

11.10 It is not considered that the proposal would adversely impact upon the existing restaurant business. This is because the proposal would not result in a reduction of floorspace serving the restaurant. Furthermore, it is not thought the loss of staff accommodation would adversely impact upon the future viability of this restaurant. It is thus considered the proposal would also comply with policy CP15.

Flues:

11.11 This application also seeks consent for the retention of two stainless steel flues which have been installed on the roof slope of the side (north) elevation of the building. These flues serve the newly installed pizza ovens. The Parish Council have raised concerns in relation to these flues due to their detrimental impact upon the street scene and the amenities of the neighbouring properties in terms of odour and noise.

11.12 The flues are visible from Lyndhurst Road however as they are set back on the side elevation towards the rear of the building only glimpses are possible from the vehicular access to the car park to the rear. Wider views of the flues from Lyndhurst Road are not available as views of this elevation are blocked by the surrounding two-storey buildings. It is therefore considered due to their siting on the building, and the limited views available from public vantage points, that they do not appear visually imposing or overbearing within the street scene and do not therefore have a harmful impact upon the visual amenities of the locality or the surrounding conservation area.

11.13 With regards to neighbour amenity, the Environmental Protection Officer has raised no objections in terms of odour or noise as the flues which have been installed are considered to be of an appropriate standard for the pizza ovens they serve.

Other matters:

11.14 Comments have also been received with regards to the future installation of air conditioning units. The installation of external air conditioning units would require planning permission and the impact of these would be assessed as part of any formal submission received.

Conclusion:

- 11.15 For the reasons given above it is considered that the development which has taken place has an acceptable impact and as such it is recommended that permission is granted.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

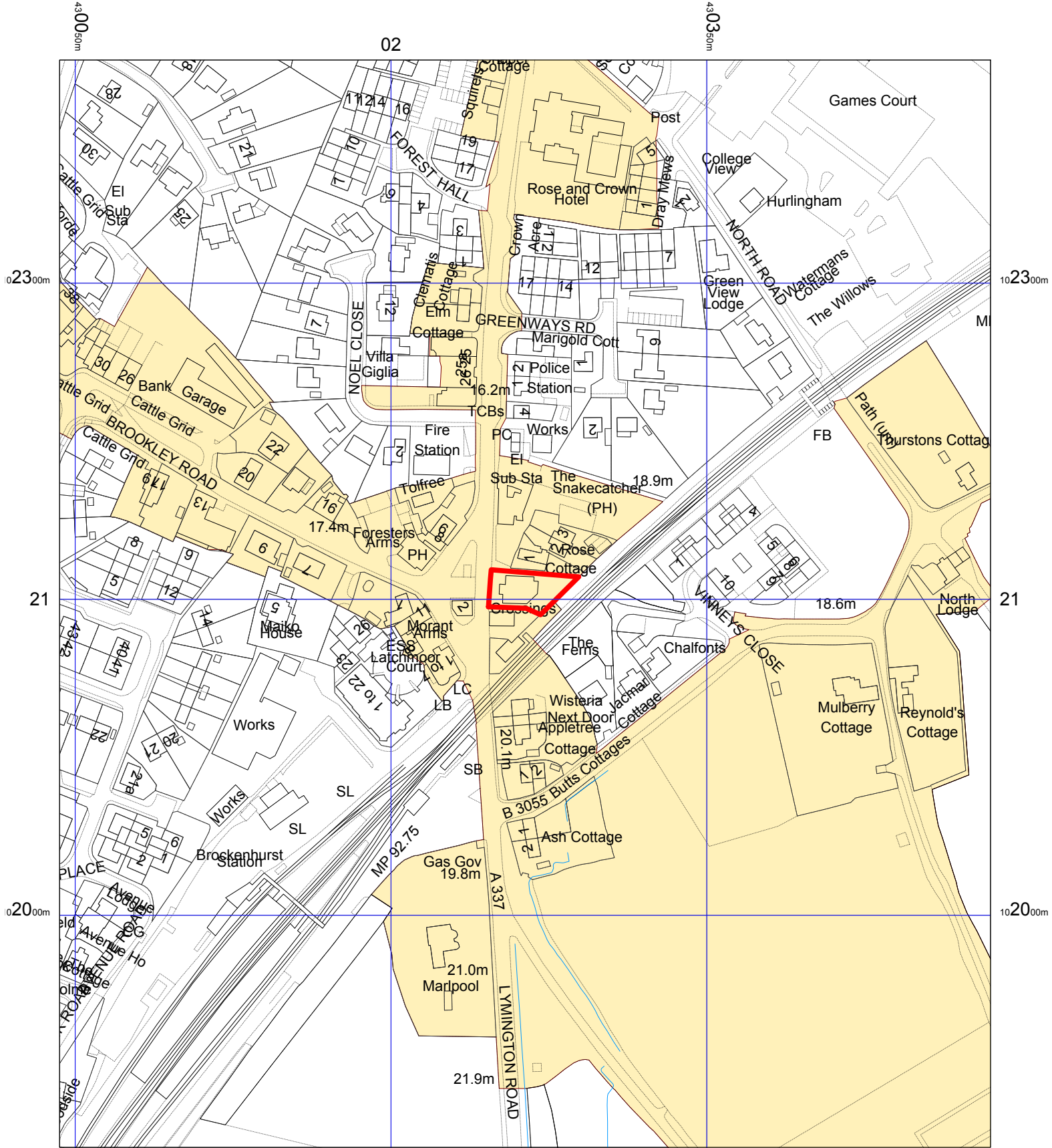
- 1 The cycle store as shown on drawing number PL/06 A shall only be used for the parking of cycles in association with the residential use hereby permitted and the spaces shall be retained and kept available for their intended purposes at all time. The building shall not be used for commercial storage.

Reason: To ensure adequate parking provision is made in the interests of highway safety and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010), section 4 of the National Planning Policy Framework and the Development Standards SPD.

- 2 The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage in accordance with drawing number PL/06 A have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.



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