

Application Number: 19/11167 Full Planning Permission

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

Development: 8 no 2 bedroom flats with parking, bin & cycle stores; demolish
existing

Applicant: AJ Developments

Target Date: 11/11/2019

Extension Date: 14/02/2020

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) principle of the development
- 2) impact on the residential amenities of the area
- 3) impact on the character and appearance of the area
- 4) impact on ecology
- 5) parking and impact on highway safety
- 6) impact on trees
- 7) Habitat Mitigation

This matter is before Committee as a strong objection has been received from the Town Council.

2 THE SITE

The site lies within the built up area of Barton on Sea in a residential area overlooking Barton Common. It is surrounded by a variety of residential properties including detached houses and their access roads and to the west, a large house currently undergoing conversion into a terrace.

It contains much mature vegetation to the boundaries and within the site, including several protected trees just behind the front boundary and along the eastern boundary. There is a vehicular access to the south western corner of the site.

3 THE PROPOSED DEVELOPMENT

The proposal entails the demolition of the existing detached family dwelling and associated outbuildings and the provision of a detached block of 8 flats with bin and cycle stores, together with associated parking.

It is the same scheme considered under reference 18/11249 which was dismissed on appeal purely on the ground that there was no satisfactory mechanism to secure the delivery of habitats mitigation prior to development.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/11249 1 Block of 8 flats; parking; bin & cycle store; demolition of existing	07/11/2018	Refused	Appeal Decided	Appeal Dismissed
18/10124 Three-storey block of 10 flats; bin store & cycle store; parking; demolition of existing	08/08/2018	Refused	Appeal Decided	Appeal Dismissed
17/11332 Three storey block of 12 flats; parking; landscaping; bin & cycle stores; demolition of existing	22/12/2017	Withdrawn by Applicant	Withdrawn	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

DM6: Coastal Change Management Area

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications will be completed at the end of January 2020. It is therefore a material consideration which can be given weight in decision-making.

Policy 9 Nature conservation, biodiversity and geodiversity

Policy 10 Mitigating the impact of development on International Nature Conservation sites

Policy 13 Design quality and local distinctiveness

Policy 34 Developer contributions

Policy 35 Development standards

The Emerging New Milton Neighbourhood Plan

NM4 - Design Quality

NM11 - Mitigating Effects on European Sites

NM13 - Barton on Sea

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

Constraints

SSSI IRZ All Consultations
Tree Preservation Order: TPO/0050/17/G1

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Habitat Regulations 2017

63 – assessment of implications for European sites etc.
64 – considerations of overriding public interest

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Section 38 Development Plan

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places
Para. 124: The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.

Para. 127: The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" requires in Para 127 requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - STRONG objection (NON delegated) with reasons previously stated

- a) The ecology report has not been provided which is a direct contradiction to the Appeal Inspectors advice in paragraph 32, which acknowledges the potential presence of the very rare grey long-eared bat;
- b) The overall character impact to Robin Green, which is mentioned on P59 of New Milton Local Distinctiveness Study as an 'architectural highlight'.
- c) Lack of affordable housing
- d) Loss of privacy
- e) The level of hardstanding required for parking and access would create flooding issues.
- f) Bulk, mass and scale
- g) In great support of the Urban Design Comments found online.

This site is directly adjacent Registered Common Land. The Town Council are legally obliged to protect their assets, in particular Common Land.

The Committee conveyed their utter dismay at the overall Appeal decision which takes no account of the local character or needs of the community.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Southern Gas Networks - offer advice

Highway Authority - no objection subject to conditions and informative

Tree Officer - no objection subject to condition

Natural England - offer advice

Ecologist - requests appropriately worded condition

10 REPRESENTATIONS RECEIVED

There have been 29 responses received in relation to this application. Although one is classed as a comment, they all raise objections to the proposal, the reasons for which are as follows:

- loss of distinctive character which includes mid-20th century houses
- overlooking towards Silverdale and Creek House properties
- existing buildings should be converted
- disagree with Inspector that neighbour amenity would not be harmed
- additional cars would be potentially damaging
- massing too great
- loss of wildlife
- existing developer vans have caused water build up along the road
- character is being destroyed by developer greed
- site is unsuitable for this type of development
- lack of visibility from access and those adjoining
- walking along the road is already hazardous
- the Inspector did not visit adjoining neighbours at the appeal stage and cannot comment on their behalf
- massive increase in roof line which would dominate the skyline

- potential loss of wildlife
- parking area won't allow for additional tree planting
- proposal could contribute to cliff falls
- houses are more desirable than flats
- light pollution from communal areas, entrance lights, outside lighting
- traffic generation if properties were holiday lets and generating cleaners as well as tenants
- inadequate parking provision
- would set a precedent for further development along the road
- would add to noise levels during and after construction
- Inspector has ignored all the issues
- threat of development is impacting on the health of local residents
- loss of trees
- previously raised concerns have not been addressed
- poor design
- developer has no thought for the environment, wildlife or local residents
- outlook from properties to the rear would be harmed
- road width is inappropriate for this development
- developer persistence is causing stress to local residents
- light pollution
- badger sett on adjacent land
- scale of the proposal is significant compared to the property to the rear which would be exposed to the parking area
- proposal does not account for ecological aspects of the site
- site is further from the town centre than suggested
- the principle of replacing large family homes with flats in this area is inappropriate
- noise and disturbance to local residents through access and parking areas
- proposal is closer to the road than others in the area
- increased flooding due to amount of hard surfacing
- impact on coastal erosion

11 OFFICER COMMENTS

Introduction

The application follows dismissed appeals for two schemes, one of which (18/11249) was identical to this application. That application was refused for the following reason:

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. 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.

In dismissing the appeal, the Inspector concluded the following:

- that the demolition of the existing building would not be harmful to the character of the area
- whilst the proposed building would exceed the scale typical of arts and crafts buildings, views of the side elevations would be limited
- the scale of the approved works to Creek House, adjacent, would be comparable to the proposal
- the recently constructed flats at 6, Barton Common Road are relevant to the context of this site
- in view of the spacious plots and mature intervening boundary vegetation, the effect of the proposed parking area would largely be felt from within the site only
- in view of current and existing development to the rear of the site, the introduction of the proposed parking area would not be harmful such as to adversely affect the tranquil character or spacious appearance of the area
- the character of Robin Green and Deepdene would not be harmed by the proposal
- the building would be suitably scaled and would have the appearance of a large single dwelling that would relate comfortably to the scale and form of built development in the area
- the distances between the proposed building and existing dwellings to the north and east are sufficient to prevent a significantly adverse impact on the living conditions of the occupiers of those properties
- the living conditions for future occupiers of Creek House would not be significantly affected due to intervening vegetation and reasonable distances from the non-habitable rooms of the proposal
- the proposed level of parking is acceptable and visibility at the site access is adequate
- the proposal would not cause harm to the protected trees subject to appropriate conditions

However, the appeal was dismissed on the grounds that there was no satisfactory mechanism to secure the delivery of habitats mitigation prior to development. The Inspector did consider however, that the Council's approach to mitigate against recreational impacts on the designated European Nature Conservation sites through the use of a negatively worded condition was not acceptable in that it would not accord with the CIL Regulations and the Planning Practice Guidance. Consequently, the Inspector concluded that there was no certainty, at the decision making stage, that appropriate habitat mitigation would have been securely delivered and was unable to conclude that the proposal would not have affected the integrity of the European sites.

Accordingly, whilst at the appeal, the Inspector did not consider that a negatively worded condition was an appropriate way forward in securing such mitigation, it is noted that other appeal decisions within the district have concluded a different view. In the near future, it is hoped to be able to deal with Habitat Mitigation prior to the issuing of any permission however, in this case, the applicant has agreed the condition as an acceptable way forward at the present time.

The appeal decision is attached as an Appendix.

Relevant Considerations

Principle of the development

This planning application is identical to an application that was refused and dismissed on appeal last year under reference 18/11249. In dismissing the appeal, the Inspector did not accept the Council's case that the proposed development would be harmful to local distinctiveness and the setting of the site and its neighbour to the rear (Robin Green). On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in this respect.

In principle therefore, new residential development can be acceptable within the built up area such as this, subject to there being no adverse impact on the residential or visual amenities of the area, protected trees, highway safety, ecology and designated European Sites.

Having regard to the Inspector's decision, no objection can be raised to the loss of the existing dwelling and, given other properties in the area, there is no objection to the provision of flats on this site.

Impact on the residential amenities of the area

The Inspector concluded that the proposed parking area would result in minimal disturbance relating to vehicle movements and car lights due to the low vehicle speeds and existing and proposed vegetation to the boundaries of the site. Similarly, he concluded that residential amenity between the proposal and existing/approved dwellings would be satisfactory given the distances between them and the intervening vegetation.

As the Inspector has noted, the proposed rear windows are sufficiently far enough away from the dwellings to the rear. Robin Green is 24m from the boundary and the proposed building would be 25m from this. Deepdene is at an angle to the proposed flats but would be around 35m at its nearest point. These distances are significantly in excess of the 21m usually considered acceptable between the rear of two dwellings. Contrary to the views of the Town Council, it is not considered that the proposal would result in a significant loss of privacy.

Clearly the proposed building would be more prominent from adjoining properties although in view of the distances and intervening vegetation, it is not considered that the proposal would be overbearing to adjacent occupiers. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in this respect.

Local residents have raised concerns in respect of noise and disturbance to adjoining occupiers from the parking area. However, the drawings indicate a hedge along the rear boundary where there is currently mature vegetation and the parking spaces would be 2m from this boundary. There is further vegetation and trees in the adjoining garden. The Inspector was satisfied that the parking area would not be harmful to the tranquility of the adjoining garden areas.

Impact on the character and appearance of the area

The Inspector did not consider that the demolition of the existing dwelling would be harmful to the character and appearance of the area. With regard to the proposed building, it is noted that the appeal was considered at the same time as a larger proposal for 10 flats but the Inspector concluded that the proposed detailing and architectural treatment were more sympathetic. Further, given

existing and current development locally, the scale of the proposed building would be comparable to others in the area.

It is accepted that the proposal would have a greater presence than the existing dwelling although having regard to the Inspector's comments, the scale of the proposed block of flats would be comparable to other buildings along Barton Common Road. It is noted that this view differs significantly from that of the Town Council and some local residents who consider the proposal very much out of scale in the area, particularly having regard to some of the smaller properties in the area although these are tucked away and not likely to be viewed publicly in the same context.

Where longer views into the site are possible, the building is articulated with windows, chimneys, brick corbelling, etc. to provide relief from the identified massing of the side elevations. Overall, the proposed building would offer some attractive detailing, reflecting some of the character of the existing property.

The Inspector did not find any issue with regard to the impact of the proposal on the character of Robin Green although it is acknowledged in the New Milton Local Distinctiveness Supplementary Planning Document and by the Town Council as an important building. The Urban Design comments to which the Town Council refer do not relate to either the current proposal or the appeal scheme (18/11249) and as such, are not considered relevant in this case. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in this respect.

Impact on the Ecology

Ecology was not a significant issue in the appeal although the Inspector noted that additional survey work would be required.

There is concern locally in respect of the wildlife in the area and, whilst not a significant issue at the appeal stage previously, it was concluded that additional information should be provided in this respect. In addition to the surveys undertaken prior to the submission of the appeal scheme on the site, further details have now been provided of the likely habitats within the site and recommendations made in order to minimise disruption to those habitats should planning permission be forthcoming.

Of importance is that bat roosts have been found within the existing dwelling although this does not necessarily mean that the building cannot be demolished. The report notes summer day roosts for Common pipistrelle bats and a roost assessed as holding a small number of rarer species, with specific reference to the rare grey long-eared bat. It is considered that the roost within the existing dwelling is an occasional roost for a solitary male. Having regard to the significance of this roost and with reference to the Bat Mitigation Guidelines, a new roost must be made available although this does not need to be like for like. The report provides details of this mitigation together with provisions for other fauna.

The Ecologist has advised that they are satisfied that the provisions within the report demonstrate a net biodiversity gain which complies with Policy 9 of the emerging local plan. A condition is required to ensure compliance with the report, which will ensure adequate provision is made for bats.

Parking and impact on highway safety

The Inspector was satisfied that 16 parking spaces for the development the proposed would be acceptable, concurring with the view of the Highway Authority. With regard to other issues raised by the Highway Authority during the course of the appeal application, the Inspector was satisfied that other matters could be addressed through conditions.

The appeal scheme was considered to provide adequate parking for the proposed development and that the visibility splays were acceptable. The Highway Authority has also confirmed that they have no objection to the current proposal subject to conditions and an informative.

Local residents have expressed concerns in respect of visibility although given the previous appeal and Highway Authority comments, it would be difficult to resist the proposal for this reason. It is understood that on occasion, vehicles park on the grass verges and travel in excess of the speed limit along the road which, coupled with the narrow width of the road can make access difficult. However, these are not matters which can be addressed through this planning application.

The Town Council's interest in the grass verge as Registered Common Land is noted. The developer would need to liaise with the Town Council in this respect as it relates to matters outside of planning control. The Town Council raise concerns in respect of the level of hard standing required for the parking spaces and access.

Impact on Trees

The previous application was not refused for tree reasons. Furthermore, the Inspector was satisfied that the proposal would not cause harm to the protected trees subject to appropriate conditions.

The site includes 8 individual TPOs and two group TPOs to the north, south and eastern boundaries. There is also much ornamental planting within the site. The Tree Officer has been consistent in their comments that the proposal can be achieved without causing significant harm to protected trees subject to appropriate conditions.

The proposal also indicates tree planting along the access drive and within the parking area. Whilst some representations raise concern in respect of the viability of trees within the parking area, their provision can be secured through condition.

Habitat Mitigation

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 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 could guarantee delivery of mitigation prior to development.

The Mitigation Strategy for European Sites SPD adopted in June 2014 specifies projects within the district to relieve the recreational pressure from residential development. Whilst some of these are specific to the earlier part of the plan period, there are further schemes which relate to the current plan period 2019-2026. In the parish of New Milton, two schemes have so far been completed (North Milton Estate and Ballard Lake Park & Walkford Walk) using contribution money secured through S.106 Agreements and these include improvements to the public rights of way on Barton Common.

Historically, the Council has dealt with securing the provision, management and monitoring of mitigation projects through the imposition of a negatively worded condition which has, for smaller sites such as this, required the completion of a S.106 Agreement prior to the commencement of any development. In view of the substantial CIL liability for this particular proposal, the provision of the offsite recreational mitigation projects can be covered through the CIL payment, leaving the monitoring and management of the projects needing to be secured through a properly executed legal agreement.

At the appeal for the previous scheme, the Inspector did not consider that the imposition of a negatively worded condition was an appropriate way forward in securing such provision. In response to this, the Council is recommending that the contribution is secured through the completion of a S.106 Agreement prior to issuing any permission. This is considered to address the Inspector's concern that the necessary mitigation is secured and would comply with Policy DM3 of the Local Plan Part 2 and Policy 10 of the Emerging Local Plan.

Nitrate neutrality and impact on the Solent SPA and SACs

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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December

2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

The Town Council has referred to a lack of affordable housing in their comments although proposals for a residential development of 8 dwellings would not generate a requirement for such provision.

Other Matters

The site does not lie within an area prone to flooding and on this basis, it is considered appropriate that a standard drainage condition is applied to the approval. This will ensure the development does not increase the possibility of flooding either within or adjoining the site.

With regard to coastal erosion, the site lies some 450m north of the northern most extent of the Coastal Change Management Area for 2055-2105 and as such, the proposal is not considered to conflict with policy DM6.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal is identical to one dismissed at appeal where it was concluded that subject to appropriate conditions, it would not adversely affect the living conditions of nearby local residents, it would not have a harmful impact on the character or appearance of the area, highway matters were satisfactory and it would not adversely affect the health of any protected tree.

Although the Town Council and many local residents have put forward contrary views, it is considered difficult to refuse permission for the proposal under these circumstances and approval is therefore recommended.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £8,568 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 £54,255.69.

Tables setting out all contributions are at the end of this report.

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	975.9	421.4	554.5	554.5	£80/sqm	£54,255.69 *
Subtotal:	£54,255.69					
Relief:	£0.00					
Total Payable:	£54,255.69					

* 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 2019 this value is 1.22

14. 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. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Arboricultural Impact Assessment & Arboricultural Method Statement, Report on Biodiversity Concerns, 8946/600, 8946/601, 8946/602, 8946/603.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

4. 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 and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

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 comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

6. No development, demolition or site clearance shall take place until the following information has been provided:

- The exact brand/product to be used for the cellular confinement based system for the construction of parking bays and driveway as illustrated within the submitted plans and
- A Tree Planting Schedule and Plan in accordance with BS 8545: 2014 specifying tree size, species, form and planting method.

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS3 of the New Forest District Council Core Strategy and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

7. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Gwydion's Tree Consultancy Arboricultural Impact Assessment & Method Statement (GH1747.2) dated 12/09/2018 and Tree Protection Plan (GH1747.2b) dated 12/09/2018 and in accordance with the recommendations as set out in BS5837:2012.

Prior to the commencement of works (including site clearance, demolition and building works of any kind) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting as set out in Section 11. Site Supervision (point 1) of the submitted Gwydion's Tree Consultancy Arboricultural Impact Assessment & Method Statement (GH1747.2) dated 12/09/2018.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS3 of the New Forest District Council Core Strategy and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

8. No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 43.0 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason To provide satisfactory access and in the interests of highway safety and in accordance with policy CS24 of the New Forest District Council Core Strategy and Policy 31 of the Emerging Local Plan Part 1 Review 2019.

9. 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 and Policy 10 of the Emerging Local Plan Part 1 Review 2019.

10. The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

11. 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.

12. Before the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan (8946/600) shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To ensure adequate parking and access provisions are 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) and Policy 13 and 31 of the Emerging Local Plan Part 1 Review 2019.

13. The works hereby approved shall be undertaken in strict accordance with the Report on Biodiversity Concerns ref: Perhaver, Barton Common Road, Barton on Sea_25112018 dated December 4th 2019, submitted with planning application 19/11167 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

Further Information:

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PLANNING COMMITTEE

February 2020

Item No: 3f

Perthaver
Barton Common Road
Barton on Sea, New Milton
19/11/167

Scale **1:1250**

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

