

Application Number: 22/10421 Full Planning Permission

Site: LAND OF THE OLD COTTAGE, MEADOW WAY,
BARTON-ON-SEA, NEW MILTON BH25 7AN

Development: Detached bungalow, associated parking and landscaping

Applicant: Mr Savin

Agent: Kode Architecture

Target Date: 01/06/2022

Case Officer: Vivienne Baxter

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) Highway matters in including parking

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

2 SITE DESCRIPTION

The site lies within the built up area of Barton on Sea overlooking Long Meadow which is defined as countryside and Green Belt. The plot currently contains a detached cottage with attached garage at the eastern end of the site close to the northern boundary wall with three small timber outbuildings to the western end of the site.

Close boarded fencing has been provided along the southern boundary, the boundary with 18, Danes Close and part of the boundary with Far End, Meadow Way. The fencing to this northern boundary is at a higher level than the garden and the existing boundary wall appears to be partly retaining.

Access is provided off Meadow Way which at this point is also a public right of way continuing north into Solent Drive and south into Long Meadow. East of the site is an area of woodland.

3 PROPOSED DEVELOPMENT

The proposal entails the provision of a detached single storey dwelling comprising hallway, utility room, bathroom, two en suite bedrooms, a further bedroom and a large open plan kitchen, dining, living area. Parking for both proposed and existing dwellings would be provided adjacent to the new dwelling retaining a small garden area for the cottage east of this. The retained garden would be comparable in size to its useable garden prior to its clearance.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11525 Replacement dwelling following demolition of existing dwelling with associated works and landscaping	22/12/2021	Withdrawn by Applicant	Withdrawn
XX/LYB/15200 Alterations and extensions to provide extra room/rooms and larger kitchen.	13/03/1974	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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 2014

DM7: Restrictions on new soakaways

New Milton Neighbourhood Plan

Policy NM4 - Design Quality
Policy NM11 - Mitigating Effects on European Sites
Policy 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

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Aerodrome Safeguarding Zone
Article 4 Direction
SSSI IRZ All Consultations

Plan Policy Designations

Built-up Area
No Soakaway

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council
OBJECT (Non-Delegated)

- (1) Detrimental impact to the character of the adjacent non-designated Heritage Asset.
- (2) Out of character
- (3) Back land development.

The Town Council are the adjacent landowner. The above comment relates solely to the purpose of the planning application response to New Forest District Council. Any related matter should there be one, must be separately addressed to the Town Council for consideration.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way

No objection, request informatives

Ecologist

No objection subject to compliance with Bat Survey Report

HCC Highways

Comment Only

Natural England

No objection subject to appropriate mitigation

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 3

- construction would be disruptive
- impact on neighbouring occupants - light, visual intrusion and privacy/quiet enjoyment of property
- out of character and would not enhance area
- physical impact on existing cottage, unlikely to have foundations
- impact on Meadow Way surfacing
- increased traffic
- concern about fire appliance access
- potential roof accommodation

For: 1

- would provide lovely family home
- limited impact on Meadow Way
- bungalow would be tucked into property line
- adjacent properties are at a higher level

A comment has been received from a local resident raising a query with regard to the loss of trees within the site.

10 PLANNING ASSESSMENT

Background

The previous application at this address was for the replacement of the existing property. Following a request for a Heritage Assessment, the application was withdrawn. Since that time, much site clearance occurred, including several trees, and much of the boundary treatment has been renewed. It is understood that the southern boundary fence has been moved into the site slightly. The site did and does not contain any protected trees and, at the time of the officer's site visit for that application, there were no specimens which could have been considered for special protection. Refurbishment of the existing dwelling is ongoing at present.

Principle of Development

The site is within the built up area where new dwellings can be considered acceptable. Consideration however needs to be given to the impact of its provision on the character and appearance of the area and the amenities of those living nearby. The existing dwelling is not listed although it has some character and is likely to be at least 130 years old. Consideration of the impact of the proposal on the setting of this building is also necessary.

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

The host dwelling is a 19th century property which was significantly extended in the early 1970s. Whilst the proposed dwelling is of a different design and character to this property, it is noted that the asymmetric roof form reflects that of the extended cottage which was altered around 50 years ago. The proposed materials are traditional red brick and slate with natural timber cladding, all of which are found nearby on dwellings or their associated outbuildings. The proposed dwelling is unfussy and would not detract from the simplicity of the two storey cottage.

The proposed single storey property would sit below the ridge line of the host dwelling and from the south, it would have a backdrop of trees and the roof form of the chalet bungalow to the rear resulting in a limited impact on views from the adjoining public open space to the south. In view of the new boundary fence, it is unlikely that much of the property, other than the roof, would be visible from this direction. This would comply with policy NM4 of the New Milton Neighbourhood Plan.

The Town Council has raised a concern that the proposal constitutes backland development. However, in this particular case, the proposed dwelling would be sited adjacent to existing properties and with access provisions similar to Far End immediately to the north of the site. In addition to this, the proposal would overlook the public open space as the existing cottage does.

Overall, it is considered that the proposal has been well thought out in terms of providing a complementary, modern design using materials which are contextually appropriate yet would not result in a pastiche of the host dwelling. The site is of a size which has space in order to provide adequate amenity space for each dwelling and would not appear cramped in its setting.

Landscape impact and trees

Following the significant site clearance, properties at the higher level in Danes Close to the north of the site have become more visible from Long Meadow although the southern boundary of the site is not completely void of small trees. Additional planting is also indicated on the proposed site plan. The cottage remains

reasonably well screened from southern views and in view of the change to levels in the area, there is either existing vegetation outside of the site area or adequate space to provide additional planting in order to mitigate against the new dwelling.

Highway safety, access and parking

The proposal does not involve alterations to the access to the site which would remain open to the lane. Within the site, surfacing would be provided to allow access to the proposed parking area beyond the cottage and there is adequate space to provide parking and turning for the two dwellings. The cottage currently has a single attached garage and parking could also occur adjacent to this.

Concerns about the traffic generation and repair of the road have been raised locally. At present, Meadow Way has five properties, most of which are close to the site. It is further noted that two Solent Drive properties have vehicular accesses onto this road. The addition of a further single dwelling is not considered to give rise to unacceptable levels of traffic generation on the lane which is an adopted highway.

Residential amenity

Other than a bathroom window, the proposal has no rear facing windows although there are 6 roof lights in the northern roof slope. These provide light to the hall and kitchen areas approximately 3m above floor level and would not give rise to any overlooking. Similarly, it is unlikely in view of the level, angle and distance between the existing dwellings to the north and the proposal, that the proposed dwelling would have reduced levels of amenity. (The rear dormer to no.18 would be in excess of 21m from the closest roof light).

The proposed dwelling would be separated from the host dwelling by the retained garden for the cottage and a parking area for both properties, a distance of 23.7m. Being single storey and with a new dividing boundary fence between the two, it is not considered that the separation would result in any significant harm to future occupiers of the cottage which has ground floor patio doors and a first floor window in its western elevation. Similarly, the eastern elevation of the proposed dwelling closest to the cottage would have a narrow hall window and front door, limiting any potential for overlooking.

It is unlikely that the proposal would give rise to unacceptable impacts on light to adjoining properties nor would it have any overbearing impact or adverse impact on outlook.

Ecology and Bio-diversity

Although much of the vegetation within the site has been removed, it was largely overgrown with almost half of the site hidden as a result. The proposal includes the provision of small garden areas for each dwelling together with supplementing the boundary vegetation.

The submitted bat report identified that the existing property did not contain any bat roosts although noted that the boundary vegetation enabled a foraging link between hedges and nearby woodland and Barton Common beyond. As the report was created prior to the removal of vegetation, it is considered appropriate to be specific about the type of planting proposed along the southern boundary in order that foraging habitat is not lost. The report also specifies the provision of bat and bird boxes within the fabric of the proposed dwelling which would assist in increasing bio-diversity on site.

Habitat Mitigation and off-site recreational impact

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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has been requested to enter into a Section 106 legal agreement or Unilateral Undertaking, which would secure the required habitat mitigation contribution.

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Nitrate neutrality and impact on Solent SAC and SPAs

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.

Developer Contributions

As part of the development, the following will be secured via a Section 106

agreement:

- Air Quality Monitoring
- Habitat Mitigation

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	139	0	139	139	£80/sqm	£14,199.38 *

Subtotal:	£14,199.38
Relief:	£0.00
Total Payable:	£14,199.38

11 CONCLUSION

The proposal would provide an additional family dwelling within the built up area without giving rise to harmful impacts on the character or appearance of the area or the amenities of neighbouring residents.

12 OTHER CONSIDERATIONS

The submitted plans indicate that repair work will be done to the buttresses supporting the northern boundary wall and this is welcomed given some are detached from the wall which is leaning in places. These works do not require planning permission.

Land to the south of the site is owned by New Milton Town Council. It is noted that the new boundary fence has been set in slightly from the mutual boundary in order to allow planting south of the fence and the landscaping condition will secure details of this planting.

Meadow Way is restricted in width and that part adjacent to the site slopes down to Long Meadow resulting in the access to the site being difficult for larger vehicles. It is understood that some refurbishment and clearance works have caused some problems locally although now clearance has provided additional space within the site, vehicles should be able to be kept away from the road/public right of way. With regard to emergency service vehicles, an update will be provided although it is assumed that they would access the existing property in any case and given the relatively flat level within the site and extent of the proposed driveway, extended access into the site shouldn't be a significant issue. Sprinklers could be provided should fire appliances be unable to park within 45m of the furthest part of the proposed dwelling.

The concern raised in respect of the possibility of an additional floor is noted. However, whilst it is considered appropriate to remove permitted development rights for roof alterations, Class AA of Part 1 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 allowing additional floors would not apply in this instance.

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:

KA/2022/J02.01 - existing location plan
KA/2022/J02.02 rev.A - existing site survey
KA/2022/J02.04 - proposed location plan
KA/2022/J02.05 rev.A - proposed site plan
KA/2022/J02.06 - proposed ground floor plan
KA/2022/J02.07 - proposed roof plan
KA/2022/J02.08 rev.A - proposed elevations sheet 1
KA/2022/J02.09 - proposed elevations sheet 2
KA/2022/J02.10 rev.A - site ssection A-A
KA/2022/J02.11 - dwelling sections
KA/2022/J02.12 - 3D render
KA/2022/J02.13 - elevation from the Long Meadow
Arboricultural Impact Assessment Method Statement & Tree Protection Plan ref.TH 3098
Bat Survey Rport dated November 2021
Design and Access Statement.

Reason: To ensure satisfactory provision of the development.

3. 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. 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 (paths, patio/parking areas, driveway) and the materials to be used;
- (d) other means of enclosure (height and materials of features to enclose each garden);
- (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 Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The development hereby permitted shall not be occupied until the spaces shown on plan KA/2022/J02.05 rev.B for the parking and storage of motor vehicles and cycles have been provided. The spaces shown on plan KA/2022/J02.05 rev.B for the parking and storage of motor vehicles and cycles shall be retained and kept available for the parking and storage of motor vehicles and cycles for the existing cottage and dwelling hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. The development hereby permitted shall not be occupied until:

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;

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

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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.

7. Before first occupation of the dwellings hereby approved, the infrastructure and facilities to enable the installation of the charging point for electric vehicles indicated on plan KA/2022/J02.05 rev.B shall be provided and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

8. No new soakaways shall be constructed on the site and no development shall take place until full details of an alternative scheme of disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: The site lies within a zone where new soakaways are not to be used for the disposal of surface water due to the proximity of the cliffs 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).

9. The development shall be undertaken in accordance with the Hampshire Ecological Services Ltd Bat Survey Report with the recommendations in Section 5 and Figure 5 of Section 6 of the document being secured prior to the occupation of the dwelling, in particular:

- New bat roost provision (including on the proposed dwelling);
- Lighting restrictions (for bats and other wildlife); and
- New bird nesting provision (including on the proposed dwelling).

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park

and Policies DM1 and DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

10. 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes B or C of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

Further Information:

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New Forest DISTRICT COUNCIL

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PLANNING COMMITTEE

June 2022

LAND OF THE OLD COTTAGE
MEADOW WAY, BARTON-ON-SEA
NEW MILTON BH25 7AN
22/10421

Scale 1:1250

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

