

Application No: 19/00911/FULL Full Application

Site: Peters Hold, Newtown Road, Minstead, Lyndhurst, SO43 7GJ

Proposal: Replacement dwelling; detached garage/carport; associated works and landscaping (demolition of existing dwelling and annex)

Applicant: Mr J Burton

Case Officer: Clare Ings

Parish: MINSTEAD

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

- SP7 Landscape character
- SP16 The historic and built environment
- SP17 Local distinctiveness
- DP2 General development principles
- DP18 Design principles
- DP35 Replacement dwellings
- DP37 Outbuildings

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

- Sec 12 - Achieving well-designed places
- Sec 15 - Conserving and enhancing the natural environment
- Sec 16 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Minstead Parish Council: Initial plans - recommend refusal.

Amended plans - recommend refusal on the following grounds:

- It does not comply with the suggestions made by the Authority's Officers for mitigating the impact of the appearance and layout of the building's impact. Page 18/79 of the National Park Design Guide discusses scale and form. The proposed development has an impact which has not been mitigated by following the recommendations in this guide. It still appears to be a substantial block building and designed not to minimise its impact on the broader landscape.

Further amended plans - no comments received.

8. CONSULTEES

- 8.1 Ecologist: Comment pending - update to be provided to Members
- 8.2 Landscape Officer: No objection, subject to conditions
- 8.3 Building Design & Conservation Area Officer: No objection, subject to conditions

9. REPRESENTATIONS

- 9.1 Two representations received (from same address) objecting on the following grounds:
 - Loss of another traditional New Forest cottage.
 - Disruptive traffic during construction.
 - New barn not suitable for bats.

10. RELEVANT HISTORY

- 10.1 Replacement dwelling; detached garage/carport; associated works and landscaping (Demolition of existing dwelling and annexe) (19/00477) withdrawn on 14 August 2019

11. ASSESSMENT

- 11.1 The site of Peters Hold is set well back from Newtown Road and is approached via a gravel track through an area of woodland, then fields. It is a traditional New Forest red brick cottage with a natural slate roof, probably dating from the late C19. It is unlisted but is considered to be of heritage interest, and lies in a relatively isolated location due south of the village of Minstead and the C13 Parish Church. The cottage and its numerous outbuildings are set on the hillside of the valley to the north of Fleet Water and extensive woodland of Manor Wood. The cottage has been much extended and altered in the past in an unsympathetic manner. The garden slopes steeply southwards into the valley, and the conservatory and raised decking area stand prominently in the landscape. Peters Hold is located within the Forest Central South Conservation Area.

11.2 Planning permission is sought to demolish the existing cottage and part of an adjoining annexe, and erect a replacement dwelling, making use of the sloping site. As part of the proposal, a basement would be included. The application has been the subject of much negotiation through the process of the application, including whether it should be demolished at all. A Building Survey has been submitted which demonstrated that its demolition was acceptable, given the previous extensions and alterations which are considered to have compromised the appearance of the original cottage and which, in any event, was not considered to be the best example of its type.

11.3 The key considerations are:

- The appropriateness of demolition;
- The size of the replacement dwelling with regard to Policies DP35 and DP36;
- Whether the design would be acceptable to its location within a conservation area;
- Its impact within the landscape and on public views, especially the nearby footpath; and
- The appropriateness of the garage/car port with regard to policy DP37.

There are no near neighbours whose amenity would be affected by the proposal.

11.4 As stated above, the proposal is for a replacement dwelling, and the principle of replacing the existing cottage has been demonstrated to be acceptable. The proposal also includes the erection of a car port/garage which would be on the footprint of the existing residential annexe.

11.5 The site lies outside the four defined villages of the New Forest National Park, and therefore would be subject to restrictions in the increase in habitable floorspace contained within Policies DP35 and DP36. Specifically, Policy DP35 restricts the size of the replacement dwelling to "*no greater floorspace than the existing dwelling*". At the same time, however, an extension can be considered under Policy DP36, and this policy restricts this increase to no more than 30% of the original floorspace (or, if a small dwelling, to no more than a total of 100m²). The existing property had a floorspace of approximately 136m² and therefore would not be classed as a small dwelling. This current proposal would result in a total habitable floorspace of just over 168m², equivalent to 23% and therefore within the 30% set out in Policies DP35 and DP36. The proposed basement would have a footprint of 45m², less than the actual footprint of the dwelling, and would not contain any habitable accommodation or have any external access or natural light. It would therefore not contribute to the overall size of the dwelling.

- 11.6 The replacement dwelling would be a more modern "ranch" style split level dwelling, which would include a basement, taking advantage of its position on the hillside. It would be constructed of red brick with a slate roof - making use of traditional materials. Considerable negotiation has taken place to ensure that the proposal would be acceptable in this location within a conservation area. Previous schemes contained significant areas of glazing which have been reduced within the current proposal, and it is now considered acceptable and would not result in light pollution. The northern elevation, i.e. that facing the public footpath, now contains some openings to provide some interest on this elevation. The detailing of the balconies from glass to timber also better reflects its location within a conservation area. In terms of design, the proposal is therefore now considered acceptable, and would preserve the character and appearance of the conservation area and comply with Policies DP2, DP18 and SP17.
- 11.7 The proposed car port, which would involve the partial demolition of an existing outbuilding, is also considered appropriate. Its orientation, again the subject of negotiation, is now considered acceptable, and would create a courtyard appearance. Its design, scale and use of appropriate materials are all acceptable and would not result in overdevelopment of the site. Notwithstanding the fact that it would replace an existing residential annexe, its use would be incidental, and overall it would comply with Policy DP37. Landscaping and regrading of the ground appears natural, although further details of hard and soft materials are required, and this will be secured through condition.
- 11.8 A Bat Report was submitted with the application which confirmed that the cottage has a bat roost of low conservation value, although the annexe and stables support important bat roosts of common (brown long-eared bats) and one rare species (barbestelle). Mitigation and compensation are both detailed in the report. However, it is still necessary to consider the three tests of a European Protected Species (EPS) Licence prior to granting planning permission. Failing to do so would be in breach of Regulation 9(5) of the Conservation of Habitats and Species Regulations (2010) which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
- 11.9 The first and second tests relate to the work being in the public interest (this is met by its being in compliance with adopted Policy) and there being no satisfactory alternative (although the dwelling is not in need of immediate replacement, in the long term it would require replacing due to its poor construction; the stable building would remain relatively untouched by the proposal).
- 11.10 The third and final test is that the maintenance and favourable conservation status of the species should be ensured. The

ecological consultant considers that this would be the case, provided that the mitigation as outlined was implemented. The application has addressed the issue of bat presence and the consultant's report is from a respected source and has identified the presence of bats. Mitigation/compensation is proposed which would be suitable for maintaining the favourable conservation status of the local population. As the three tests have been met, it is likely that a Licence would be granted so the proposal is considered to meet with the Habitats Directive and thus the proposal would accord with Policy SP5 subject to a condition requiring measures for ecological mitigation and enhancement to be submitted for approval. Other mitigation/ enhancement measures are recommended for nesting birds.

- 11.11 In conclusion, following extensive negotiations, it is considered that the proposal for the replacement dwelling and garage would be acceptable, and would not harm the character and appearance of the either the conservation area or the wider New Forest landscape, and would comply with policy.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 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 Development shall only be carried out in accordance with Drawing numbers: 130.000 Rev P4, 130.004 Rev P2, 130.022 Rev P1, 130.100 Rev P6, 130.101 Rev P9, 130.102 Rev P10, 130.104 Rev P8, 130.105 Rev P4, 130.111 Rev P5, 130.113 Rev P4, 130.121 Rev P6, 130.122 Rev P5, 130.123 Rev P5 and 130.124 Rev P2.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 3 No development shall take place above slab level until samples or exact details of the facing and roofing materials have been

submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 4 No windows/doors shall be installed until the following details have been submitted to, and approved in writing by the New Forest National Park Authority.

a) Typical joinery details including window/doors, eaves, verge, bargeboards.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the conservation area in accordance with Policies DP2, DP18 and SP16 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 5 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park 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 safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or

carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 7 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (Assessment of the Impacts on Bats and Nesting Birds Ecological Consultancy Services Ltd March 2019) hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 8 All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the New Forest Site of Special Scientific Interest in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 9 The detached carport/garage the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 10 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

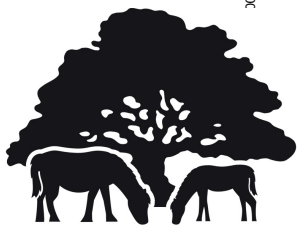
Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Informative(s):

- 1 The Authority has considered the application in relation to its adopted Local Plan, the National Planning Policy Framework and

any other relevant material planning consideration and has recommended changes which have been accepted by the applicant to ensure the development is compliant and does not harm the character and appearance or amenities of the area.

- 2 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is 0300 060 3900.



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 01/09/2020

Ref: 19/00911

Scale: 1:1250

© Crown copyright and database rights 2020 Ordnance Survey 100014703

