

Application Number: 21/10467 Full Planning Permission

Site: BEACHCOMBER CAFE, MARINE DRIVE, BARTON-ON-SEA,
NEW MILTON BH25 7DZ

Development: Creation of two patio areas and a fence; siting of two pop-up gazebos within the grounds of the cafe for up to 150 days per calendar year (Retrospective)

Applicant: MEP Barry (Holdings) Ltd

Agent: Spruce Town Planning Ltd

Target Date: 10/06/2021

Case Officer: Vivienne Baxter

Extension Date: 24/06/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- (1) Principle of the development
- (2) Impact on the character and appearance of the area
- (3) Impact on the residential amenities of the area
- (4) Impact on coastal erosion
- (5) Impact on the adjacent SSSI

This application is to be considered by Committee because there is a contrary view from the Town Council.

2 SITE DESCRIPTION

The site lies on the cliff top in Barton on Sea and is one of a small group of buildings to the south side of Marine Drive falling within the built up area. To the east of the site is an area of public open space which is also Green Belt land. The Green Belt includes the coastal slopes immediately south of the buildings into which the site extends although the proposal does not project into this area. The area to the south of the site is also within a SSSI.

3 PROPOSED DEVELOPMENT

The proposal is retrospective and entails the provision of two 'pop-up' gazebos two patio areas and a fence, all to the eastern side of the Beachcomber Cafe.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
79/NFDC/15160 Alterations and extension to cafe.	19/12/1979	Granted	Decided
75/NFDC/01971 Alterations and extension of bedroom and toilet, alterations to form a separate shop.	14/02/1975	Granted	Decided

XX/LYB/13882	Erection of new front to cafe and shop and erection of pair of garages.	11/08/1972	Granted Subject to Conditions	Decided
XX/LYB/11847	Reconstruction of toilet block for use of cafe customers and staff.	13/02/1969	Granted	Decided
XX/LYB/04481	Alterations and additions to existing cafe.	11/11/1957	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM6: Coastal Change Management Area

DM7: Restrictions on new soakaways

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Relevant Advice

NPPF Ch 12: Achieving well designed places

NPPF Ch.14: Meeting the challenge of climate change, flooding and coastal change

Constraints

SSSI IRZ All Consultations

Aerodrome Safeguarding Zone

Article 4 Direction

Site of Special Scientific Interest

Plan Policy Designations

Built-up Area

Green Belt

Coastal Change Management

No Soakaway

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

STRONGLY OBJECT (Non-Delegated)

- (1) In support of the Coastal Protection team response in that the use of a soakaway is contrary to Local Plan policy DM7.
- (2) The application would also need to adhere to Neighbourhood Plan policy NM4 (Design Quality) in its need to positively address the impacts of climate change and biodiversity net gain, particularly adjacent the S.S.S.I.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Environmental Health (Commercial), Appletree Court

No comment

Coastal Protection

No objection

Southern Water

No objection

Natural England

No objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 27

- will attract locals and visitors
- non-obtrusive
- improves look of garden
- in keeping with area
- safe facility for the community
- outstanding facility
- patio is attractive and practical
- provides local employment and valuable revenue
- good to see a thriving business in the current situation
- gazebos enhance comfort of customers
-

Against: 5

- could affect the cliff top
- pagoda style gazebos are tall and are out of keeping
- the submission is inaccurate with regard to previous surfacing and presence of vegetation
- works were completed some time ago
- endangers nearby apartment blocks
- the premises have no connection to the main sewer
- no need to allow structures permanently once Covid is addressed
- provision of musical entertainment as a result of works
- increased business will bring increased traffic and compound parking issues
- proposal has not been properly considered
- loss of sea view
- those in support would not suffer any adverse consequences of the proposal
- impact on privacy, outlook and light.

10 PLANNING ASSESSMENT

Principle of Development

In principle, there are no objections to the provision of gazebos, patio areas and fencing to commercial premises within the built up area. However, in view of the location of this site, consideration also has to be given to the following matters.

Impact on the character and appearance of the area

The site is at the eastern end of a group of buildings containing both single and two storey properties. The cafe is single storey with a small, flat roofed side projection and has recently been refurbished, including a new slate roof. To the east of the site is open space although within this adjoining space are several items of street furniture including benches, lampposts, information boards, cycle stands and waste bins. The site is contained to its northern boundary by a wall with hedge planting behind. This planting is retained and is noted to provide some screening in places to the gazebo structure at the lower level.

The cafe has a small front gable and is a rendered building. The provision of a 'pagoda style' structure adjacent to this is not considered to have a significant adverse impact on the character of the area. The top of the structure appears comparable to the ridge of the cafe gable although there is a further ridge to the building running parallel to the road which is higher. It is considered that the structure would be screened by the adjoining buildings or seen with a back drop of these buildings which approaching from the east or west and as such, would not be harmful to the character or appearance of the area.

The fencing which surrounds part of the eastern boundary and southern boundary to the level part of the site is relatively low key being just 1.2m high. Immediately adjacent to the site is a path leading down to the beach and the fence provides an element of safety as this path drops down to the south whilst the site remains level. Fencing is also provided to the path so that subject of this application is not an alien feature to the area.

Impact on the residential amenities of the area

Concerns have been expressed in relation to noise and disturbance through music being played at the premises. This is permitted through the premises license and is not a planning matter. The proposal would not impact on the license which restricts music to be indoors.

Objections have also been received in respect of the loss of a sea view from the flats opposite. Whilst the siting of the gazebos will have some impact on the outlook from properties opposite, the right to a view is not a planning matter. It should be noted that the gazebo structures are permitted development until the end of 2021 and the proposal would enable them to be provided for up to 150 days in subsequent years. It is not considered that their provision on a part time basis would adversely affect the residential amenities of nearby residents in terms of outlook given the distance of at least 25m and a road between flats and the site.

Light would not be affected to any residential property. Any shadowing would occur in the morning and would affect the hipped roof of the cafe.

Impact on coastal erosion

The site is in an area where new soakaways are not permitted in view of groundwater known to have a significant effect on the cliff top recession rate in this area. Development should only be permitted where surface water can be discharged into an existing system. The application is supported with a detailed drawing which confirms the presence of a surface water drain outside of the application site but within the Council's ownership to which the surface water from the northern part of the site can be connected. Discussions between the applicant's Drainage Consultant and the Council's Coastal Team have concluded that this connection is acceptable in principle.

The smaller paved area to the south of the site is considered to be small enough not to be an issue in terms of shedding water and detrimentally accumulating in one area given it has an area of less than 23m². Whilst there is no drainage associated with this area, it drains onto the garden rather than over the cliff edge and therefore poses little risk in terms of drainage and risk to the cliff stability.

The site also falls within the red (2005-2025) and orange (2025-2055) zones of the coastal change management area. Within this area, development directly linked to the coastal strip including cafes may be permitted. Whilst the policy goes on to say that planning permissions would be time-restricted, it should be noted that the use of the site as a cafe including outdoor seating is not presently time-restricted and as the proposal is ancillary in association with the existing use, it is not considered appropriate to restrict the provision of the fence, gazebos and patio areas.

Impact on the adjacent SSSI

The proposal is wholly outside of the SSSI designation along the coastal slopes and Natural England has confirmed that they do not consider that there would be any significant effect on this area as a statutorily protected site. This would also be the case for statutorily protected European sites.

11 CONCLUSION

The proposal would not give rise to unacceptable impacts on residential amenity or the character and appearance of the area. Subject to the implementation of the drainage works in accordance with the approved plans and adhering to the requirements of the relevant authorities, the proposal is not considered to have significant effects on the stability of the coastal slopes in this location. Planning permission is therefore recommended.

12 OTHER CONSIDERATIONS

Many local residents have raised issues with regard to increased traffic volumes and parking issues. However, as indicated above, the proposal for a fence, gazebos and patio areas would not increase the existing capacity of the site in terms of numbers as this already exists. The site does not benefit from any existing parking and it would not be appropriate to request such provision under this application.

It is acknowledged that traffic levels are likely to be high at present in view of the increases in domestic rather than foreign travel this summer.

13 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:

Site location plan
Beachcomber Cafe Patio 100B, 101A, 102D, 103
5m light pagoda with PVC rev.A
5m light pagoda frame only rev.A
Drainage strategy - 21332-GAP-XX-00-DR-C-9000 rev.P01

Reason: To ensure satisfactory provision of the development.

3. The gazebos hereby granted permission shall not be in situ for more than 150 days per calendar year.

Reason: In the interests of the amenities of the area and in accordance with policy ENV3 of the Local Plan Part 1: Planning Strategy.

4. The drainage scheme shown on drawing 21332-GAP-XX-00-DR-C-9000 rev.P01 shall be implemented within 6 months of the date of this permission.

Reason: In order not to prejudice the stability of the cliff top and to comply with Policy DM6 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

August 2021

BEACHCOMBER CAFE
MARINE DRIVE, BARTON-ON-SEA,
NEW MILTON, BH25 7DZ

Scale 1:1250

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

