

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 11 MAY 2016, AT 9.00 AM\*

**Place:** THE COUNCIL CHAMBER, APPLETREE COURT,  
LYNDHURST

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
023 8028 5588 - ask for Jan Debnam  
E-mail [jan.debnam@nfdc.gov.uk](mailto:jan.debnam@nfdc.gov.uk)

**PUBLIC PARTICIPATION:**

\*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Development Control Administration on Tel: 02380 285345 or E-mail: [DCAdministration@nfdc.gov.uk](mailto:DCAdministration@nfdc.gov.uk)

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**This Agenda is also available on audio tape, in Braille, large print and digital format**

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## AGENDA

**Apologies**

**1. MINUTES**

To confirm the minutes of the meeting held on 13 April 2016 as a correct record.

**2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land of 5 Old Barn Close, Ringwood (Application 14/11228) (Pages 1 - 10)**

House; parking; access; demolition of existing garages

**RECOMMENDED:**

Planning consent subject to conditions.

- (b) **16 Eldon Avenue, Barton-on-Sea, New Milton (Application 15/11743) (Pages 11 - 18)**

Two-storey dwelling; demolition of existing

**RECOMMENDED:**

Refuse.

- (c) **15 Roseleigh Drive, Totton (Application 16/10005) (Pages 19 - 26)**

Two-storey side and single-storey rear extension

**RECOMMENDED:**

Planning consent subject to conditions.

- (d) **33 Rookes Lane, Lymington (Application 16/10076) (Pages 27 - 32)**

Single-storey side extension; rooflights; alterations to side entrance

**RECOMMENDED:**

Planning consent subject to conditions.

- (e) **Land South of Old Ferry House, Undershore Road, Boldre (Application 16/10197) (Pages 33 - 40)**

Access road to Haven Marine Park and Island Point Flats

**RECOMMENDED:**

Refuse.

- (f) **Communications Site at Butts Bridge Hill, Fawley Road, Hythe (Application 16/10465) (Pages 41 - 46)**

11.7 high monopole; removal of existing 10m high pole; equipment cabinet (Prior Notification to carry out Telecommunications Development)

**RECOMMENDED:**

Details not required to be approved.

- (g) **7 Copse Road, New Milton (Application 16/10333) (Pages 47 - 58)**  
1 block of 8 flats; outbuildings; pergolas; parking; access; landscaping;  
demolition of existing

**RECOMMENDED:**

Planning consent subject to conditions.

- (h) **28 Corsair Drive, Dibden, Hythe (Application 16/10341) (Pages 59 - 64)**  
Rear dormer in association with new first floor; rooflights; Juliet balcony

**RECOMMENDED:**

Planning consent subject to conditions.

- (i) **41 Avon Meade, Fordingbridge (Application 16/10379) (Pages 65 - 70)**  
First-floor rear extension

**RECOMMENDED:**

Refuse.

- (j) **Communications Site, Junction of Claypits Lane & Roman Road, Dibden, Hythe (Application 16/10464) (Pages 71 - 76)**  
12.5 high monopole; remove existing 10m high monopole; equipment cabinet  
(Prior Notification to carry out Telecommunications Development)

**RECOMMENDED:**

Subject to no further material representations being received by 13 May 2016,  
details not required to be approved.

**4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**To: Councillors:**

Mrs D E Andrews (Chairman)  
P J Armstrong  
Mrs S M Bennison  
Mrs F Carpenter  
A H G Davis  
R L Frampton  
L E Harris  
D Harrison  
Mrs A J Hoare  
Mrs M D Holding

**Councillors:**

J M Olliff-Cooper  
A K Penson  
W S Rippon-Swaine  
Mrs A M Rostand  
Miss A Sevier  
M H Thierry  
R A Wappet  
Mrs C V Ward (Vice-Chairman)  
M L White  
Mrs P A Wyeth

## **STATUTORY TESTS**

### **Introduction**

In making a decision to approve or refuse planning applications, or applications for listed building consent, conservation area consent and other types of consent, the decision maker is required by law to have regard to certain matters.

The most commonly used statutory tests are set out below. The list is not exhaustive. In reaching its decisions on the applications in this agenda, the Committee is obliged to take account of the relevant statutory tests.

### **The Development Plan**

#### **The Development Plan Section 38**

The Development Plan comprises the local development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If regard is to be had to the Development Plan for the purpose of any determination to be made the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Listed Buildings**

#### **Section 66 General duty as respects listed buildings in exercise of planning functions. Planning (Listed Buildings and Conservation Areas) Act 1990**

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.

### **Conservation Areas**

#### **Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990**

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

## **Areas of Outstanding Natural Beauty (AONB's)**

### Section 85. General duty as respects AONB's in exercise of any function Countryside and Rights of Way Act 2000

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

## **Trees**

### Section 197. Trees Town and Country Planning Act 1990

It shall be the duty of the local planning authority (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

## **Biodiversity**

### Section 40. Duty to conserve biodiversity Natural Environment and Rural Communities Act 2006

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

### Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

Any development involving the creation of new residential units within the District will have such an impact because of the resulting cumulative recreational pressure on these sensitive sites. Under Policy DM3 of the adopted Local Plan Part 2, the Council's general approach is to recognise that the impact is adequately mitigated through the payment of contributions for the provision of alternative recreational facilities, management measures and monitoring.

## **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.

### **Financial Considerations in Planning**

Section 70 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 requires all reports dealing with the determination of planning applications to set out how “local financial considerations” where they are material to the decision have been dealt with. These are by definition only Community Infrastructure Levy (CIL) payments and government grant in the form of the New Homes Bonus.

New Forest District Council adopted a CIL charging schedule on 14 April 2014. The implementation date for the charging schedule is 6 April 2015. The New Homes Bonus Grant is paid to the Council by the Government for each net additional dwelling built in the District. The amount paid depends on the Council tax banding of the new dwellings and ranges between £798 and £2,304 per annum for a six year period. For the purposes of any report it is assumed that all new dwellings are banded D (as we don't actually know their band at planning application stage) which gives rise to grant of £1152 per dwelling or £6,912 over six years.

**Application Number:** 14/11228 Full Planning Permission

**Site:** Land of 5 OLD BARN CLOSE, RINGWOOD BH24 1XF

**Development:** House; parking; access; demolition of existing garages

**Applicant:** DS Land Ltd

**Target Date:** 31/10/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

#### Policies

CS2: Design quality  
CS4: Energy and resource use  
CS7: Open spaces, sport and recreation  
CS10: The spatial strategy  
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

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Ringwood Local Distinctiveness  
SPD – Housing Design Density and Character  
SPD - Parking Standards  
SPD - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council: recommend refusal - It was felt that this would be an overdevelopment of the area and have a detrimental impact on the street scene.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highways Engineer: No objection
- 9.2 Land Drainage: No objection subject to condition
- 9.3 Valuer: The viability appraisal is acceptable.

## **10 REPRESENTATIONS RECEIVED**

Two letters of objection concerned that the proposal would reduce sunlight onto the garden and property and it would result in a poor outlook. The proposal would devalue the property. There would be excessive noise and disturbance. There are issues over matters of boundaries. Impact on car parking in the area.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

Based on the information provided at the time of this report this development has a CIL liability of £4,206.75.

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



## 13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

Officers have delayed the application at the applicant's request and worked with the applicant in order to resolve the Section 106 Agreement and the application can now be processed to a decision.

## 14 ASSESSMENT

### Introduction

This application was considered by this Committee on the 12th November 2014, and the recommendation was that the Head of Planning and Transportation be authorised to grant planning consent subject to the completion of the requisite Agreement pursuant to S106 of the Town and Country Planning Act 1990 by 30th May 2015.

Unfortunately the Section 106 Agreement was not completed in time because the applicant was not the owner of the land and there were difficulties in completing the agreement. The applicant is now the land owner and the Section 106 Agreement has been completed.

It should be noted that since the application was previously considered, the proposed development is now subject to CIL and habitat mitigation.

The Section 106 Agreement only secures the financial contribution of £3188 towards affordable housing. The Council's Valuer does not consider that the overall viability of the proposed development has changed since 2014 and therefore the payment of £3188 towards affordable housing is still acceptable.

In accordance with the Habitat Regulations 2010 an assessment has been carried out 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 has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent 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 assessment that was considered by the Committee in November 2014 is set out below.

- 14.1 The application site forms part of the residential curtilage of a two storey semi detached dwelling which is situated within a cul de sac in Ringwood. The site comprises an area to the side of the existing dwelling which contains a double garage and driveway and part of the garden area. The existing property is set back from the road and has a pitched roof running parallel to the road with a long front garden area laid to lawn with some soft landscaping.
- 14.2 The character of the area is residential and comprises predominantly two-storey pairs of houses in a relatively high density context. Property types and styles are very similar within the Close with car parking and gardens provided to the front and short rear garden areas. To the rear of the site, in Poplar Way, is a garage block.
- 14.3 The proposal is to construct a detached two storey dwelling to the side of the existing dwelling at No 5. The proposed dwelling would be sited in line with the existing dwelling, of a design which would broadly matches the properties in the street, which have their ridge lines running parallel to the road and are constructed of brick under tiled roofs. Both the proposed and existing dwellings would have small front and rear garden areas and two car parking spaces per dwelling.
- 14.4 In assessing the character and appearance of the area, the site lies within an area characterised by two storey semi-detached dwellings where plot sizes vary throughout in what is a relatively high density area. The site is one of the wider plots in the Close and the proposed development would allow for a front and rear garden. The plot width would be only slightly narrower than some of the others in the area. Generally, the plot size is adequate to acceptably accommodate a dwelling without appearing cramped or overdeveloped
- 14.5 Visually, the proposed dwelling has been designed to reflect the character and form of the other properties in the Close, with its matching scale, materials and pitched roof design. While the proposed building would be detached, which differs from the rest of the properties in the Close which are semi-detached, it is not considered that the proposal would be harmful in the street scene. Indeed, the proposed dwelling

would be set back from the road and only a small gap would exist between the proposed building and the 'host' dwelling at No 5. Overall, it is considered that the proposed development would not have an adverse impact on the character and appearance of the area.

- 14.6 With regard to residential amenity, there is a garage courtyard to the rear of the site which would ensure that there is no unacceptable overlooking to the rear. While there is a small area of land used as a garden area with a summer house immediately to the rear of the site, this is owned by the existing property at No 5 and it should be noted that this property would still retain a private rear garden area. The proposed first floor windows on the rear elevation would face the rear garden area of No 41 Poplar Way, however, the views would be oblique and not directly onto the back of that neighbouring property.
- 14.7 In terms of the neighbouring residential property at No 1 Old Barn Close, all of the side elevation of the proposed dwelling would be sited to the rear of this neighbour. This property is likely to be more affected than other properties. The proposed building would be sited to the east of No 1 and any loss of sunlight would only be in the early morning. For the rest of the day the proposed dwelling would not result in any adverse loss of light into the rear garden area of No 1. The proposed building would have an impact on the outlook from the rear of No 1. However, the distance from the rear elevation to the proposed dwelling measures approximately 15 metres which is an acceptable distance. It is noted that there is a conservatory on the rear of No 1 which brings the property closer to the proposed extension. However, even with this reduced distance, the proposal would not result in an adverse impact.
- 14.8 Concerning the neighbouring property at No 3 Old Barn Close, the proposed building would not be sited in direct view from the rear of this property. Accordingly, the outlook from this property would not be adversely affected by the proposal. No windows are proposed on the side elevation and the views from the proposed first floor windows on the front elevation would be oblique and would not directly face this resident.
- 14.9 Two car parking spaces are proposed for the proposed dwelling and two proposed for the existing dwelling, which would broadly accord with the recommended car parking provision for residential development. It is not anticipated that the proposal would result in any adverse effect on public highway safety.
- 14.10 The proposed development would require contributions towards public open space (£3504.90), habitat mitigation (£4250), transportation improvements (£3745) and affordable housing (£33,310), which are considered fair and reasonable. The application has been accompanied by a viability appraisal which states that they are prepared to make the full contributions towards transportation improvements, public open space and habitat mitigation but can only make a contribution of £3,188 towards affordable housing. The main contention is that by subdividing the existing plot, the garden area would be smaller and the garaging would be lost and accordingly, it is claimed that this would reduce the overall value of the existing property. The Council's Valuer has assessed the viability appraisal and accepts that the reduced figure for affordable housing of £3,188 would be acceptable in that the development value and site value are in equilibrium.

- 14.11 In conclusion the proposed development would not have an adverse impact on the character and appearance of the area or on the living conditions of the adjoining neighbouring properties and would be acceptable.
- 14.12 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.

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£33,310	£3188	-£30122

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	83			£4,206.75.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

- 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: 8456/100 Rev A, 8456/100.

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 CS2 of the Core Strategy for the New Forest District outside 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 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 prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. The development hereby permitted shall not be occupied until the spaces shown on plan 8456/100 for the parking [and garaging] of motor vehicles have been provided. The spaces shown on plan 8456/100 for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is 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).

6. 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 Core Strategy for the New Forest District outside the National Park.

7. 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.

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Officers have delayed the application and worked with the applicant in order to resolve the Section 106 Agreement and the application can now be processed to a decision.

2. In discharging condition No 7 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 15/11743 Full Planning Permission

**Site:** 16 ELDON AVENUE, BARTON-ON-SEA, NEW MILTON BH25 7LL

**Development:** Two-storey dwelling; demolition of existing

**Applicant:** Mr Selby

**Target Date:** 05/02/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council in part.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS6: Flood Risk

CS10: The spatial strategy

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

No relevant policies

### National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness Document

## 6 RELEVANT PLANNING HISTORY

- 6.1 15/10559 - House, demolition of existing - 26/06/2015 -  
Refused due to concerns over impact upon the street scene, adjoining amenity and off-street parking arrangements.

6.2 10/95238 - Roof alterations in association with new first floor; dormer; rooflight - 15/04/2010 Granted

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council: strongly object:

- (1) This revised application is still contrary to NFDC Core Strategy policy CS2 due to its design, mass and scale.
- (2) It is also contrary to the New Milton Local Distinctiveness Study page 72 Building format, due to its roof height, type and proportion of glazing and use of timber cladding.
- (3) Detrimental to the amenities of neighbours at 14 and 18.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Land Drainage Engineer: Recommend approval subject to surface water discharge and informative notes.

## **10 REPRESENTATIONS RECEIVED**

Fourteen letters have been received objecting to the proposal on the following grounds:

- It is not materially different to a previously refused application.
- Loss of light.
- Loss of privacy.
- The proposed building is too heavily massed and is a classic case of garden in-filling.
- The glass frontage and timber cladding detracts from the street scene and is out of character with all the other bungalows in the road.
- The non hipped roof reduces the spatial gap between properties.
- Eldon Avenue has a recent history of the foul water drain overflowing, which is of concern as the applicant intends to discharge surface water to mains sewer.
- Is there space on this plot for an adequate soak-away.
- The documentation is misleading. There is no mention of extending to the south, which we understand will require Party Wall approval from number 14.
- Car parking spaces will be increased from 2 to 3 when in reality the actual space to park cars is being significantly reduced.
- Clarification is requested on whether it is proposed to demolish the whole bungalow.
- Disturbance caused by building operations.

Neighbours have been re-consulted on the amended plans and one further letter of objection has been received stating that the proposal would be out of character.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The applicant has indicated that the proposal would be erected as a self-build development on which no CIL would be payable, provided the applicant submits the required exemption form.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, while amended plans were received, which reduced the massing of the proposal and altered fenestration arrangements, the amendments failed to overcome the Council's reservations over the scale and appearance of the proposal. In view of the limited time constraints imposed on Planning Authorities to determine applications within specified timeframes, in this instance, due to the absence of acceptable plans and the level of unjustifiable harm the scheme would cause, it is not unreasonable to refuse the application.

## 14 ASSESSMENT

- 14.1 The application site consists of a detached, hipped roofed bungalow of render and concrete tile construction, built in the late 1950's. The bungalow has been largely unaltered since its construction and is sited within a row of similar detached bungalows fronting Eldon Avenue, which are quite uniform in appearance. Eldon Avenue is characterised by bungalows of the type to be altered, some have been altered in more recent years, though generally with single storey additions and some modest front dormer additions. Other dwellings in the locality have been altered more markedly, although these tend to be on Eldon Close and Wavendon Avenue.
- 14.2 It is proposed to demolish the existing bungalow and to replace it with a larger 4 bed dormer bungalow of more contemporary appearance. The proposal has been reduced in width, depth and scale from a proposal refused in 2015. It has been further modified during the course of determination in response to the comments of notified parties. The amendments include narrowing the width of the dwelling by 0.5m, reducing the ridge height by 0.3m, reducing the amount of glazing on the front elevation and toning window framework down through use of anthracite grey powder coated frames and replacing the pitched roof on the dormers with flat standing seam metal roofs. The rear of the proposal would remain as initially submitted, the rearmost portion of the development being single storey. While the ridge of the roof would be approximately 0.4m higher than the ridge of the existing and adjoining bungalows, the amount of walling presented to adjoining dwellings would be considerably reduced, both in depth and height than the refused application. The proposal would be finished in painted render, timber cladding and grey slate tiles.
- 14.3 The main issues in consideration of this proposal are guided by Policy CS2 and the New Milton Local Distinctiveness Document, in particular, whether the form of development proposed would impact upon the character and appearance of the area and upon adjoining residential amenity. These issues formed the basis for refusal of a scheme for an altogether larger, 5 bed dwelling under ref. 15/10559.
- 14.4 In principle, replacement dwellings are acceptable within the built up area and are not subject to floor space restrictions. However, this is subject to other material considerations such as impacts upon residential and visual amenity.
- 14.5 The proposal would increase the footprint of the dwelling on the site, although the curtilage of the property can easily accommodate the extent of footprint proposed, which is similar to the extended footprint of no. 18. The scale and massing of the proposed dwelling is larger than the existing bungalow and while it has been reduced by comparison with both the initially submitted and previously refused schemes, its siting within a row of largely unaltered, single storey bungalows, presents problems in respect of street scene impacts. Although some dwellings in the locality have been altered, they are viewed in a different context. A street scene drawing shows the amended proposal in relation to the adjoining bungalows, which shows the ridge height higher than adjoining dwellings and the closure of gaps between dwellings, due to the increased width and scale of the proposal. The Local Distinctiveness

Document identifies the site as being within Character Area 9 (Barton Gardens), characterised by hip roofed bungalows, wide streets and front gardens. The Document identifies the open gaps between buildings as a strong part of the character here. The proposal would introduce a different elevational design and materials to the front elevation than other dwellings in the locality, the width, depth and scale of the proposal, coupled with side dormers and a front gable, dictates that the gaps between dwellings are eroded and the building would be prominent in the street scene. Notwithstanding the amendments made to the initial submission, the proposed design and scale are considered unacceptable in relation to their character and street scene impacts, contrary to the provisions of Policy CS2 and the New Milton Local Distinctiveness Document.

- 14.6 The impact of the proposal in terms of privacy, light loss and overbearing impact upon adjoining properties also needs to be considered. The revised proposal would present a less heavily massed wall and roof structure to no.14 Eldon Avenue, as the width, depth and mass of walling presented to that property is reduced. The impact on that property has been reduced by the amended plans, by moving the wall 0.5m away from no.14 and reducing the mass of the dormer windows. The ground floor windows facing no.14 are high level and the dormer windows would be obscure glazed, so the proposal would have no impact on existing privacy in these respects. Obscure glazing of the dormer windows may be ensured by condition. The impact of the proposal upon no.18 Eldon Avenue is more limited, due to the elongated and largely unfenestrated single storey extension that no.18 benefits from. The first floor fenestration introduced into the rear elevation would only offer oblique views across adjoining rear curtilages, but bearing in mind a rear dormer could be introduced into the existing bungalow without a requirement for planning permission, the privacy impacts of the proposal are considered to be acceptable. In terms of impacts upon adjoining properties, while the replacement dwelling would be larger than the existing bungalow, a structure of the scale and mass proposed would not have any significant adverse impact upon adjoining amenity and it is not considered that a reason for refusal on residential amenity grounds can be substantiated.
- 14.7 In terms of parking provision, the Council's adopted parking standards require 4 bed dwellings to provide 3 off street parking spaces. The submission is accompanied by a plan showing the replacement dwelling can accommodate 3 off-street spaces in an acceptable manner.
- 14.8 With regard to the comments of notified parties not addressed above, the Council's Land Drainage Section advise that discharge of surface water to a soakaway is preferable to discharge to foul drains. A condition requiring details of discharge arrangements would be included should the proposal be otherwise acceptable. It is confirmed that the applicant intends to demolish all of the existing bungalow. Disturbance caused by building operations is an inevitable consequence of most new developments and cannot be introduced as a legitimate reason for refusal.
- 14.9 As the proposal does not involve the creation of any additional dwelling, no contributions would be applied to the proposal, although the applicant is advised the proposal may be CIL liable and exemption would need to be applied for.

- 14.10 In conclusion it is considered that the proposed dwelling would be detrimental to the character and appearance of the area for the reasons set out in the recommended refusal reason.
- 14.11 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	126	72	54	£0.00

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

- By virtue of its design, excessive scale, prominent front gable, massing and width, the proposal would close gaps between dwellings and fail to respect local roof forms, resulting in a harmful and incongruous addition to the established street scene, to the detriment of the character and appearance of the area, contrary to the New Milton Local Distinctiveness Document and Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

#### Notes for inclusion on certificate:

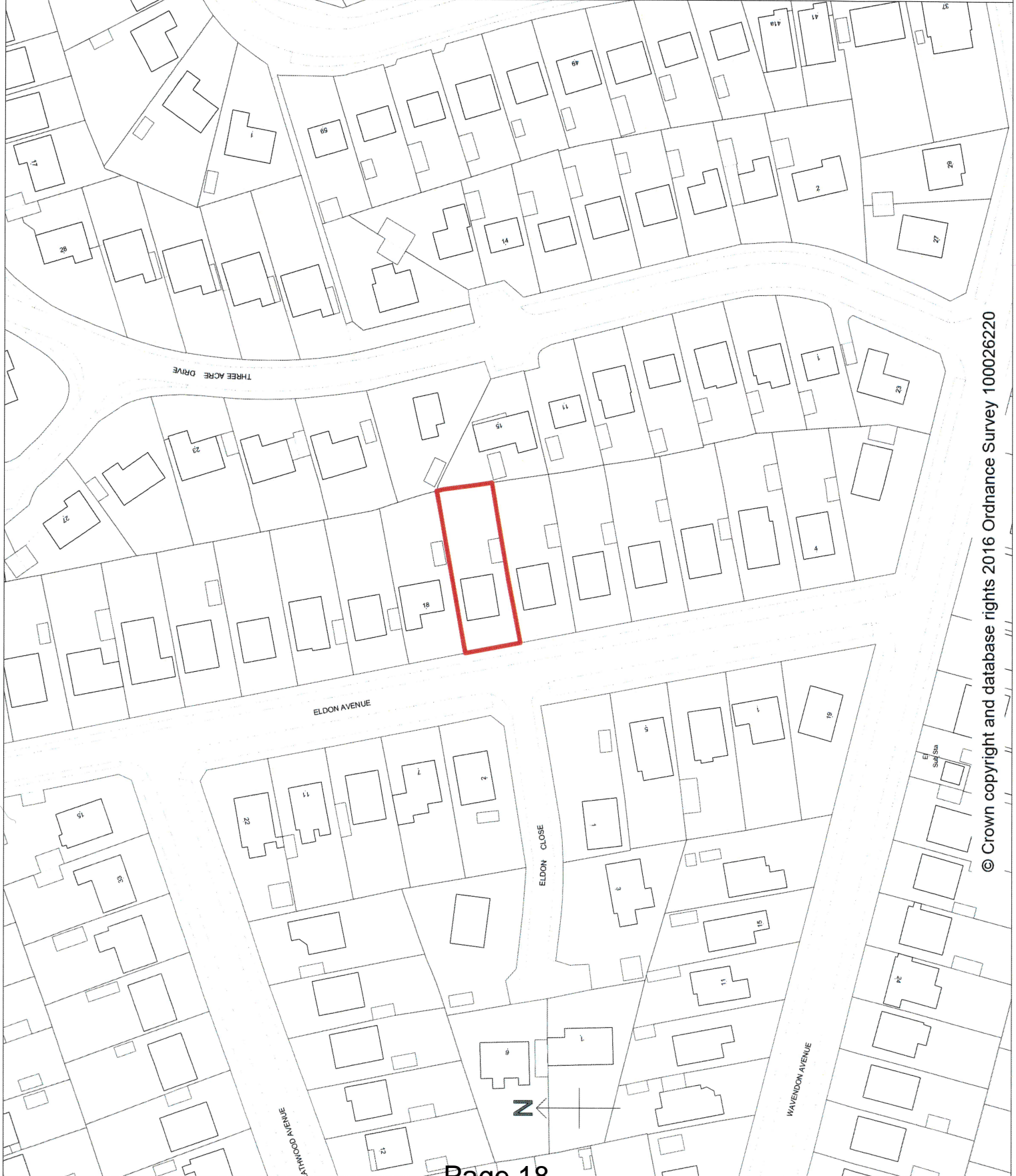
- In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, while amended plans were received, which reduced the massing of the proposal and altered fenestration arrangements, the amendments failed to overcome the Council's reservations over the scale and appearance of the proposal. In this instance, due to the absence of acceptable plans and the level of justifiable harm the scheme would cause, it is not unreasonable to refuse the application.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





**Application Number:** 16/10005 Full Planning Permission

**Site:** 15 ROSELEIGH DRIVE, TOTTON SO40 7JY

**Development:** Two-storey side and single-storey rear extension

**Applicant:** Mr & Mrs Cron

**Target Date:** 17/03/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Planning and Building Control Service Manager.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

#### Policies

CS2: Design quality  
CS24: Transport considerations

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

No relevant policies

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework  
NPPF Ch. 7 - Requiring good design

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Parking Standards Supplementary Planning Document

## 6 RELEVANT PLANNING HISTORY

15/10702 Two-storey side and single-storey rear extension granted 14th July 2015

## **7 PARISH / TOWN COUNCIL COMMENTS**

Totton and Eling Town Council recommend permission but would accept the decision reached by the District Council's Officers under their delegated powers.

The application is a resubmission due to new information regarding ownership of the driveway. Layout changes reduce the amount of parking on the site but provision can be made on street if necessary and impact on neighbourhood amenity is not unacceptable

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage - Recommend informative in respect of surface water discharge.
- 9.2 Hampshire County Council Highways Engineer - No objection subject to a condition to retain parking.
- 9.3 Ministry of Defence - no safeguarding objections

## **10 REPRESENTATIONS RECEIVED**

One letter of objection from solicitor on behalf of the neighbour at number 9 Roseleigh Drive for the following reasons:-

- 1. The site boundary is incorrect and should be amended to exclude the area of driveway which is outside of the applicant's ownership (shown hatched green).
- 2. Insufficient on site car parking causing an overspill of cars on the road which is likely to cause inconvenience and damage to vehicles.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

A revised block plan was requested to exclude the area of driveway which was outside of the applicant's ownership as well as an amended application form which included Certificate A. A revised plan was also received to show the correct position of the steel upright. Therefore in this case all the above apply and no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The property is a two storey semi detached dwelling in a cul de sac of similar properties. Access from Roseleigh Drive also provides access to Nos. 9 + 11 Roseleigh Drive. There are no distinctive gaps between the properties. The front garden is partly enclosed with a hedge and the rear gardens are enclosed with high fences. The property has been recently extended to the side with a two storey side extension and a single storey rear extension following planning permission 15/10702, which was granted in July 2015.
- 14.2 The main consideration when assessing that application was the impact on neighbour amenity and street scene along with parking and highway safety.
- 14.3 This application follows that previous planning approval and the proposals replicate those on that consent. It was submitted as the red line on the plans of the previous approval (indicating ownership) were incorrect. Part of the driveway to the front of the property (hatched green on the revised plans) is owned by a holding company which also owns other areas on the estate including a parking bay to the front of number 9. During this application a further amended plan was received as it was considered that this area hatched green should be excluded from the red line as it did not form part of the planning unit. There was also an alteration in the position of the upright steel supporting the first floor.

- 14.4 The neighbour at number 17 is located to the north east and is joined to number 15. This neighbour does have a window and door on the rear elevation but given that the extension is only single storey and there is a high fence on the boundary there would not be a significant impact on their amenity.
- 14.5 As previously considered, the neighbour to the south west, number 11, is set slightly forward on the plot in comparison to number 15. There are no windows on the side elevation of this neighbouring property facing the application site and the two storey side extension would still retain a spatial gap between the properties. Therefore there is not a significant adverse impact on this neighbour's amenity.
- 14.6 The property to the rear number 21 Springfield Drive, has the side of their rear garden positioned to the rear of the application site. While the proposed first floor window would have views over this neighbour's garden there is already a first floor window which provides views. Therefore this would be consistent with the existing back garden relationship.
- 14.7 The two storey side extension is set back slightly from the front of the property with a lower roof form. There is a degree of imbalance on the pair of semis and a loss of some of the spatial characteristics of the site but, given the form of development within the street scene, the alterations do not have a unacceptable impact on the local area or the wider streetscene.
- 14.8 Hampshire County Council Highways were consulted. They comment that as the extended property increased the number of bedrooms from 2 to 4 the Parking Standards recommends provision of 3 spaces on site. The level of parking on site would be 2 spaces and whilst this is less than recommended in the Parking Standards there is provision for the shortfall in off street parking on the highway which will not result in any detrimental effect on users of the local highway network. National Planning Policy Framework states, in paragraph 39 that:  
*"Local Planning Authorities should only impose local planning standards for residential development where there is a clear and compelling justification that it is necessary to manage their local road network".*  
Therefore they have no objection subject to a condition for the parking shown on the plans to be provided and retained thereafter.
- 14.9 The neighbour at number 9 has objected to the application via a solicitor. This neighbour has an interest in the application because the driveway to the front of number 15 is within the ownership of a third party so that it can be retained for access. The first concern of this neighbour was that the red line on the plans should not include this area of driveway which is outside of the applicant's ownership. It is considered that this does not form part of the planning unit so an amended plan has been submitted to show this area outside of the red line and hatched green and a revised planning application form submitted to include Certificate A.
- 14.10 This neighbour is also concerned with the parking provision on the site and that any displaced parking would cause an inconvenience or accident for road users. The plans show that there are two spaces allocated for parking on the site. Parking Standards Supplementary Planning Document does recommend that 3 parking spaces are provided on site for this size of property. The parking space under the

first floor is narrow but could still accommodate a small car and a further parking space is located to the front of the property. The parking provided is less than recommended however, as there is parking available on the road within the cul de sac, no highway objection is raised, subject to this parking being retained.

- 14.11 Having reconsidered these proposals in the light of information submitted with the current application and following further consultation with Hampshire County Council Highways, there is no justifiable reason not to approve the current proposals. Therefore the application is recommended for approval.
- 14.12 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.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development permitted shall be in accordance with the following approved plans: 1/BCC/16/C & 2/BCC/16/B  
  
Reason: To ensure satisfactory provision of the development.
  
2. The parking spaces shown on plans 1/BCC/16/C & 2/BCC/16/B for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved at all times.  
  
Reason: To ensure adequate parking provision is 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).

#### **Notes for inclusion on certificate:**

1. This decision relates to amended plans/additional information received by the Local Planning Authority on 18th March 2016, 21st April 2016 and 26th April 2016

2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

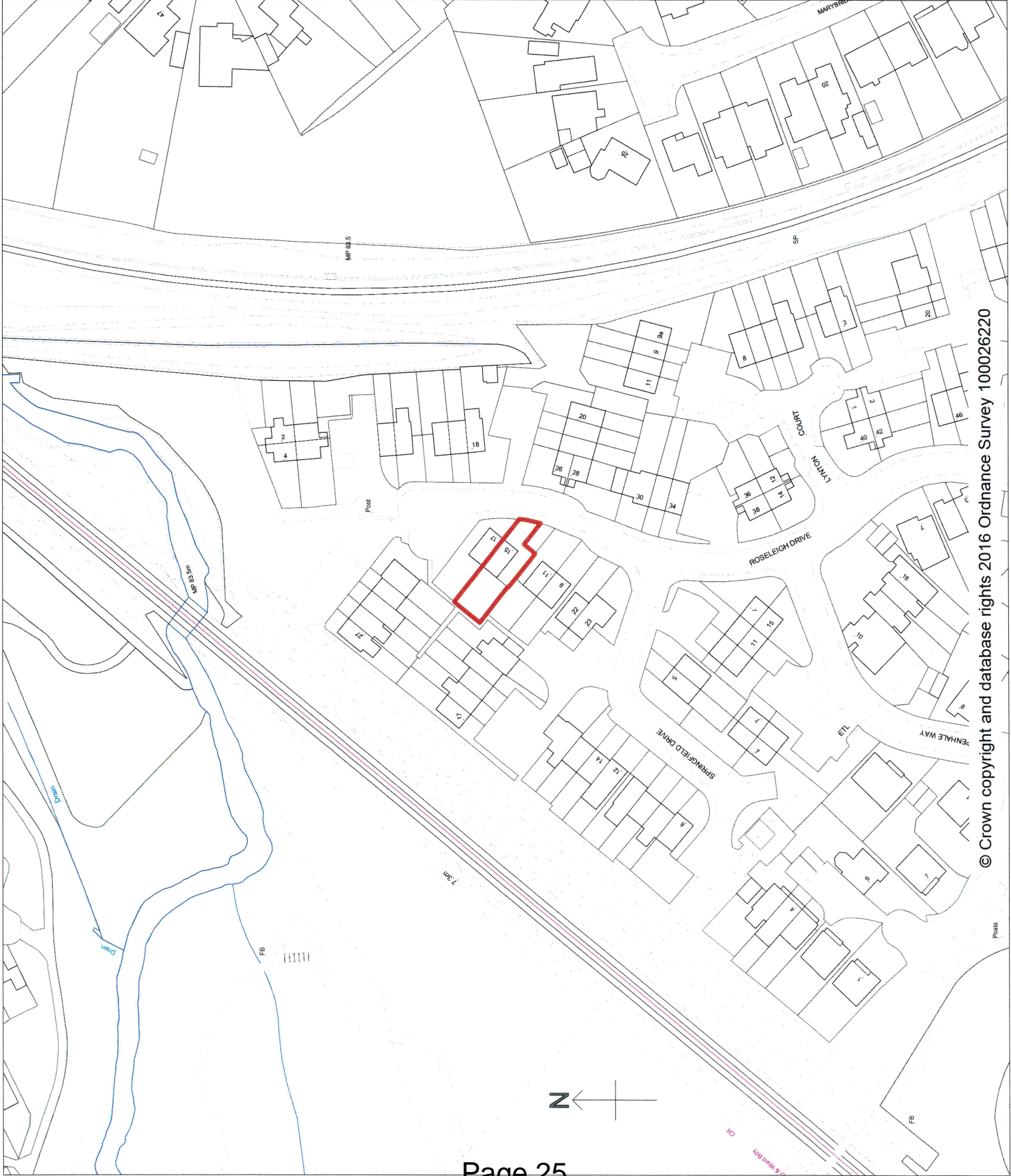
A revised block plan was requested to exclude the area of driveway which was outside of the applicant's ownership, an amended application form and Certificate A was also submitted. A revised plan was also received to show the correct position of the steel upright. Therefore in this case all the above apply and no specific further actions were required.

3. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/10076 Full Planning Permission

**Site:** 33 ROOKES LANE, LYMINGTON SO41 8FP

**Development:** Single-storey side extension; rooflights; alterations to side entrance

**Applicant:** Mr Young

**Target Date:** 15/03/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

#### Policies

CS2: Design quality

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

No relevant policies

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework  
NPPF Ch. 7 - Requiring good design

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington and Pennington Local Distinctiveness Supplementary Planning Document.

## 6 RELEVANT PLANNING HISTORY

04/83022	Two-single storey extensions Woodbury, 33 Rookes Lane, LYMINGTON SO41 8FP	15/12/2004	Granted Subject to Conditions
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96/59797	Ground floor extension and addition 33 Rookes Lane, Pennington, Lymington	07/10/1996	Granted Subject to Conditions
94/53733	Single-storey addition Woodbury, 33 Rookes Lane, Pennington, Lymington	02/03/1994	Granted Subject to Conditions
86/32576	Erection of a garage. Woodbury, 33 Rookes Lane, Lymington	03/09/1986	Granted Subject to Conditions

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council originally recommended permission, supporting the Case Officers comments.

A further consultation was undertaken following the receipt of an amended block plan and their recommendation was refusal. The reason being that issues might arise regarding maintenance of the wall bordering the neighbour in future; Impact on neighbours and local area; support the concerns of neighbour.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - No comment

## **10 REPRESENTATIONS RECEIVED**

One letter of objection from neighbour at 33a Rookes Lane for the following reasons:-

- The proposed extension is unreasonably high and wide which would cause overshadowing and be visually overbearing
- Make it difficult to maintain the boundary fence
- Will be difficult to build without damaging the fence

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council

take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

A revised block plan was received and therefore in this case all the above apply and no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The property is a two storey detached dwelling which has been extended at ground floor following two previous planning approvals. The dwelling is located within the built-up area of Lymington and within the immediate vicinity there is a mixture of styles and sizes of dwellings. The access to the property is via an un-made drive shared by several other properties. A double garage is positioned to the rear of the plot with a single detached garage to the side. The rear garden is enclosed with high hedges and is well screened from all sides.
- 14.2 The main considerations when assessing this proposal are the impact on the neighbouring properties, general design and impact on the local area. An amended block plan was provided as the original block plan omitted the small wood store to the rear of the proposed garage. Therefore it was necessary to request a further consultation.
- 14.3 The neighbouring property to the north west, 33A, has an attached garage built close to the shared boundary which consists of high fences and shrubs. There are no windows on the side elevation of this neighbour's property which face the application site. This neighbour has objected to the application in that the increased size and height of the proposed extension would cause a loss of light and be visually

overbearing. This neighbour has a pedestrian access leading to the rear garden which runs between the fence and their garage. The proposed extension would be closer to the boundary than the existing garage building but any impact from the increase in built form would be limited to this access route and a small corner of a fairly large garden. Therefore the overall impact on this neighbour's amenity is considered to be acceptable.

- 14.4 The neighbour has also raised concern regarding the impact during the build and the future maintenance of the fence, however these are party wall considerations and not a planning concern.
- 14.5 The property has been previously extended but as it is sited on a fairly large plot the additional extensions proposed would not be considered as an overdevelopment of the plot. The dwelling is not clearly visible in the street scene as it is sited behind other dwellings and well screened. While the proposed alterations would create a fairly long roof form it would only be single storey, set back from the front of the property, and therefore would not impact on the local area. To ensure an acceptable appearance of the building the external facing materials can be requested to match those used on the existing building and a condition applied to any approval to this effect. Therefore the application is recommended for approval.
- 14.6 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.

## **15. 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: PL01 & PL/02 Revision A  
  
Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

**Notes for inclusion on certificate:**

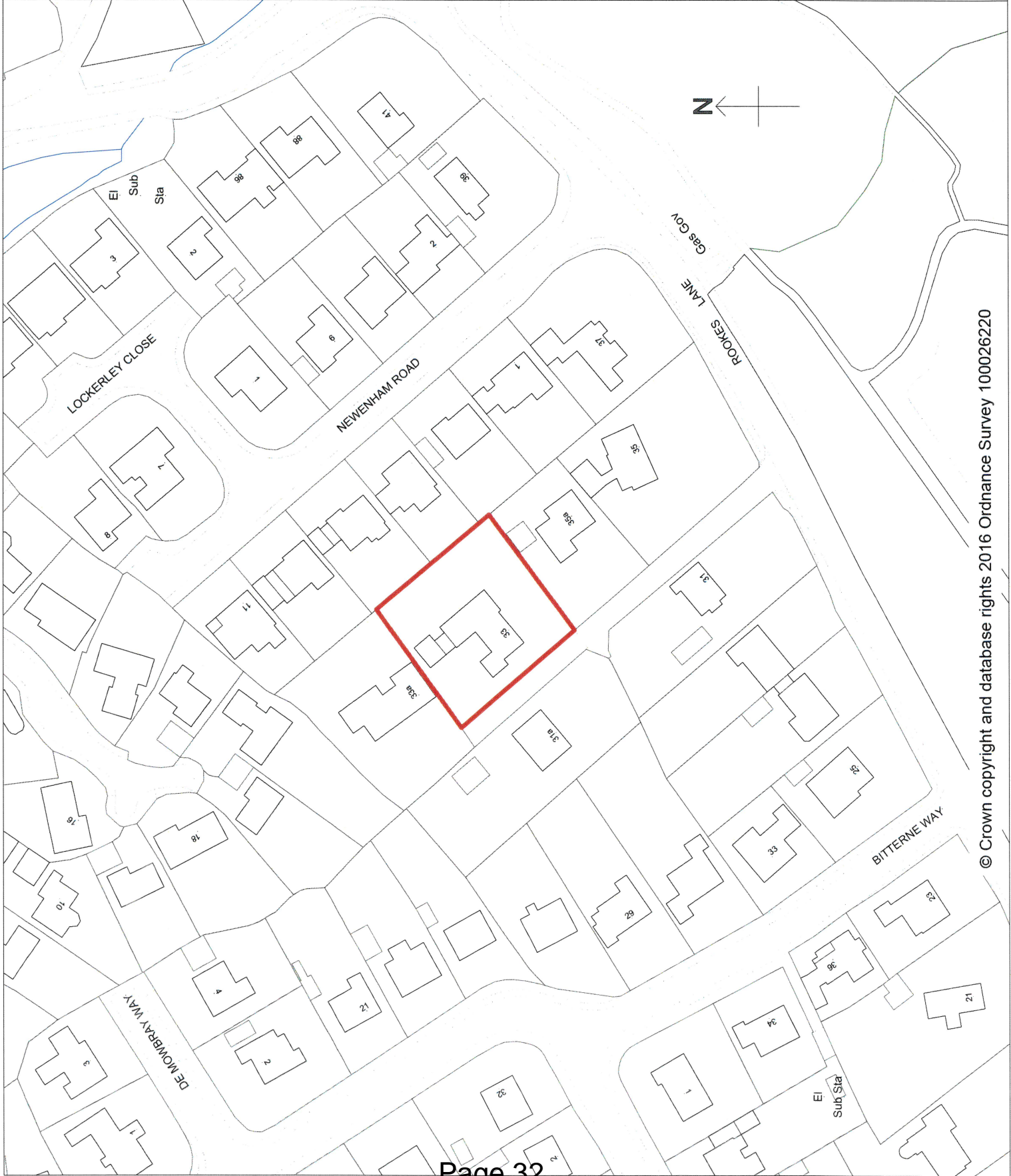
1. This decision relates to amended plans received by the Local Planning Authority on 3rd March 2016
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

A revised block plan was received and therefore in this case all the above apply and no specific further actions were required.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/10197 Full Planning Permission

**Site:** LAND SOUTH OF OLD FERRY HOUSE, UNDERSHORE ROAD,  
BOLDRE SO41 5SA

**Development:** Access road to Haven Marine Park and Island Point Flats

**Applicant:** Lymington Yacht Haven Ltd

**Target Date:** 11/04/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view (in Part)

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt  
Countryside outside the New Forest  
Adjacent New Forest National Park Authority  
SINC  
Flood Zone 2/3  
Conservation Area (adjacent)

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
5. Travel
7. The countryside
8. Biodiversity and landscape

#### Policies

### Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS24: Transport considerations

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

DM2: Nature conservation, biodiversity and geodiversity

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

#### **6 RELEVANT PLANNING HISTORY**

None of direct relevance

#### **7 PARISH / TOWN COUNCIL COMMENTS**

Boldre Parish Council: Object to this application, as we feel the applicant has not demonstrated why there is a requirement for a new entrance. We consider the proposed entrance to be less safe than the existing entrance in view of its proximity to a bend in the road, a garage and ferry terminal. It would also be opposite an existing lane and there is a hazardous road junction close by. We also consider this proposal to be detrimental to the SINC.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No highway objections
- 9.2 New Forest National Park Authority: Objection. The proposal will impact on the character and setting of the adjacent Conservation Area and locally Listed Buildings and impact on the wider rural context and the New Forest National Park.
- 9.3 Ecologist: Objection. No professional ecological information has been submitted to support the application. This would normally be expected for a development affecting a Site of Importance for Nature Conservation and involving operations such as hedgerow removal. No information is available to consider the possible impact on protected species, given the surrounding habitat the presence of protected species is reasonably likely.
- 9.4 Environment Agency: No objection
- 9.5 Natural England: No objection. The proposal is not likely to have a significant effect on the interest features for which Solent & Southampton Water (Ramsar and SPA), Solent & Isle of Wight Lagoons (SAC) and Solent Maritime (SAC) and will not damage or destroy the interest features of the Lymington River SSSI, Lymington River Reedbeds SSSI and Hurst Castle and Lymington River Estuary SSSI.
- 9.6 Conservation officer: Comments will be updated when available.



## **10 REPRESENTATIONS RECEIVED**

- 10.1 2 letters of support. The proposed access road is required to support the requirements of the business. The proposed access would provide a much enhanced access to serve the business and flats with less maintenance and the free passage of water under the new roadway. Improved sightlines. There are several legal rights including a right to re-positioning the access track to Island Point, a right of access to the fields and a right of free passage of running water to drain the Old Ferry House. These are fundamental to allow the fields adjacent to Old Ferry House to act as a flood plain and the re-positioning of the access and raising the road height will facilitate the design and provision of appropriate flood drainage.
- 10.2 7 letters of objection concerned that the existing access track has served the residential flats and Lymington Yacht Haven for many years adequately. Impact on flooding. Impact on the rural character of the area and environment and loss of hedgerow, which would impact on the wider Conservation Area. Impact on SSSI. Impact on noise and traffic on the area and dangers to public highway safety. Visibility splays are not accurate or correct. Impact on locally undesignated heritage assets. Impact on wildlife and habitat. Concerns over who will own the land and manage/maintain the land. Issues over access rights over land and permissions to close the lane, which the applicant does not have. The applicant will need to justify the proposals. Utilities are all under existing lane.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
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- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

No pre application advice was sought. The applicants have been made aware that the application will be presented at the Planning Development Control Committee for determination.

## 14 ASSESSMENT

- 14.1 The proposal is to create a new private access road and footpath from Undershore Road to serve Haven Marine Park and Island Point Flats. This application has been submitted by Lymington Yacht Haven. The proposed access road would cut through an existing hedgerow adjacent to Undershore Road and would run across an area of open pasture land. The proposed access and footpath would measure approximately 7.5 metres wide by 75 metres long and be constructed from tarmac. Banking would be provided on either side of the access road and the total width of the access including banking would extend from between 12 metres at the western end to 19 metres adjacent to Undershore Road. The existing access would be abandoned and left to return to a natural state, apart from access to serve the residential property known as The Old Ferry House.
- 14.2 The site lies within a very sensitive location and there are many constraints. The site lies outside the built up area within the designated Green Belt and Site of Importance for Nature Conservation. The New Forest National Park and a Conservation Area lie on the northern side of Undershore Road. The site lies within Flood Zone 3 and is located on the eastern side of the Lymington Estuary and is physically distinct from the town of Lymington.
- 14.3 Contextually the site is located in a rural location with scattered houses along Undershore Road with a large detached dwelling to the north known as 'The Old Ferry House'. To the west of the site is a small industrial type yard known as Haven Marine Park and a residential block of ten flats known as Island View which are all currently accessed from a gravel track from Undershore Road. Due to its relative position and boundary screening there are few direct views of the site from the public realm. In support of the application, the applicants state that the current access onto Undershore Road is not suitable in the long term for the business at Haven Marine Park, which is used for boat building works. It has been stated that boats cannot be transported off site without the co-operation of the adjacent land owner (Old Ferry House) and the removal of a section of fence every time a large boat is moved off site. The current unmade track is not sufficient for vehicles to pass and the

current restrictive access is affecting the economic viability of the business. Moreover it has been stated that a significant number of benefits would be provided which include improved access into Haven Marine Park and Island Point flats, a separated pedestrian and vehicular access, improved road surfacing, safer in the event of an emergency and greater width to enable vehicles to pass by.

- 14.4 In assessing this proposal, the site lies in the Green Belt where the fundamental aim is to prevent urban sprawl by keeping land permanently open and to assist in safeguarding the countryside from encroachment. Green Belt policy makes it clear that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. The existing low lying land, which is predominantly open with only a few scattered trees set behind a hedgerow contributes significantly to the openness of the Green Belt and rural character of the area. The proposal to create a 7.5 metre by 75 metres access road and footpath constructed from tarmac, with banking on either side, would be inappropriate development which would not preserve the openness of the Green Belt.
- 14.5 Visually the proposed access would result in the loss of approximately 20 metres of hedgerow adjacent to Undershore Road. The existing hedgerow currently runs between the existing access track adjacent to The Old Ferry House and the entrance to the Ferry Crossing. It is considered that the hedgerow is a distinctive feature which makes a positive contribution to the rural character of the area and the loss of a considerable section of the hedgerow would have a negative impact on the rural character of the road and wider landscape.
- 14.6 Given the nature of the surfacing (tarmac), its siting and the overall width and length of the proposed road and footpath, it would be an imposing feature in the landscape that would have an urbanising effect which would result in some encroachment into the countryside. The proposed access would be highly visible from Undershore Road and as such it would be harmful to visual amenity. Indeed the proposed access would result in the removal of a large section of hedgerow and its position would cut centrally across the open pasture land, whereas the existing access track runs along the boundary, maintaining the existing hedgerow, and is considered to be sited in a more visually sensitive location. In regards to the impact on the character and appearance of the adjacent Conservation Area and the setting of Listed Buildings, the comments of the Conservation Officer are awaited and will be updated when available. It is noted that the National Park Authority are concerned about the impact of the proposals on the wider rural context of the special qualities of the National Park. While there would be some impact, this is not considered to warrant a reason for refusal in its own right but it does add weight to the concerns about this development.
- 14.7 Consideration is given to the need to sustain the economic viability of the business at Lymington Yacht Haven which is an important employment facility. The applicants have made a detailed case as to why the proposed access is required, which has been given due weight. However, the economic benefits do not override the impact on the Green Belt or wider landscape. There may be scope to provide either improvements to the existing access or to investigate a more sensitive design and location which preserve the openness of the Green Belt and the rural character of the area.

- 14.8 In relation to public highway safety matters, Undershore Road has the status of a classified road and the Highway Authority does not raise any objections to the proposal. The existing access to the north which currently also serves Old Ferry House would be altered / stopped up within the site so that it would provide access solely to this property on completion of the new access. Given the width of the proposed road and visibility splays, together with the footpath, the proposal would be acceptable to the Highway Authority.
- 14.9 In relation to other matters, the proposed development would not have any adverse impact on residential amenity. While the access road would be nearer to Island Point Flats, this relationship is acceptable.
- 14.10 Concerning flooding matters, the site lies within Flood Zone 2/3 and the application has been accompanied by a Flood Risk Assessment. There is an existing network of drainage ditches within the site which connect with the river. The proposed road crosses three of these drainage ditches so culverts would be used under the road and banking, to maintain the flow of water in all existing locations. The camber of the road would induce surface water from the road to discharge onto the open fields either side over the length of the road. No additional discharge would be created by the construction or directed towards adjacent buildings. The Environment Agency does not raise any objections to the proposal.
- 14.11 The Ecologist has raised an objection on the grounds that no professional ecological information has been submitted to support the application. This would normally be expected for a development affecting a Site of Importance for Nature Conservation and involving operations such as hedgerow removal. No information is available to consider the possible impact on protected species, given the surrounding habitat the presence of protected species is reasonably likely.
- 14.12 In conclusion while it is recognised that the proposed access is needed for the economic viability of the business and there are some benefits to public highway safety, this does not justify the visual impact on the rural character of the area and wider landscape and openness of the Green Belt. Officers consider that an alternative design approach could be put forward to provide an access that serves both the residential flats and Lymington Yacht Haven, however this will need to be closer to, or an enlargement of the existing access track. Moreover, consideration needs to be given to its size, including banking and the type of surfacing to be used.
- 14.13 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. By virtue of its siting across open pasture, the significant loss of hedgerow, its length and width and the harsh nature of surfacing to be used, the proposed development is inappropriate development that would impact on the openness of the Green Belt and would be visually intrusive in its setting that would have an adverse impact on the wider landscape and rural character of the area which lies within a Site of Importance for Nature Conservation and is close to the New Forest National Park.. For this reason, the development is contrary to Policy CS2, CS3 and CS10 of the Core Strategy for the New Forest District Outside the National Park.
2. In the absence of an appropriate biodiversity survey / ecological assessment, it has not been adequately demonstrated that the proposed development could be implemented without adversely affecting protected species, biodiversity interests, and the ecological interest of adjacent land that is designated as a Site of Importance for Nature Conservation. As such, the proposal would be contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan Part 2: Sites and Development Management.

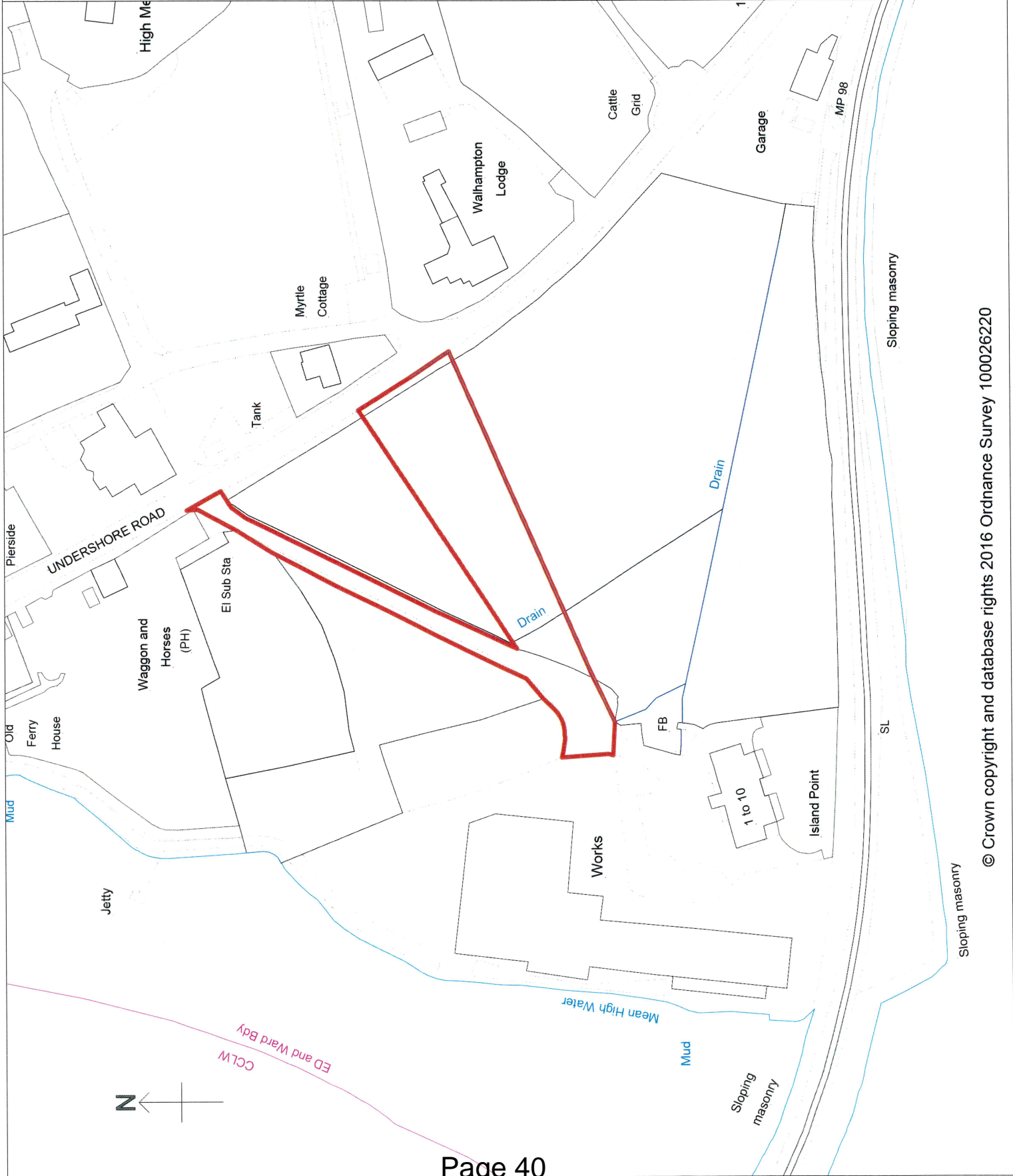
#### Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

No pre application advise was sought. The applicants were made aware that the application will be presented to the Planning Development Control Committee for determination.

#### Further Information:

Major Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/10465 Telecommunications

**Site:** COMMUNICATIONS SITE at BUTTS BRIDGE HILL,  
FAWLEY ROAD, HYTHE

**Development:** 11.7m high monopole; removal of existing 10m high pole;  
equipment cabinet (Prior Notification to carry out  
Telecommunications Development)

**Applicant:** H3G and EE Ltd

**Target Date:** 25/05/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Service Manager Planning and Building Control

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment

#### Policies

CS2: Design quality

CS8: Community services and infrastructure

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

No relevant policies

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

## 6 RELEVANT PLANNING HISTORY

Erect a 11.7 metre high monopole tower and antenna and an equipment cabin  
(01/72347) - Details not required to be approved 8/8/01

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hythe & Dibden Parish Council:- Views awaited - advise that will not be considering application until 11th May.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Civil Aviation Authority:- No comment

9.2 National Air Traffic Control:- No objection

9.3 Southampton Airport Safeguarding:- No objection

9.4 Land Drainage:- No comment

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

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- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.



- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted (subject to some clarification and minor revisions) no specific further actions were required.

## 14 ASSESSMENT

- 14.1 This Prior Notification application relates to an existing telecommunications base station that is situated on the highway verge at Butts Bridge Hill. The existing mast in this location is a slimline monopole that is 11.7 metres in height (including the antenna on top of the mast). The mast is visible from a number of nearby residential properties. The submitted application seeks to replace the existing mast in this location with a new mast that would also be 11.7 metres in height. However, the new mast would be bulkier than the existing structure, mainly due to the top of the new mast having a bulkier shrouded antenna feature. The application also proposes to install a new ground based equipment cabinet.
- 14.2 As with any telecommunications prior notification application, it needs to be determined whether the siting and appearance of the proposed development is acceptable. In this case, the proposed new mast would have a greater visual impact than the existing structure, and the bulkier shrouded antenna feature at the top of the mast would make the mast stand out more in the streetscene than other nearby street furniture. However, it is not felt the greater size of the new mast would be so significant as to appear visually harmful in this particular context. The mast would be no higher than at present and it is only the top most part of the proposed mast that would be materially different to what exists at present. Provided the mast is painted green to match adjacent streetlights (a point that still needs to be confirmed by the applicant's agent), it is felt the mast would have an acceptable streetscene impact. The impact of the ground based cabinet is also considered visually appropriate.
- 14.3 The nearest residential dwellings to the proposed mast (in Buttsbridge Road to the east side of the site) are about 25 metres away. Properties in Butts Bridge hill to the west and Buttercup Close to the south are set just over 25 metres away from the mast. While the larger mast would evidently be visible from a number of properties, it is felt that the impact of the development on the outlook and visual amenities of adjacent dwellings would be modest and would not be so significant as to cause undue harm to the amenities of the occupants of those dwellings.
- 14.4 The application meets a justifiable need to provide improved telecommunications coverage in the Hythe area and is in line with government policies that encourage mast sharing. There are not felt to be any obvious alternative means of providing the development that

would have less visual impact than what is proposed. The proposal would be consistent with the Council's own policies. As such, it is felt that the proposed siting and appearance of the mast is acceptable, and there is consequently no need for further details to be submitted and approved. It should be noted that this application is being brought to Committee early due to the need to make a determination within 56 days. The observation date for the application expires on 13th May, and therefore the recommendation in this report is subject to the need to have due regard to any further representations submitted up until 13th May, with a final determination not being made until after this date.

- 14.5 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.

## 15. RECOMMENDATION

**Subject to no further material representations being received by 13 May 2016; Details not required to be approved**

### **Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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

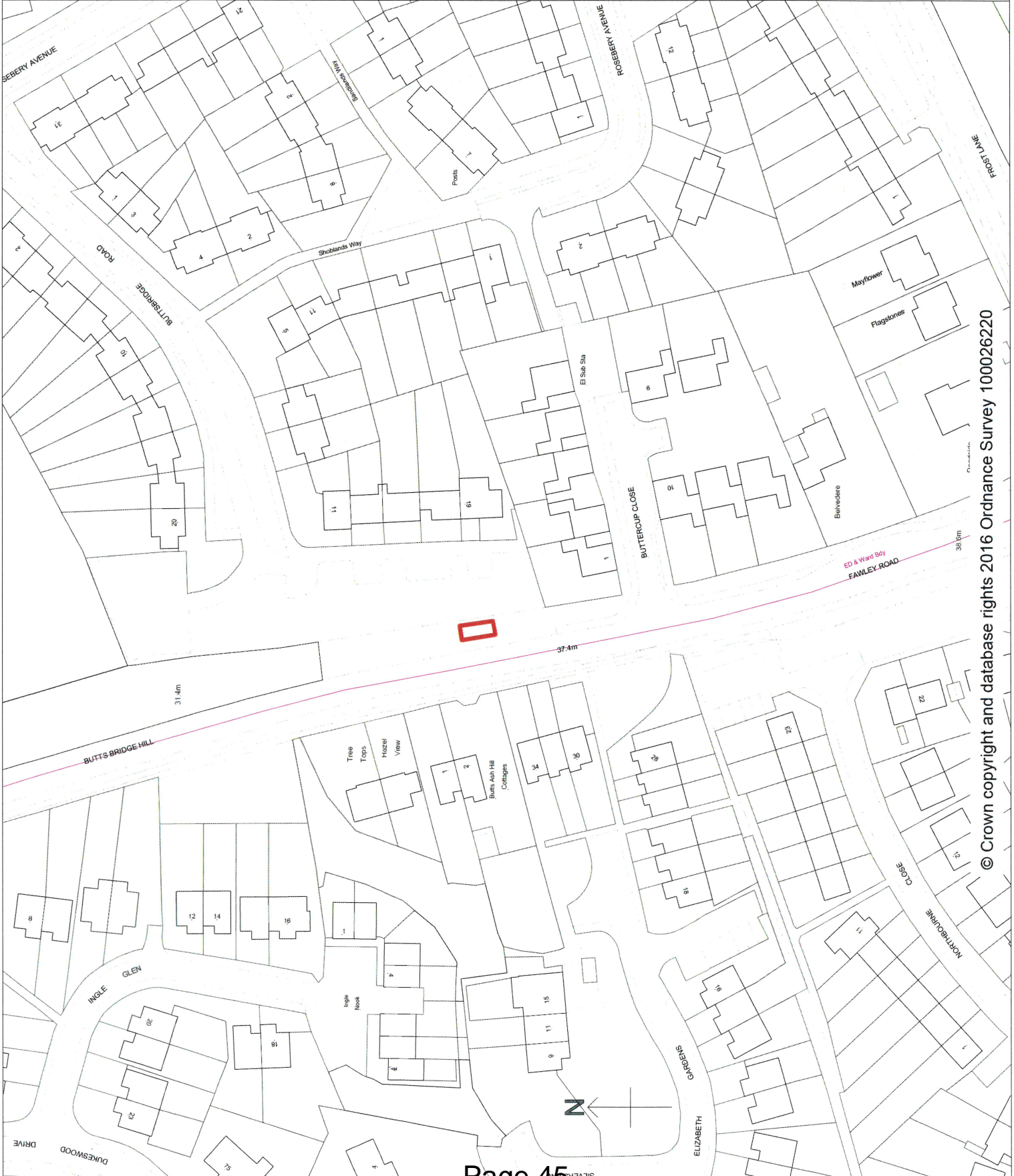
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
May 2016

**Item No: 3f**  
Butts Bridge Hill  
Fawley Road  
Hythe  
16/10465  
SU4206

Scale 1:1250

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



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**Application Number:** 16/10333 Full Planning Permission

**Site:** 7 COPSE ROAD, NEW MILTON BH25 6ES

**Development:** 1 block of 8 flats; outbuildings; pergolas; parking; access;  
landscaping; demolition of existing

**Applicant:** Mr Laney

**Target Date:** 05/05/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Member view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

NPPF Ch. 6 - Delivering a wide choice of high quality homes  
NPPF Ch. 7 - Requiring good design  
Section 197 Trees  
Town and Country Planning Act 1990

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

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

## **6 RELEVANT PLANNING HISTORY**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council -

## **8 COUNCILLOR COMMENTS**

Cllr Davies - As District Councillor for the Milton ward, while happy to support this application, I would like due consideration to be made to reflect concerns expressed by residents of Copse Avenue with regard to on street parking and traffic congestion. Copse Avenue is already used for long term parking during the working day and I share concerns that with improved parking controls the additional dwellings proposed at 7 Copse Avenue will exacerbate the problem.

Cllr Davies - Further to my earlier submission supporting with caveats this application, I want revise my comments to that of OPPOSE.  
Following further consultation with residents and fellow councillors, the dimensions of the proposed development are not in keeping with the street scene which is largely one of individual dwellings.  
I note also concerns raised by residents of Camellia Gardens to the rear of the proposed development who will be overlooked by the upper floors.

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage - recommend approval subject to condition
- 9.2 Southern Gas Networks - offer advice
- 9.3 Tree Officer - no objection subject to condition
- 9.4 Estates and Valuations - the proposal will not support any contributions towards affordable housing
- 9.5 Hampshire County Council Highways Engineer - no objection subject to conditions
- 9.6 Ecologist - no objection subject to condition.

## **10 REPRESENTATIONS RECEIVED**

Objections have been received from 12 local residents (including one on behalf of New Milton Residents Association) concerned with:

- loss of privacy into gardens and bedroom windows
- visual impact, building is out of place
- traffic flow increases leading to congestion on site and in Copse Road
- potentially inadequate parking provision
- delivery vehicles already damage grass verges and cause access difficulties
- contrary to NMLD SPD
- Copse Road already suffers from parking problems - restrictions should be provided
- over development
- houses would be better
- would impact on outlook for houses opposite
- noise and disturbance
- flats are starting to creep into areas characterised by housing
- aspect of adjoining properties will be diminished
- loss of property value
- dense development will impact on the town's economy
- would set a dangerous precedent for flats in Copse Road

New Milton Residents' Association have also objected, supporting the views above.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £9,216 in each of the following six years from the dwellings' completion, and as a result, a total of £55,296 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £55,139.20.

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. It currently contains a detached two storey house with associated garage and domestic outbuildings. There is much vegetation within the site which is presently quite overgrown. The site is sandwiched between a three storey flatted development and associated garages to the north and west (beyond the garage are two storey terraced dwellings in Camellia Gardens), with a care home to the south. Opposite the site are detached two storey houses. The proposal entails the demolition of the existing buildings on site and the provision of a three storey block of 8 2/3-bed flats, 12 parking spaces, refuse and cycle storage provision and landscaping.
- 14.2 In principle, there are no objections to the replacement of the existing dwelling with alternative accommodation. It is accepted that there is much concern with regard to the type of accommodation proposed as locals consider it out of character with the majority of Copse Road. However, as stated above, there are three storey flats immediately adjacent to the site and a two storey care home to the south which has been previously extended. So while the eastern side of Copse Road is a more typical residential layout with detached houses, the west side comprises flats, the site and a care home only. On this basis, it is not considered that the proposed 3-storey development is out of character with the immediate area.
- 14.3 Visually, the proposed materials are typically found in the area and the applicant has been careful to design the building with the second floor accommodation largely in the roof space, thus keeping the overall height of the building to a minimum. The street scene elevation shows the eaves level to be lower than that of the adjacent flats and comparable to the care home on the other side. The slightly higher section would be recessed from the road and set well back from the front building line resulting in the front gabled sections being the most prominent features



in the street scene. It is also noted that there is a group of protected trees to the north and another group of non-protected trees just inside the entrance to the care home which provide screening that is out of the applicant's control.

- 14.4 With regard to residential amenity, the house has rear windows which face the communal garden area of the flats. There is a lot of vegetation along the boundary, some outside of the site, and overlooking is therefore limited. The proposed building would have some windows facing the flats, although these would be at a distance of around 26m - a distance not considered to give rise to unacceptable overlooking. To the south, windows are some 12m from the care home, which is separated from the site by the drive to their parking area. It is understood that all but one side window relate to non-habitable rooms. The bedroom window in the neighbouring carehome would be 13m from ensuite windows which could be obscure glazed.
- 14.5 Comments have been received from local residents concerned with a loss of privacy to the properties to the west in Camellia Gardens, although the garage forecourt to the flats would separate the site from these houses which would be some 35m away. Similarly, the houses opposite have privacy concerns, although where a road separates properties residential amenity is not an issue as this is typical of urban layouts. The proposal is not therefore considered to give rise to an unacceptable loss of privacy to any neighbour.
- 14.6 The proposal includes details for tree protection during construction and much of the vegetation would be protected. Limited works would occur under the canopy of the protected trees and the Tree Officer is satisfied that no harm would come to them during construction or as a result of the development.
- 14.7 The Highway Authority is satisfied that the proposal provides an adequate level of parking for the proposed development although requests a condition to ensure that the parking is kept for such purposes. It is understood from comments received that Copse Road does not have restricted parking and is relatively close to the town centre and thus suffers from non-local parking during the day. Maintaining an adequate parking provision within the site while utilising the existing access point, should minimise any potential increase in parking difficulties.
- 14.8 The proposal generates a requirement for a contribution towards affordable housing to be made and secured through the completion of a S.106 Agreement. However, the applicant has provided a viability assessment which has been checked by our Valuer and it is accepted that there is no scope for affordable housing to be provided either on site or as a financial contribution. CIL payments are also generated and this figure is detailed below. In accordance with the Habitat Regulations 2010 an assessment has been carried out 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 has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent 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.

- 14.9 On balance it is accepted that there is a lot of local objection to this proposal, it is not considered that the proposed building would be out of character with the area such as to warrant refusal. The level of existing residential amenity would be largely maintained and together with the lack of objection from the Highway Authority and the adequate protection of trees, approval is recommended.
- 14.10 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.

### Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
<b>Affordable Housing</b>			
No. of Affordable dwellings	3	0	-3
Financial Contribution	£18,360	0	-£18,360
<b>Habitats Mitigation</b>			
Financial Contribution	£34,000		

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	851	161.76	689.24	£55,139.20

## 15. 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: 5346-PL-001, 5346-PL-002, 5346-PL-208, 5346-PL-100, 5346-PL-203, 5346-PL-200, 5346-PL-201, 5346-PL-210, 502-02C, 15384-BT3, Barrell Tree Report ref.15384-AA2-CA, Transport Statement, Ecological Appraisal, Drainage Strategy, pergola example.

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).

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 prior to works commencing in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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).

6. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

7. Before use of the development is commenced provision for cycle storage, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site cycle parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

8. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement ref 15384-AA2-CA and Plan Ref: 15384-BT3 dated 02/03/2016 shall be implemented and at least 3 working days' notice shall be given to the Local Planning Authority that it has been installed.

Mitigated tree planting location and specifications shall be carried out as shown on Barrell Tree Consultancy plan ref Plan Ref: 15384-BT3 and as specified in point 12 of section 1: Arboricultural Assessment. Exact species and form shall be agreed in writing and approved by the Local Planning Authority before any planting takes place. All planting is to be completed before the end of the planting season following completion of the development. Any such trees that are removed die or become, in the opinion of the Local Planning Authority seriously damaged or defective within five years of planting shall be replaced with specimens of similar size and species as originally planted.

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.

9. The development, including site clearance, shall be carried out in accordance with the Lindsay Carrington Ecological Services Limited report dated February 2016 including confirmation bat survey work and mitigation compensation measures in respect of reptiles. Work shall proceed and be maintained thereafter in accordance with the details unless otherwise agreed in writing.

Reason: In the interests of protecting the site's ecological potential and in accordance with policy CS2 of the New Forest District Council Core Strategy.

10. The soakaways and surface water system detailed within the Drainage Strategy must provide for a 1 in 100 year storm event + climate change. If surface water from impermeable areas such as roofs, drive etc. is to be passed to any ditch system or piped drainage system it will need to be balanced so that the flow from the site after development does not exceed that which existed prior to development for storms up to 1 in 100 years + climate change. Balancing can be any method that retains water and releases it at a rate at least not greater than the previous runoff of surface water from the site. Details of the proposed system including full calculation must be submitted to the Local Planning Authority for approval prior to construction.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

11. Before development commences details of the means of the future maintenance of the watercourse within or on the boundary of the site and the proposed drainage solution shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

12. 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.

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

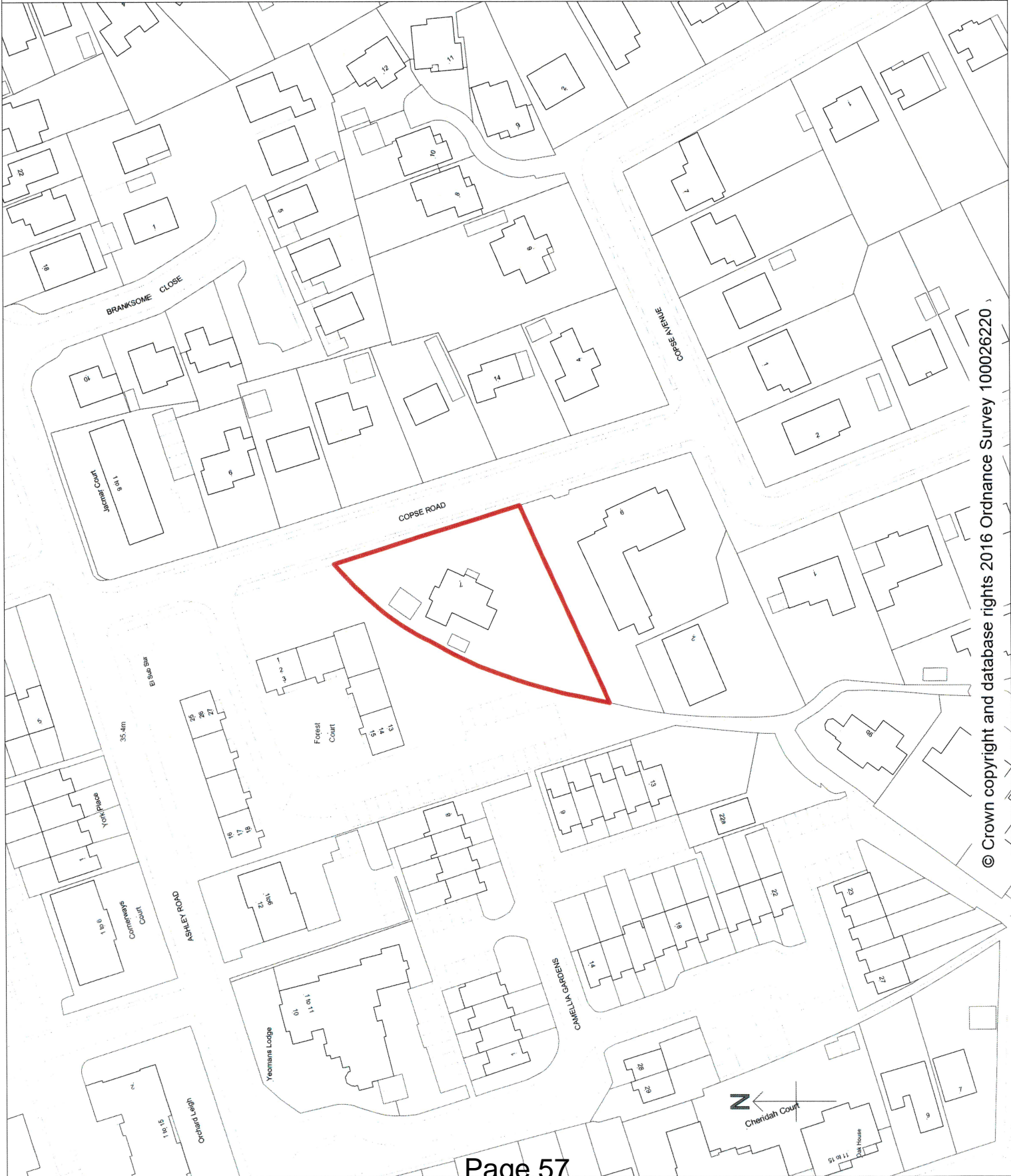
In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. The applicant should be aware that formation of the new access will include works within the highway and as such these works will be required to be undertaken in accordance with standards laid down by, and under a S278 license agreement with, the Highway Authority.
3. In discharging condition No.12 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/10341 Full Planning Permission

**Site:** 28 CORSAIR DRIVE, DIBDEN, HYTHE SO45 5UF

**Development:** Rear dormer in association with new first floor; rooflights;  
Juliet balcony

**Applicant:** Mr Graves

**Target Date:** 06/05/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

#### Policies

CS2: Design quality  
CS24: Transport considerations

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

No relevant policies

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework  
NPPF Ch. 7 - Requiring good design

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

No relevant documents

## 6 RELEVANT PLANNING HISTORY

16/10014	Rear dormer in association with new first floor; rooflights (Lawful Certificate that permission is not required for proposal) 28 Corsair Drive, Hythe SO45 5UF	11/03/2016	Was Lawful
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**7 PARISH / TOWN COUNCIL COMMENTS**

Hythe and Dibden Parish Council recommend refusal. The Council objects to the application because the dormer windows and Juliet balcony provide the opportunity for significant overlooking into 29 Corsair Drive.

**8 COUNCILLOR COMMENTS**

None received

**9 CONSULTEE COMMENTS**

Land Drainage - No comment

**10 REPRESENTATIONS RECEIVED**

None received

**11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

**12 LOCAL FINANCE CONSIDERATIONS**

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

**13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council, take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## 14 ASSESSMENT

- 14.1 This semi detached bungalow is on a lower level than the road and also set slightly lower than No.29. There is a large copse to the rear. The proposal is for a dormer to the rear roofslope with a Juliet balcony and rooflights to the front roofscape. The main considerations when assessing this application are design and impact on the neighbouring properties.
- 14.2 The rear dormer - with a full length rear window - and front rooflights are permitted development and a recent Lawful Development Certificate, (ref 16/10014) confirmed this in March. The change from these plans is the introduction of a Juliet balcony and the materials. The Juliet balcony would be permitted development so the only alteration which would require planning consent is the change of materials. The current application proposes to use Cedral boarding to finish the dormer. These materials would replace the plain concrete tiles to match the existing roof colour, approved as part of the LDC.
- 14.3 While the dormer does appear relatively large in comparison to the roofslope where it is sited, it should be noted that, with the exception of the materials used, it is permitted development. Furthermore, there are other dormers to the rear of properties in the area and therefore the principle of a dormer would be acceptable. The use of Cedral boarding to the dormer would be different from the existing roof but being to the rear of the property there would be limited impact on the street scene so as to make it acceptable.
- 14.4 The Parish Council has objected to the application in that there would be overlooking into the neighbour's garden at number 29. The adjoining property at number 29 has been extended to the rear with a conservatory. While there would be views into the neighbouring gardens to either side, these would be oblique and form a normal back garden relationship. In any case, the fall back position would be the approved Lawful Development Certificate, with matching materials, which included a full length rear window. In this context it would be difficult to object on these grounds.
- 14.5 There would be adequate parking to the front of the property to allow for the introduction of an additional bedroom.
- 14.6 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for approval.

- 14.7 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.

## **15. 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: 100 & 101.  
  
Reason: To ensure satisfactory provision of the development.

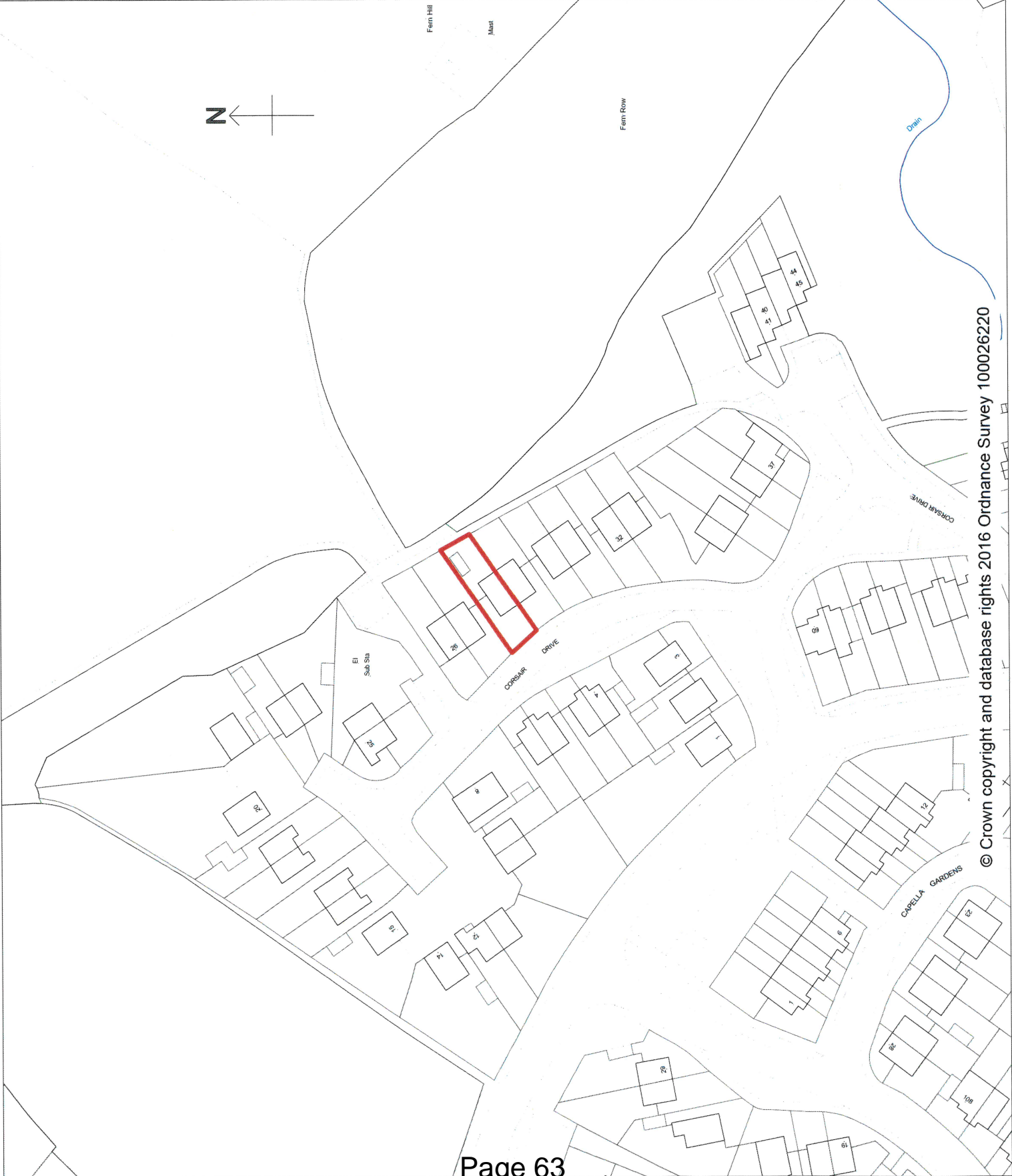
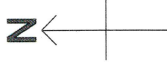
#### **Notes for inclusion on certificate:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/10379 Full Planning Permission

**Site:** 41 AVON MEADE, FORDINGBRIDGE SP6 1QR

**Development:** First-floor rear extension

**Applicant:** Mr & Mrs Sparkhall

**Target Date:** 13/05/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Explosives Safeguarding Zone  
Built up area  
Planning Agreement

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

#### Policies

CS2: Design quality

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

None relevant

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Fordingbridge Town Design Statement

## 6 RELEVANT PLANNING HISTORY

07/90445 Use garage as ancillary living accommodation 29/08/2007  
Granted with conditions

92/NFDC/49739 First floor addition 28/05/1992 Granted with conditions

**7 PARISH / TOWN COUNCIL COMMENTS**

Fordingbridge Town Council - Recommends permission as the proposal will have no adverse effect on residential amenity.

**8 COUNCILLOR COMMENTS**

None relevant

**9 CONSULTEE COMMENTS**

Ministry of Defence – No safeguarding objections

Land Drainage - No comment

**10 REPRESENTATIONS RECEIVED**

Two letters of objection received from residents at No.40 raising concerns summarised as:

- Loss of light to rooms fronting the rear of the property, rear garden and patio area
- Visual impact on views from these rooms, imposing and overbearing.
- Shadowing of garden and patio area

A letter in response to these comments has been received from the applicant. These comments can be summarised as:

- Affected rooms at No.40 already have limited light due to relative position of the two properties.
- Ground and first floor windows of No.40 already overshadowed by No.41 and proposals would make no material difference to light into or views from these windows.
- Charges to conservatory roof at No.40 restricted light in the room. Windows inside of conservatory already affected by proximity to fence.
- Due to south east elevation orientation, proposal would have minimal impact on direct sunlight to rear windows of No.40
- Patio area of No.40 is already imposed on by part of gable wall on No.41.

**11 CRIME & DISORDER IMPLICATIONS**

None

**12 LOCAL FINANCE CONSIDERATIONS**

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.



## 13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case no pre-application advice was sought from the Council. Concerns raised in representations and the Officers initial briefing have been made available online and the application has not been withdrawn it is being determined on the basis of the plans originally submitted.

## 14 ASSESSMENT

- 14.1 The site is within the built up area of Fordingbridge. Located in a cul-de-sac, which is part of a later C20 residential development. The property, which is detached, has been previously extended with a first floor extension on the front elevation (PA 98/NFDC/49739) and ground floor projection at the rear.
- 14.2 This application proposes the addition of a first floor above the existing ground floor rear extension. This would match the eaves height of the existing property, with a recessed main ridge height and be of a full gable design in materials to match.
- 14.3 Although this property has been previously extended this addition would not appear disproportionate and, given its positioning, would have limited direct impacts on the appearance of the street scene. However, consideration also needs to be given to the impacts on the living conditions of neighbouring occupiers.

- 14.4 The proposed extension would have a close relationship with the neighbouring premises to the north No.40. The relationship is staggered between these two properties, such that No.41 already, in part, overshadows the adjacent side and rear of No.40. Given the relative proximity and orientation of the proposals to the south west of No.40, this proposal would result in an increase in overshadowing to the rear of neighbouring property. Furthermore it would also bring about an increased sense of enclosure that would be oppressive on the outlook. In combination, this loss of light and impact on outlook would be harmful to the neighbour's reasonable enjoyment of their living environment.
- 14.5 New first floor windows would enable views towards neighbouring premises and their garden areas. Given the density of development in the vicinity and depth of the first floor addition back into the plot, this would enable increased views from the south-east elevation window into neighbouring garden areas in this direction. This said, given the existing degree of mutual overlooking this would not amount to an overriding objection. The new window on the south west side would however enable direct views across to the rear of the adjacent property No.42. Considering the increased extent of views possible this would see a significant change from the current relationships and would be intrusive on the privacy of these neighbouring occupiers. This concern could however be mitigated by the imposition of a condition restricting the glazing of this window and as such is not cited as a further reason for refusal in this instance.
- 14.6 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## 15. RECOMMENDATION

### Refuse

#### Proposed Conditions:

1. The proposed first floor extension as a result of its position, scale, proximity and orientation relative to the neighbouring premises No.40 would result in an increased sense of enclosure and additional overshadowing of the rear windows and garden area of this neighbouring property. As such, this would result in additional impact on amenity and cause reasonable harm to the neighbour's enjoyment of their living environment contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Section 7 of the National Planning Policy Framework (2012).

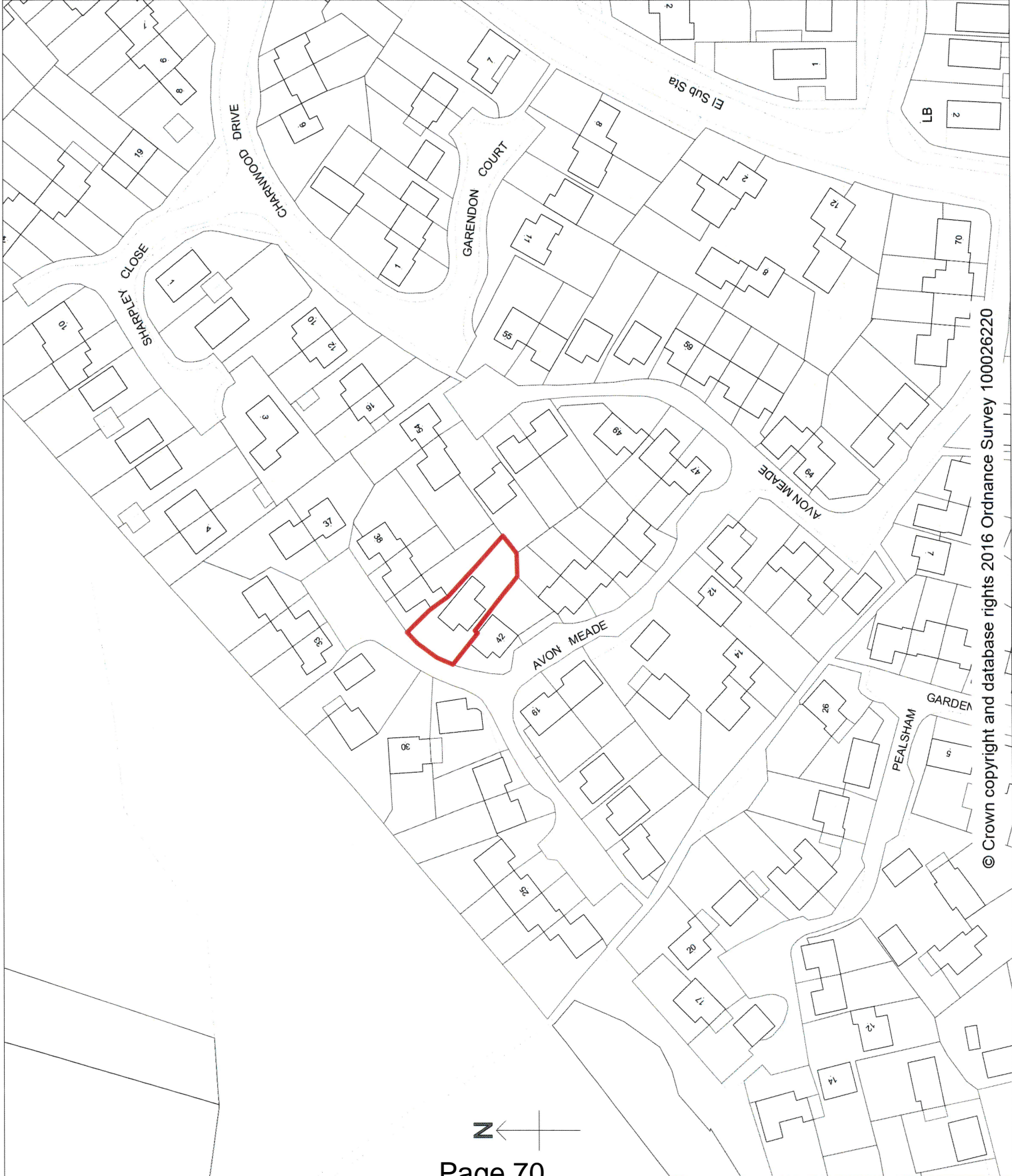
**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants. In this case no pre-application advice was sought from the Council. Concerns raised in representations and the Officers initial briefing have been made available online but as the application has not been withdrawn it is being determined on the basis of the plans originally submitted.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/10464 Telecommunications

**Site:** COMMUNICATIONS SITE, Junction of CLAYPITS LANE &  
ROMAN ROAD, DIBDEN, HYTHE SO45 5JA

**Development:** 12.5m high monopole; remove existing 10m high monopole;  
equipment cabinet (Prior Notification to carry out  
Telecommunications Development)

**Applicant:** H3G and EE Ltd

**Target Date:** 25/05/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Service Manager Planning and Building Control

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area / countryside boundary

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment

#### Policies

CS2: Design quality

CS8: Community services and infrastructure

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

No relevant policies

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

## 6 RELEVANT PLANNING HISTORY

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hythe & Dibden Parish Council:- Views awaited - advise that will not be considering application until 11th May.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Civil Aviation Authority:- No Comment

9.2 National Air Traffic Control:- No objection

9.3 Land Drainage:- No comment

9.4 New Forest National Park Authority: it is not considered the development would be harmful to the special qualities of the New Forest National Park.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
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- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted (subject to some clarification and minor revisions) no specific further actions were required.

## 14 ASSESSMENT

- 14.1 This Prior Notification application relates to an existing telecommunications base station that is situated on the highway verge at Claypitts Lane. The existing base station lies next to a 90 degree corner in the lane, and is also situated very close to the main A326, from which the mast is clearly visible. The mast is set against a backdrop of trees and vegetation. There are no residential properties close to the mast. The existing mast in this location is 10 metres in height (not including the antenna on top of the mast). The submitted application seeks to replace the existing mast in this location with a new mast that would be 12.5 metres in height (including a shrouded headframe). The new mast would be slightly bulkier than the existing structure, mainly due to the top of the new mast having a bulkier shrouded headframe. The application also proposes to install a new ground based equipment cabinet.
- 14.2 As with any telecommunications prior notification application, it needs to be determined whether the siting and appearance of the proposed development is acceptable. In this case, the proposed new mast would have a greater visual impact than the existing structure. However, it is not felt the greater size of the new mast would be so significant as to appear visually harmful in this particular context. The mast would not be materially higher than at present and the mast would to a large degree be seen against a backdrop of trees that would help to minimise the impact of the development. Provided the mast is painted green to match adjacent streetlights, and to blend in with the natural vegetation (a point that still needs to be confirmed by the applicant's agent), it is felt the mast would have an acceptable streetscene impact. The impact of the ground based cabinet is also considered visually appropriate.
- 14.3 The proposed mast would be discernible from viewpoints in the New Forest National Park to the west side of the A326. However, such viewpoints would be limited and would be through trees and vegetation. Given the limited nature of these views and that there is already a very large pylon on the adjacent National Park area, it is felt that the proposed development would not adversely affect the special qualities of the New Forest National Park.
- 14.4 The application meets a justifiable need to provide improved telecommunications coverage in the Hythe area and is in line with government policies that encourage mast sharing. There are not felt to be any obvious alternative means of providing the development that would have less visual impact than what is proposed. The proposal

would be consistent with the Council's own policies. As such, it is felt that the proposed siting and appearance of the mast is acceptable, and there is consequently no need for further details to be submitted and approved. It should be noted that this application is being brought to Committee early due to the need to make a determination within 56 days. The observation date for the application expires on 13th May, and therefore the recommendation in this report is subject to the need to have due regard to any further representations submitted up until 13th May, with a final determination not being made until after this date.

- 14.5 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.

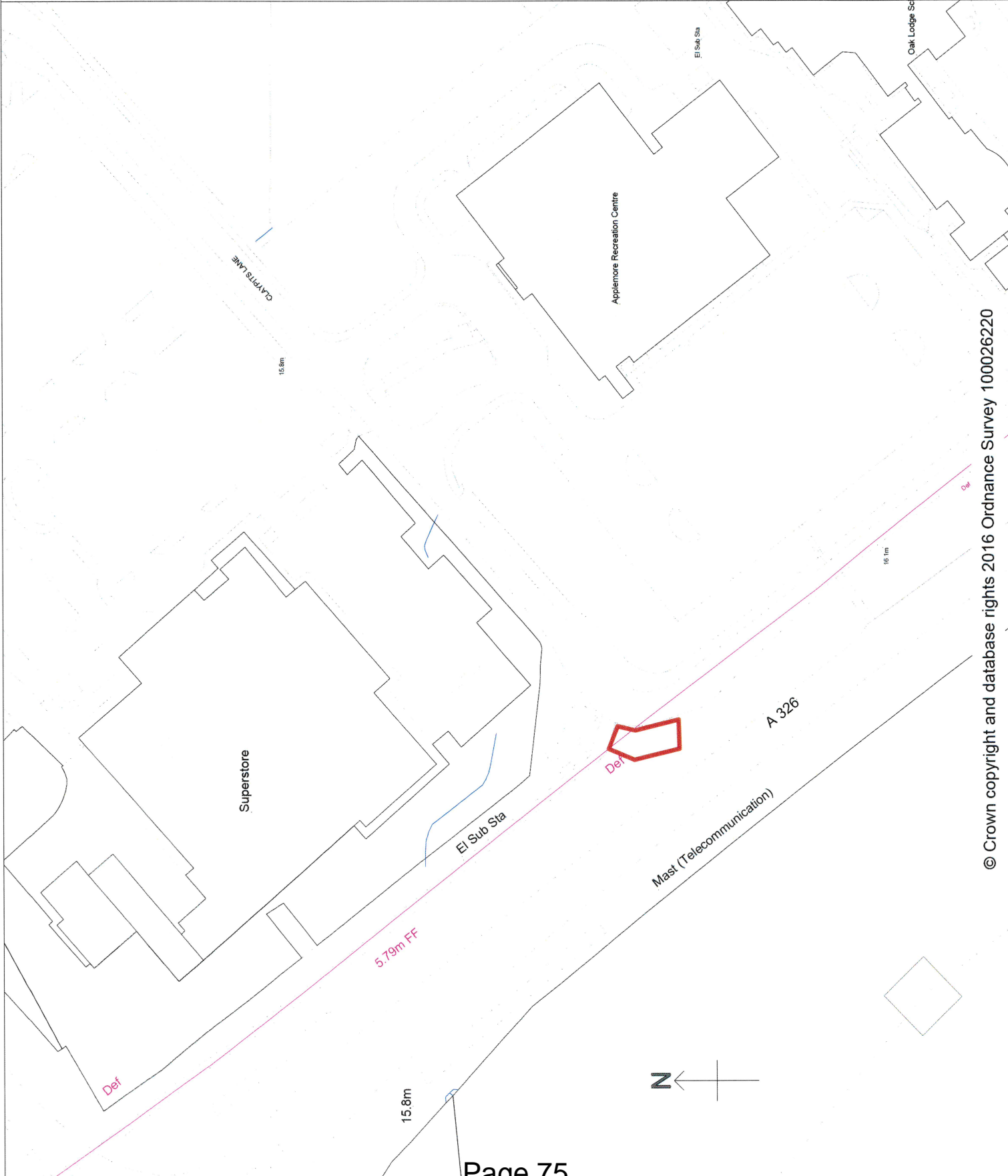
## 15. RECOMMENDATION

**Subject to no further material representations being received by 13 May 2016; Details not required to be approved**

### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





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