

**Application Number: 20/11184** Variation / Removal of Condition

**Site:** CREEK HOUSE, BARTON COMMON ROAD, BARTON-ON-SEA,  
NEW MILTON BH25 5PR

**Development:** Variation of Condition 2 of Planning Permission 16/11428 to allow the replacement of approved plans: 1.001 Rev D2 2.001 Rev D2 2.106 Rev D1 2.003 Rev D1.1 2.002 Rev D2 2.004 Rev D1.1 2.005 Rev D1.1 to allow hardstanding, layout, fenestration and material alterations to reflect the 'as built' development.

**Applicant:** Raban Developments

**Agent:** Genesis Town Planning

**Target Date:** 21/12/2020

**Case Officer:** Jim Bennett

---

**1 SUMMARY OF THE MAIN ISSUES**

The key issues are:

- (1) The Principle of Development;
- (2) Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy;
- (3) Design, site layout and impact on local character and appearance of area, including impact on trees
- (4) Impact on ecology and protected species;
- (5) Impact on highway safety, including matters relevant to car parking;
- (6) Habitat Mitigation

This application is to be considered by Committee as the recommendation is contrary to the view of the Parish Council

**2 SITE DESCRIPTION**

The proposal relates to the former curtilage of a large detached house situated on a large plot located in the built up area of New Milton opposite Barton Common. Development of a total of six dwellings on the site is well advanced. The site is accessed via a long in/out drive to the front of the site from Barton Common Road. The development is set well back into the site from the frontage with Barton Common Road, following the established building line of the area.

Trees protected by Tree Preservation Order 69/88 occupy the site.

**3 PROPOSED DEVELOPMENT**

The application is made following planning approval under ref. 16/11428, involving alterations and conversion of an existing house to create 4 dwellings and 2 detached dwellings in the grounds. The current application is made to formalise

specific changes that have been made to the development following the initial approval, these include provision of 4 no. hardstandings (potentially for garages, which would need to be subject to further planning permission) and minor changes to elevations, layout and materials.

#### **4 PLANNING HISTORY**

Proposal	Decision Date	Decision Description	Status
16/11428 Alterations and conversion of existing house to create 4 dwellings; 2 detached houses	16/12/2016	Granted Subject to Conditions	Decided
13/11290 Alterations and conversion of existing house to create 4 dwellings; 2 detached houses	02/01/2014	Granted Subject to Conditions	Decided

#### **5 PLANNING POLICY AND GUIDANCE**

##### **The Local Plan Part 1**

Policy STR1: Achieving sustainable development  
Policy STR5: Meeting our housing needs  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards

##### **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM2: Nature conservation, biodiversity and geodiversity

##### **Supplementary Planning Guidance and other Documents**

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPG - New Milton Local Distinctiveness Document  
SPD - Parking Standards

##### **Relevant Advice (NPPF)**

Chap 5: Delivering a sufficient supply of homes  
Chap 11: Making effective use of land  
Chap 12: Achieving well designed places  
Chap 14: Meeting the challenge of climate change and flooding

##### **Plan Policy Designations and constraints**

Built-up Area  
Tree Preservation Order: 16/0185 and 12/13

#### **6 PARISH / TOWN COUNCIL COMMENTS**

##### **New Milton Town Council OBJECT (Non-Delegated)**

- (1) Due to the negative amenity impact on neighbour to the north.
- (2) Retrospective nature of the application.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**NFDC Ecologist** - no objections

**NFDC Tree Officer** - the incursion into to root protection of areas of the trees is minimal. I have no objections to the car park/bays hardstanding bases.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representation received:

- Loss of Privacy – The previous plans 16/11428 had a proposed garden area consisting of trees and shrubs around 12m in depth between the new house No.6 driveway and the boundary with our property which would have provided a good degree of privacy. The new plans 20/11184 have only a 3m depth available for natural cover, resulting in a significant loss of privacy.
- Disturbance due to the driveway and hardstanding being so close to our property boundary – With the prospect of vehicles being manoeuvred within 3 metres of our property boundary on a daily basis will impact us with increased levels of noise and pollution, pollution will be due to car exhaust fumes and car headlights, security and driveway lighting.

## 10 PLANNING ASSESSMENT

### Principle of Development

The application is made following approval of a scheme for six dwellings under ref. 16/11428. The principle of housing development on this site has been established by the extant approval. This application is made to formalise specific changes to the development following the initial approval, including provision of hardstandings and minor changes to elevations, layout and materials. The principle of the proposed changes are broadly acceptable, subject to the material considerations outlined below.

### Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy

The proposal does not significantly impact upon adjoining residential amenity in terms of overbearing impact or loss of outlook, as the proposal relates primarily to provision of ground level hardstandings and very minor alterations to the approved scheme. The hardstandings are capable of accommodating a garage structure at a later date, but this would be subject to a separate planning application by future occupiers of the development, should they wish to seek approval for such structures

The siting of the new hardstandings and driveway extension, particularly those in relation to Plot 6, reduce the degree of separation of the development to dwellings on The Martells and Silverdale and have the potential to impact on the privacy and to introduce a degree of disturbance to adjoining occupiers, not envisaged by the initial approval. This may occur due to the reduced space available for boundary planting and by moving activity closer to the common boundary. In order to address

the impact on adjoining amenity a revised landscaping plan has been submitted which introduces additional and thickened planting to the northern boundary of the site, by comparison with the approved scheme.

In respect of disturbance, use of the extended drive and hardstanding, in relation to just a single dwelling, would not increase the level of nuisance to a significant enough degree to substantiate a reason for refusal. Furthermore the bolstered planting on the northern boundary should assist in this regard. Consequently it is the view of officers that no unacceptable loss of privacy or disturbance would occur, subject to a landscaping condition to ensure the enhanced planting is delivered.

#### Design, site layout and impact on local character and appearance of area, including impact on trees

The New Milton Local Distinctiveness Document is pertinent to consideration of the proposal and Character Area 7; the Becton Bunny Valley specifically mentions the large dwellings along this stretch of Barton Common Road, as '*villas in extensive plots built to enjoy the views across Barton Common and the Golf Course to the Needles Rocks across the Solent*'. The Local Distinctiveness Document and Policy ENV3 of the Local Plan stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside. The main changes involve the extension of hardstandings and driveways, although minor revisions are also proposed to fenestration, balustrades, porches, parapets, rainwater goods and boundary treatment. Overall, the proposed changes are not of such significance to harm the character and distinctiveness of the area..

It is not proposed to remove any trees from the site, over and above those indicated by the original planning permission. However, the introduction of hardstandings and driveways have the potential to impact on the root protection areas of retained trees. However, the hardstandings have been constructed with cellweb and slightly above original ground level to avoid detriment to the root protection areas of trees and the Tree Officer raises no objections to this.

Overall, the amended form of development on site would not harm the character and distinctiveness of the area.

#### Impact on ecology and protected species

The proposal will be subject to the same ecological enhancement measures as the previously approved scheme, being the Bat Survey Report, the Ecological Appraisal and the Ecology Biodiversity Mitigation Compensation & Enhancement Strategy. Delivery of these biodiversity benefits will be ensured by condition.

#### Impact on highway safety, including matters relevant to car parking

The proposal provides the same level of on site car and cycle parking provision, access and turning arrangements as the previously approved scheme and no concerns are raised in respect of this provision, subject to conditions.

#### Habitat Mitigation

As a development proposal for a net gain of five dwellings, contributions towards CIL and habitat mitigation were secured under the previous approval ref. 16/11428 in accordance with the Habitat Regulations 2010. Following an assessment 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 was concluded that likely significant adverse effects could not be ruled out without appropriate mitigation projects being secured.

This planning permission was originally therefore granted, subject to a condition preventing 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. The condition was discharged following the completion of a S.106 agreement to secure the mitigation. A varied S.106 agreement has been completed to link the contribution secured by application ref. 16/11428 to the current application.

The proposal relates to new residential development, where nitrate neutrality would normally be expected in relation to its impact on the Solent SAC and SPA. However, the proposal is a Section 73 application, which seeks to vary a condition applied to an earlier approval under ref.16/11428, in order to formalise discrepancies primarily in relation to the hardstandings. The application approved under ref. 16/11428 preceded adoption of policies on nitrate neutrality and air quality monitoring and it is not considered reasonable to impose those requirements on the current S.73 application, which seeks to address discrepancies unrelated to the number of dwellings and bedroom numbers to be provided on the site.

## **11 CONCLUSION**

In light of the form of development proposed the proposal would have no harmful impact upon the character of the area, highway safety, trees, ecological interests or neighbouring amenity, subject to conditions, in accordance with policies of the development plan and is accordingly recommended for approval.

## **12 RECOMMENDATION**

### **GRANT the VARIATION of CONDITION**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: 1.001 Rev D2, 2.001 Rev C2 (Proposed Site Plan), 2.002 Rev C1 (Creek House Floor Plans), 2.003 Rev C1 (Proposed Elevations Main House) , 2.004 Rev C1 (House 5 Proposed General Arrangement), 2.005 Rev C1 (House 6 Proposed General Arrangement), 2.010 (Creek House Comparison), 2.011 (House 5 and 6 Comparison), Site Section Drawing 2.106 Rev D1, Detailed Planting Plan number 702/02I (dated December 2020), Planting Strategy Plan number 702/02L, the Arboricultural Report by John Shutler Tree Services dated 23/09/2020, Bat Survey Report ref. 702.2 prepared by Hankinson Duckett Associates dated October 2013, the Ecological Appraisal ref. 702.2 prepared by Hankinson Duckett Associates dated August 2013 and the Creek House Ecology Biodiversity Mitigation Compensation & Enhancement Strategy Revision A dated September 2018

Reason: To ensure satisfactory provision of the development.

2. The development shall be finished in accordance with the submitted details of the facing, roofing, fenestration and hard landscaping materials shown on drawing numbers 2.003 Rev C1, 2.004 Rev C1, 2.005 Rev C1, drawing number 702.1/01L and as approved through the discharge of the materials condition applied to 16/11428 being:

Multi coloured facing brickwork - Ibstock, Ashdown Crowborough;  
Timber rainscreen cladding - Canadian Western Red Cedar;  
Through coloured render in white;  
Fibre cement rainscreen board - Marley Eternit Equitone Natura in charcoal;  
Single ply roofing membrane with polyester powder coated aluminium coping on top of the walls around the roofs of Plots 5 & 6 to match window frames;  
Doors - light grey frames with composite timber door;  
Windows - light grey aluminium frames; and  
Rainwater goods - black uPVC

Reason: To ensure an acceptable appearance of the building in accordance with policy ENV3 of the Local Plan Part 1 and the New Milton Local Distinctiveness Document.

3. Before use of the development is commenced provision for car and cycle parking shall have been made within the site in accordance with the approved plan no. 2.001 Rev C2 (Proposed Site Plan) and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development.

4. All external works (hard and soft landscape) shall be carried out in accordance with the approved Detailed Planting Plan number 702/02I (dated December 2020) and Planting Strategy Plan number 702/02L prior to occupation of the development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority. Any trees or plants provided as part of the approved landscaping scheme, which die within 5 years of the date of this permission shall be replaced.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and in the interests of protecting the amenity of adjoining occupiers, in accordance with Policy ENV3 of the Local Plan Part 1 and the New Milton Local Distinctiveness Document.

5. Development shall only take place in accordance with the recommendations for tree works and protection outlined in the Arboricultural Report by John Shutler Tree Services dated 23/09/2020.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy ENV3 of the New Forest Local Plan Part 1.

6. The works hereby approved shall be undertaken in full accordance with the provisions set out within the submitted Bat Survey Report ref. 702.2 prepared by Hankinson Duckett Associates dated October 2013, the Ecological Appraisal ref. 702.2 prepared by Hankinson Duckett Associates dated August 2013 and in accordance with the biodiversity mitigation, compensation and enhancements contained within the submitted Creek House Ecology Biodiversity Mitigation Compensation & Enhancement Strategy Revision A dated September 2018, or as may otherwise be agreed in writing with the Local Planning Authority.

Reason: To encourage the retention of biodiversity assets within the site, in accordance with Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

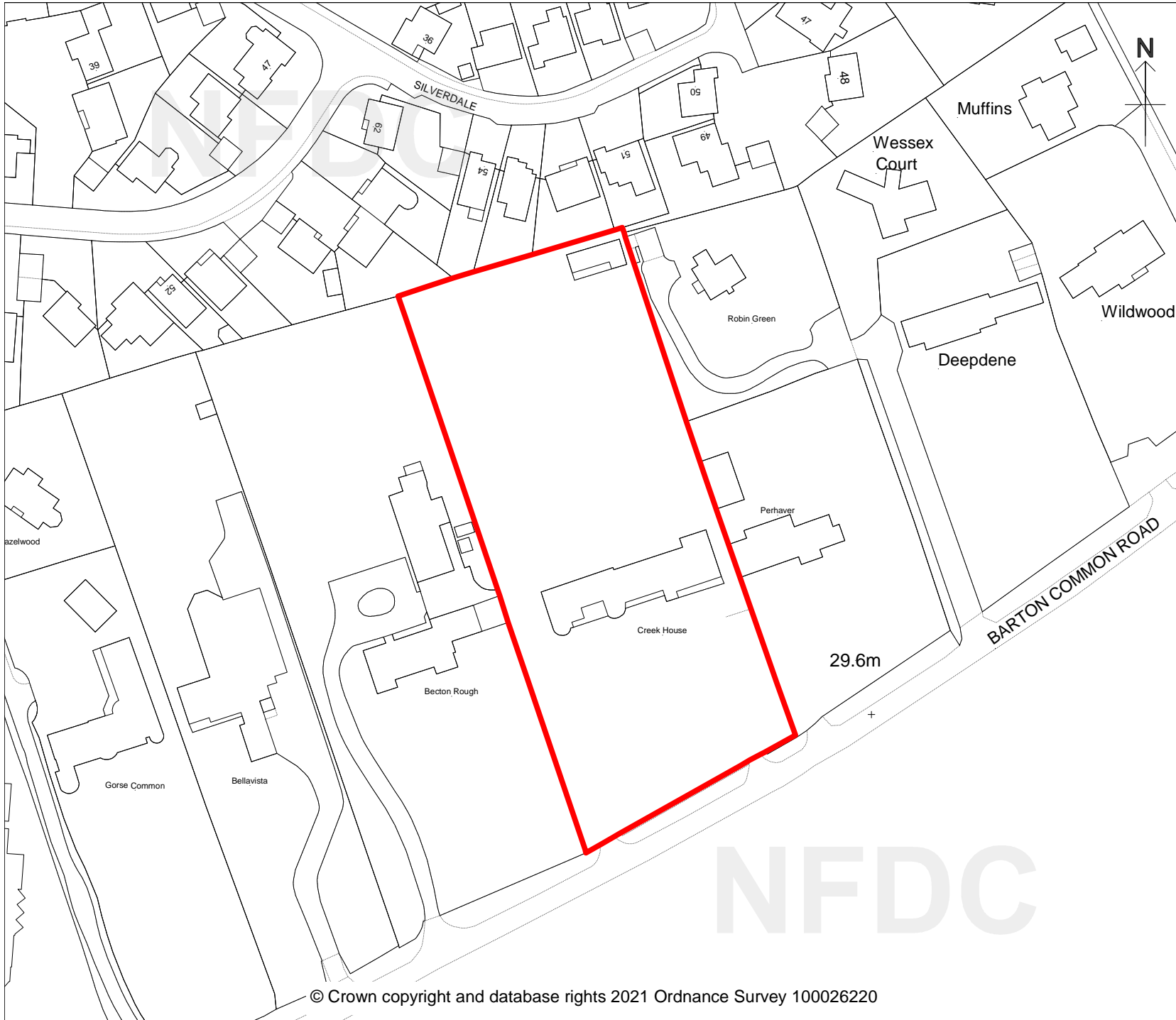
7. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or 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 the New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5443



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**March 2021**

Creek House, Barton Common Road  
Barton on Sea, New Milton  
BH25 5PR  
20/11184

Scale 1:1250

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