

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 13 APRIL 2022, AT 9.00 AM\*

**Place:** COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
Tel: 023 8028 5071

### **PUBLIC PARTICIPATION:**

Members of the public may watch this meeting live on the [Council's website](#).

\*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 Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Claire Upton-Brown**  
Executive Head Planning, Regeneration and Economy

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

**NOTE: The Planning Committee will break for lunch around 1.00 p.m.**

### **Apologies**

#### **1. MINUTES**

To confirm the minutes of the meeting held on 9 March 2022 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 at Burgate Acres, Salisbury Road, Burgate, Fordingbridge (NB: Proposed Legal Agreement) (Application 20/10228) (Pages 5 - 6)**

Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings

**RECOMMENDED:**

To approve a further period until the end of June 2022 for the completion of the S106 Agreement and the issuing of the Planning Permission.

(b) **6 St Marys Close, Bransgore (Application 22/10022) (Pages 7 - 12)**

First-floor side extension, single & two storey front extension; internal alterations

**RECOMMENDED:**

Grant subject to conditions

(c) **2 Haven Gardens, New Milton (Application 22/101199) (Pages 13 - 20)**

Single-storey extensions; dormer extension; chimney stack removals; fenestration removals; porch addition; south west dormer raised; boundary wall fence and wall erection adjacent to the highways

**RECOMMENDED:**

Grant subject to conditions

(d) **8 Brook Avenue, New Milton (Application 22/10109) (Pages 21 - 26)**

Demolish existing garage, workshop & conservatory; single & two storey side and rear extensions

**RECOMMENDED:**

Grant subject to conditions

(e) **137 Hampton Lane, Blackfield, Fawley (Application 22/10012) (Pages 27 - 36)**

Use of ground floor as flat; single-storey front and rear extensions; parking

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) and the imposition of the conditions set out in the report.

- (f) **Anchor House, Bath Road, Lymington (Application 22/10236)  
(Pages 37 - 46)**  
Front and side extension to provide additional showroom and work space  
**RECOMMENDED:**  
Grant subject to conditions
- (g) **Oakend, 11 Newenham Road, Lymington (Application 22/10111)  
(Pages 47 - 52)**  
Two-storey side extension  
**RECOMMENDED:**  
Grant subject to conditions
- (h) **1 Pealsham Gardens, Fordingbridge (Application 22/10170)  
(Pages 53 - 58)**  
Use of garden outbuilding as dog grooming facility  
**RECOMMENDED:**  
Grant subject to conditions
- (i) **82 Lower Buckland Road, Lymington (Application 22/10081)  
(Pages 59 - 68)**  
Replacement dwelling, with associated works  
**RECOMMENDED:**  
Grant subject to conditions

**Please note, that the planning applications listed above may be considered in a different order at the meeting.**

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

**Please note that all planning applications give due consideration to the following matters:**

##### Human Rights

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.

##### 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.

**To: Councillors:**

Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Anne Corbridge  
Kate Crisell  
Allan Glass

**Councillors:**

David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Barry Rickman  
Tony Ring  
Ann Sevier  
Malcolm Wade

Planning Committee 13 April 2022

**Application Number:** 20/10228 Full Planning Permission

**Site:** Land at BURGATE ACRES, SALISBURY ROAD, BURGATE,  
FORDINGBRIDGE SP6 1LX (NB: PROPOSED LEGAL AGREEMENT)

**Development:** Construction of 63 dwellings, creation of new access, parking,  
landscaping, open space and associated works, following demolition of  
existing buildings

**Applicant:** Metis Homes Ltd

**Agent:** Metis Homes

**Target Date:** 30/06/2020

**Case Officer:** Stephen Belli

**Extension Date:** 31/01/2022

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## 1 SUMMARY

Members will recall this application was presented to the 12 January 2022 meeting of the Planning Committee on which date it was resolved to allow a further two month period for the completion of the Section 106 by end of February 2022.

Should Members wish to view the earlier report and the confirmed minutes of the meeting they can do so by following this web link.

[Agenda for Planning Committee on Wednesday, 12th January 2022, 9.00 am Council Services \(newforest.gov.uk\)](https://www.newforest.gov.uk/agenda-for-planning-committee-on-wednesday-12th-january-2022-9.00-am-council-services)

## 2 CURRENT POSITION

The S106 Agreement has now completed its final stage and has been signed by all parties. It was anticipated that the Agreement would be received by the Council prior to the end of February but this has been delayed.

This report seeks the approval of Members to allow a further three month period for the completion of the S106 Agreement and the issuing of the Planning Permission.

## 3 RECOMMENDATION

To allow a further period until the end of June 2022 for the completion of the S106 Agreement and the issuing of the Planning Permission.

### **Further Information:**

Stephen Belli  
Telephone: 023 8028 5430



# New Forest DISTRICT COUNCIL

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Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
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SO43 7PA

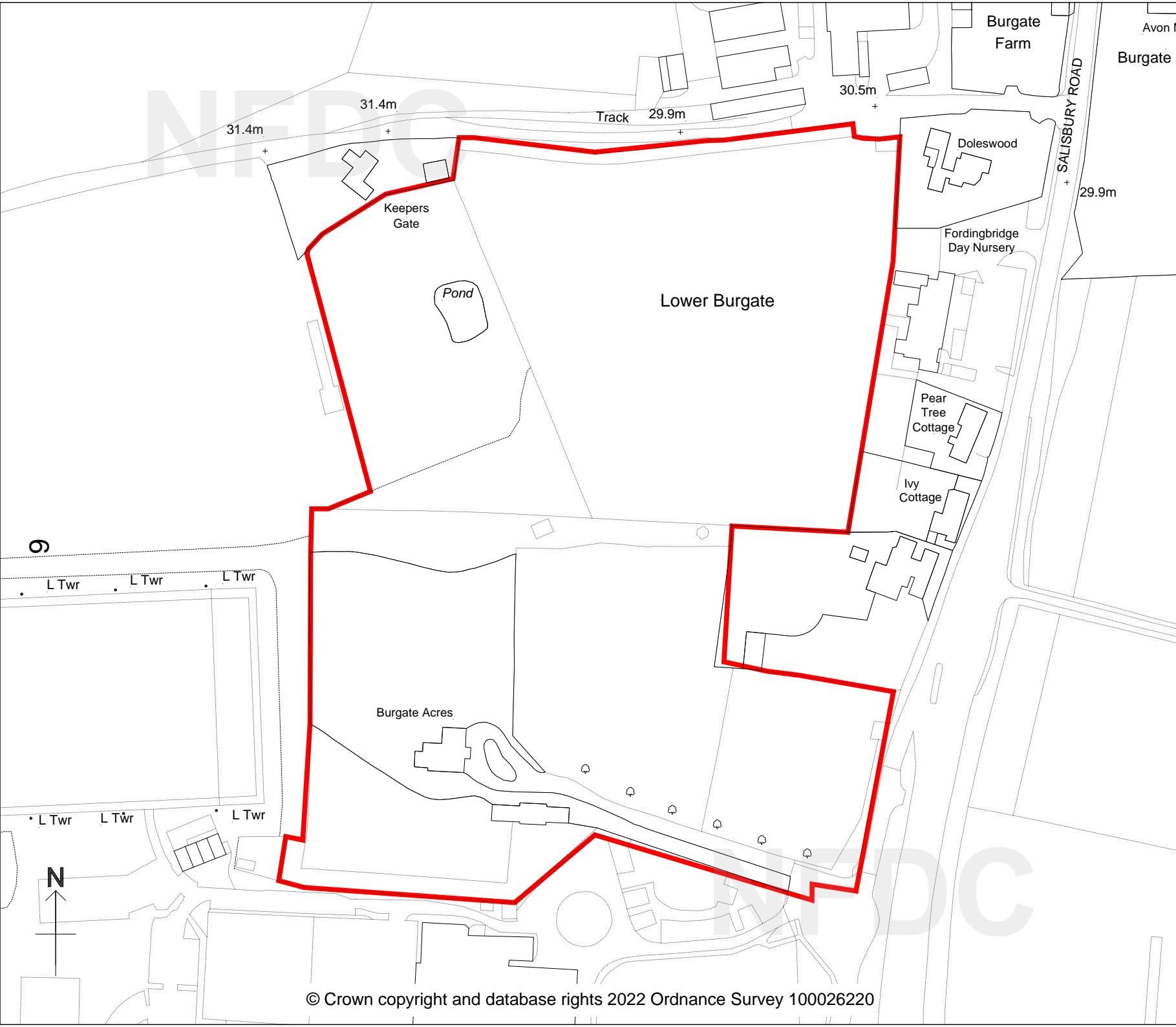
## PLANNING COMMITTEE

April 2022

Land at BURGATE ACRES  
SALISBURY ROAD, BURGATE  
FORDINGBRIDGE SP6 1LX  
20/10228

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the internet, it will not be to  
scale.



Planning Committee 13 April 2022

**Application Number:** 22/10022 Full Planning Permission

**Site:** 6 ST MARYS CLOSE, BRANSGORE BH23 8HU

**Development:** First-floor side extension, single & two storey front extension;  
internal alterations

**Applicant:** Dr Randall

**Agent:** Simpson Hilder Associates

**Target Date:** 10/03/2022

**Case Officer:** Jacky Dawe

**Extension Date:** 15/04/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact upon the character and appearance of the area and street scene
- 2) Neighbour amenity

This application is to be considered by Committee because the officer's recommendation is contrary to the view of Bransgore Parish Council.

## 2 SITE DESCRIPTION

The application property is located within the Bransgore defined Built up Area. The property forms part of a small development of houses constructed in the late 1970's.

The application property is a detached, part rendered house set back from the close with a large area of lawn and a tarmac drive, all enclosed by a dwarf wall.

Beyond the rear boundary is a line of protected trees. The tree in the front garden is attractive, but is not subject to any special protection.

## 3 PROPOSED DEVELOPMENT

Permission is sought for the erection of a first floor side extension, two-storey front extension and a single-storey front extension.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
78/NFDC/09735 21 houses and garages with construction of parking facilities.	18/03/1978	Granted Subject to Conditions	Decided
76/NFDC/06641 Landscaping and maintenance.	20/04/1977	Granted	Decided
76/NFDC/04393 Residential development of 37 houses and garages with construction of parking facilities and pedestrian/vehicular access and estate roads.	15/06/1976	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

### Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

#### Relevant Advice

Chap 12: Achieving well designed places

#### Constraints

SSSI IRZ Wind and Solar Energy

SSSI IRZ Water Supply

SSSI IRZ Rural Non Residential

SSSI IRZ Rural Residential

SSSI IRZ Waste

SSSI IRZ Residential

Avon Catchment Area

Historic Land Use

Plan Area

Aerodrome Safeguarding Zone

SSSI IRZ Discharges

SSSI IRZ Infrastructure

SSSI IRZ Minerals Oil and Gas

SSSI IRZ Compost

SSSI IRZ Air Pollution

SSSI IRZ All Consultations

SSSI IRZ Combustion

Tree Preservation Order: 96/99/T3

#### Plan Policy Designations

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

Recommend Par 4, Refusal

Concerns were raised regarding the visual impact of the front and side extension. It was felt that it was not in keeping with the property or the immediate local area and would result in the property standing out from others in the vicinity.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Environmental Health Contaminated Land, Appletree Court**

Comment - no concerns

## 9 REPRESENTATIONS RECEIVED

No comments received



## 10 PLANNING ASSESSMENT

### Principle of Development

The principle of the development is acceptable subject to relevant material considerations relating to residential amenity, character and appearance of the area and Policies.

Policy ENV3 - requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

NPPF Chapter 12 - The proposal would meet the objectives of Chapter 12 of the National Planning Policy Framework paragraph 127 in so much that it would optimise the potential of the site.

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

St Marys Close was constructed in the 1970's, with differing styles of property. There is no distinct rhythm with regards to front building line or spatial gaps, with the application property benefiting from a large front garden, set back some 16m from the road. The adjoining property (number 5) sits forward in its plot.

The application property is located within the centre of the plot thereby providing a generous rear garden. There is a line of protected Oaks towards the rear boundary, however the proposal has been designed to the front of the property in order to keep clear from these trees.

The proposal sits forward by 2.5m which is considered to be minimal in relation to the length of the front garden. The two-storey addition to the front has a hip roof and the lower single-storey lean to roofs to the front add detail. These features draw the eye and add interest, however due to the set back of at least 16m and the use of matching materials the proposals would not appear prominent.

The side extension is contained within the existing footprint, with only the height being raised.

On the basis of the above, the design of the proposal is considered to be a sympathetic and proportionate addition to the existing dwelling and would not detract from the character of the area or appear overly prominent within the street scene.

### Neighbour Amenity

The potential for adverse impacts upon neighbour amenity has been carefully assessed on site.

It is considered that this scheme has been designed to ensure that the potential for any overlooking/ impact upon privacy is minimised to a level that is acceptable. The proposed scheme will not have an adverse impact in terms of shading adjoining properties or have an unacceptable overbearing effect.

### Biodiversity and Ecology

Householder developments are not exempt from the requirement to deliver biodiversity net gain as part of development. However, in proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. Additional planting of native species of shrubs and trees and the addition of bird boxes should be considered as a proportionate measure to address biodiversity net gain.

## **11 CONCLUSION**

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice and the views of consultees and interested third parties.

It is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene and it is recommended that permission be granted.

## **12 OTHER CONSIDERATIONS**

None

## **13 RECOMMENDATION**

**Grant Subject to Conditions**

### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

9790-100-P2 = SITE LOCATION AND BLOCK PLAN  
9790-101-P1 = EXISTING PLANS  
9790-102-P1 = PROPOSED PLANS

Reason: To ensure satisfactory provision of the development.

### **Further Information:**

Jacky Dawe  
Telephone: 023 8028 5447



# New Forest DISTRICT COUNCIL

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Claire Upton-Brown  
Executive Head of Planning,  
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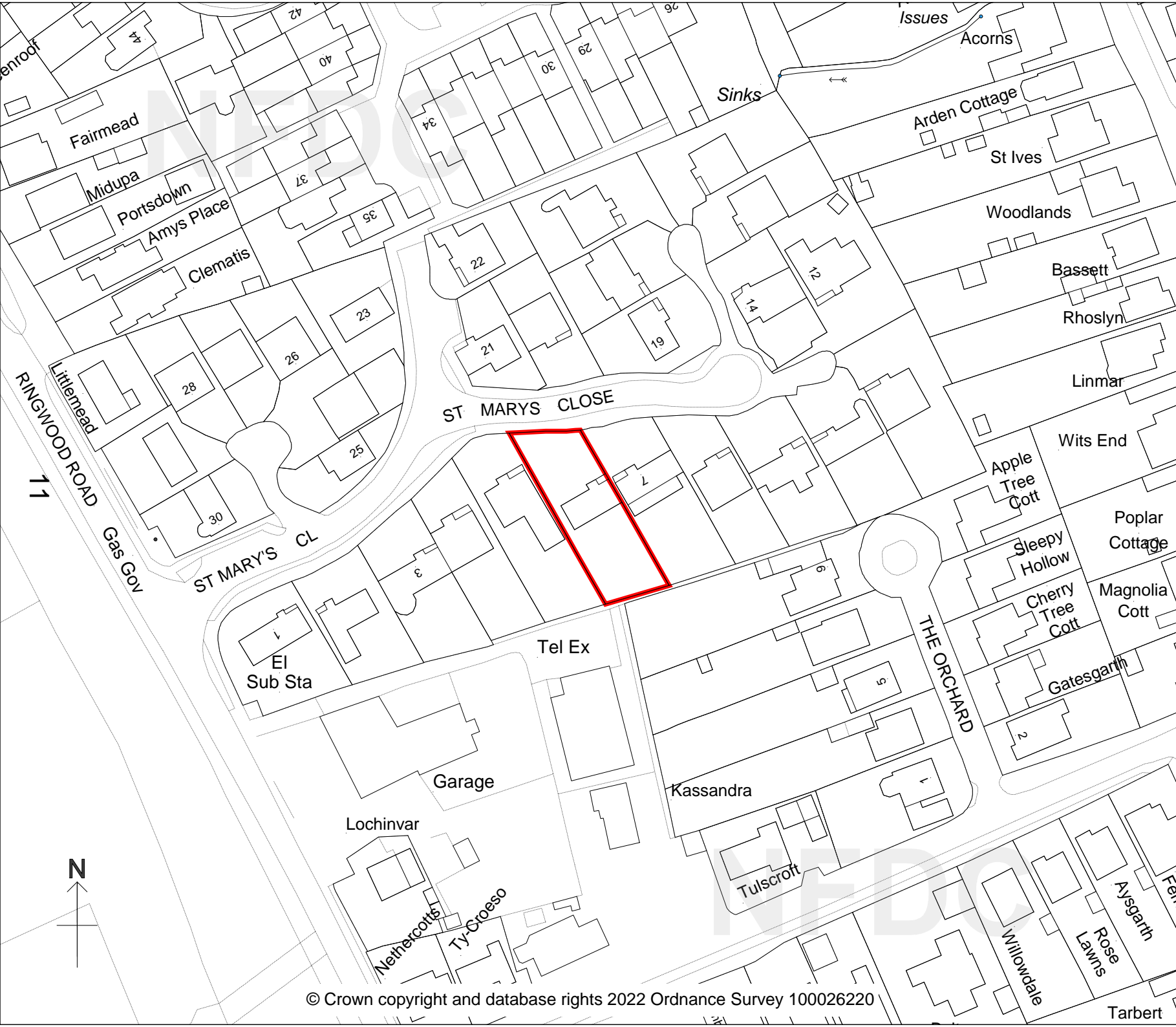
## PLANNING COMMITTEE

April 2022

6 ST MARYS CLOSE  
BRANSGORE  
BH23 8HU  
22/10022

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scale.



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Planning Committee 13 April 2022

**Application Number:** 22/10119 Full Planning Permission

**Site:** 2 HAVEN GARDENS, NEW MILTON BH25 6HF

**Development:** Single-storey extensions; dormer extension; chimney stack removals; fenestration removals; porch addition; south west dormer raised; boundary wall fence and wall erection adjacent to the highways

**Applicant:** Mr Robinson

**Agent:** Simon Ellis Design

**Target Date:** 30/03/2022

**Case Officer:** Jacky Dawe

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact upon the character and appearance of the area and street scene
- 2) Neighbour amenity

This application is to be considered by Committee because the officer's recommendation is contrary to the view of New Milton Parish Council

## 2 SITE DESCRIPTION

The application property is located in a corner position in a no through road close to the town centre. The site is within the New Milton defined Built up Area and is also within an area that is covered by the New Milton Local Distinctiveness Statement. The property is a detached rendered chalet bungalow, situated to the rear of its plot with the main amenity space to the sides. The property faces the side wall of number 29 Milton Grove.

## 3 PROPOSED DEVELOPMENT

Permission is sought for single-storey side extensions and front and rear dormers, also porch and front boundary treatment.

Permission was previously granted under application number 21/11186, for the front and rear dormers and side extensions. This application seeks permission to regularise some changes to the dormers and also includes a porch and new boundary treatment, a dwarf wall to most of the front boundary with a 2m high fence to create a private side garden.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11186 Single-storey extensions; dormer extension; chimney stack removals; fenestration alterations	06/10/2021	Granted Subject to Conditions	Decided

XX/LYB/10778	Erection of garden fence.	30/11/1966	Granted Subject to Conditions	Decided
XX/LYB/10264	Erection of garage.	10/12/1965	Granted Subject to Conditions	Decided
XX/LYB/05983	Alterations to semi-bungalow and erection of garage with construction of access.	14/10/1959	Granted	Decided

## 5 PLANNING POLICY AND GUIDANCE

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

### **Supplementary Planning Guidance And Document**

SPD - New Milton Local Distinctiveness

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

SSSI IRZ Waste  
 SSSI IRZ Wind and Solar Energy  
 SSSI IRZ Residential  
 SSSI IRZ Rural Residential  
 Aerodrome Safeguarding Zone  
 SSSI IRZ Air Pollution  
 Small Sewage Discharge Risk Zone - RED  
 Plan Area  
 SSSI IRZ Infrastructure  
 SSSI IRZ Minerals Oil and Gas  
 SSSI IRZ Discharges  
 SSSI IRZ All Consultations  
 SSSI IRZ Combustion

### **Plan Policy Designations**

Built-up Area

### **Neighbourhood Development Plan**

New Milton Neighbourhood Plan  
 NM4 – DESIGN QUALITY  
 NM13 – BARTON ON SEA

## 6 PARISH / TOWN COUNCIL COMMENTS

**New Milton Town Council:** Object (non-delegated)

1. Overdevelopment
2. Contrary to the New Milton Local Distinctiveness SPD in terms of building line

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### **Southern Water**

Comment - add informative

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 1

- dormer not as built
- windows face conservatory - not obscure or non opening
- revised application submitted which still does not reflect the built form
- not in keeping with the local plan or local distinctiveness document and detracts from character of the area and street scene

## 10 PLANNING ASSESSMENT

### Principle of Development

The principle of the development is acceptable subject to relevant material considerations relating to residential amenity, character and appearance of the area and Policies.

As well as the standard policies as previously stated, the New Milton Neighbourhood Plan is a material consideration when determining this application, including Policy NM4 – DESIGN QUALITY and NM13 – BARTON ON SEA

Policy ENV3 - requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

NPPF Chapter 12 - The proposal would meet the objectives of Chapter 12 of the National Planning Policy Framework paragraph 127 in so much that it would optimise the potential of the site.

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

The main principle of this proposal has been established under the previous consent, an amended scheme has now been submitted to regularise what has actually been constructed.

The two side extensions remain the same.

An alteration to building regulations has meant that the rear dormer has had to be increased in height in order to accommodate the required insulation and resulting head room.

The approved rear dormer measured - 2.1m in height and 10m wide.  
The amended dormer measures - 2.6m in height and 9.1m wide.

The two front dormers have the same roof pitch however have been amended in length from 0.9m to 1.4m

Amendments to the crop hip to make it deeper as per the existing plans.

A front porch has been included.

The scheme also proposes changes to the front boundary treatment, consisting of a front wall at 1m in height with a 2m fence to create private amenity space.

The dwarf wall is in keeping with the area and there are several examples within the close, the 2m slatted fence is to create a private amenity area to the side of the property and has been kept to a minimum. It is intended to keep the existing hedge which fronts Milton Grove.

The proposed dormer does sit higher on the roof than the previous granted scheme, however this is minimal and this dormer is narrower.

The proposed extensions are modest in scale and size and have been designed to appear proportionate to the existing dwelling and would not appear overly prominent within the street scene or detract from the character of the area.

#### Concerns raised

The building line has been established on the previous consent and no alterations to the footprint have been made in this amended scheme.

It is not considered that these changes would represent 'over development' as a detached garage and a small extension have been removed. Furthermore, first floor accommodation with dormers already existed. The two side extensions are as previously approved.

#### Residential Amenity

The floor layout remains the same as the approved scheme for the rear dormer. The first two windows serve a bathroom and ensuite, and have now been Conditioned to be obscurely glazed and fixed shut under 1.7m from floor level. The third window serves a bedroom and faces the blank side wall of number 29 Milton Grove.

The neighbour 29 Milton Grove has removed a conservatory and a previously granted extension is under construction. This extension is 7.4m in length and has a large flat roofed area with a green roof, there is a rooflight included which is 0.6m wide and 3m long. The ensuite window faces towards the extension.

The works have not yet been completed and the dormer is still under construction. At the time of the second site visit, the windows were being used to gain access to the roof space, it was explained that when works are completed the windows would be in accordance with the amended plans.

The proposal has been carefully assessed on site. Due to the spatial characteristics of the application site and the adjacent properties, the design of the proposed development, its location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would not cause unacceptable effects on the privacy, light and outlook available to the adjacent neighbours.



## Biodiversity and Ecology

Householder developments are not exempt from the requirement to deliver biodiversity net gain as part of development. However, in proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. Additional planting of native species of shrubs and trees and the addition of bird boxes should be considered as a proportionate measure to address biodiversity net gain.

### **11 CONCLUSION**

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice and the views of consultees and interested 3rd parties. The issues that have been raised by interested parties have been properly assessed and it is considered that on balance, the impacts acceptable and therefore the application is recommended for approval.

### **12 OTHER CONSIDERATIONS**

None

### **13 RECOMMENDATION**

#### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

679-PL-02 -2 - REV A = EXISTING ELEVATIONS  
679-PL-04-2 - REV B = PROPOSED ELEVATIONS  
679-PL-05 REV A = WALL AND FENCE PLANS  
679-PL-06 REV A = BLOCK PLAN  
679-PL-01 = EXISTING FLOOR PLANS  
679-PL-03 = PROPOSED FLOOR PLANS

Reason: To ensure satisfactory provision of the development.

3. The first floor ensuite and bathroom windows on the south west elevation of the approved extension shall be:
- (i) obscurely glazed, and
  - (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Jacky Dawe

Telephone: 023 8028 5447



# New Forest

DISTRICT COUNCIL

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Executive Head of Planning,  
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## PLANNING COMMITTEE

April 2022

2 HAVEN GARDENS  
NEW MILTON  
BH25 6HF  
22/10119

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scale.



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Planning Committee 13 April 2022

**Application Number:** 22/10109 Full Planning Permission

**Site:** 8 BROOK AVENUE, NEW MILTON BH25 5HD

**Development:** Demolish existing garage, workshop & conservatory; single & two storey side and rear extensions

**Applicant:** Mr & Mrs Brooks

**Agent:** Case Design Group LLP

**Target Date:** 01/04/2022

**Case Officer:** Jacky Dawe

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact upon the character and appearance of the area and street scene
- 2) Neighbour amenity

This application is to be considered by Committee at the request of Councillor John Ward

## 2 SITE DESCRIPTION

The application property is located within the New Milton defined Built up Area and is also within an area that is covered by the New Milton Local Distinctiveness Statement. A detached rendered house, situated along a busy through road which retains its rural feel, lots of hedges remain and on the opposite side of the road is an area of greenspace which falls within the Greenbelt, where there is a footpath and a watercourse running through. The land slopes down from the rear boundary to the road at the front, the plot is large and the gardens are currently well planted and established.

## 3 PROPOSED DEVELOPMENT

Permission is sought for a one and two-storey side and rear extension

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
02/76682 Single storey side extension; conservatory	24/01/2003	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

**Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

**Supplementary Planning Guidance And Documents**

SPD - New Milton Local Distinctiveness

## **Relevant Advice**

Chap 12: Achieving well designed places

## **Constraints**

SSSI IRZ Waste  
SSSI IRZ Water Supply  
SSSI IRZ Rural Residential  
SSSI IRZ Minerals Oil and Gas  
SSSI IRZ Residential  
SSSI IRZ Rural Non Residential  
SSSI IRZ Wind and Solar Energy  
Aerodrome Safeguarding Zone  
Flood Zone  
Small Sewage Discharge Risk Zone - RED  
Plan Area  
SSSI IRZ Compost  
SSSI IRZ Discharges  
SSSI IRZ Infrastructure  
SSSI IRZ Air Pollution  
SSSI IRZ All Consultations  
SSSI IRZ Combustion

## **Plan Policy Designations**

Built-up Area

## **Neighbourhood Development Plan**

New Milton Neighbourhood Plan  
NM4 – DESIGN QUALITY  
NM13 – BARTON ON SEA

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

**New Milton Town Council:** acceptable (delegated)

## **7 COUNCILLOR COMMENTS**

Cllr John Ward - supports the views of Cllr Jill Cleary in that not compliant with Policy EMV3 and Mr Ward should have opportunity to speak

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Southern Water**

Comment - add informative

### **Natural England**

Comment only

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 0

Against: 1

- boundary not shown
- possible overhang due to close proximity of buildings
- scaffolding and future maintenance should not involve access
- the rise in height is overbearing and cause overshadowing of conservatory
- damage to hedge due to foundations and extension
- loss of spatial gaps
- the extension at number 10 over garage retained spatial gap
- party wall act would encumber
- loss of parking

## 10 PLANNING ASSESSMENT

### Principle of Development

The principle of the development is acceptable subject to relevant material considerations relating to residential amenity, character and appearance of the area and Policies.

As well as the standard policies as previously stated The New Milton Neighbourhood Plan is a material consideration when determining this application, including Policy NM4 – DESIGN QUALITY

Policy ENV3 - requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

NPPF Chapter 12 - The proposal would meet the objectives of Chapter 12 of the National Planning Policy Framework paragraph 127 in so much that it would optimise the potential of the site.

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

The side extension has been designed to reflect the style of the existing property and the catslide roof detail has been retained with the inclusion of a front dormer to create the desired floorspace. This dormer respects the catslide and sits well within the roof form. The windows also match those of the existing property.

The rear extension is single-storey with a pitched roof and is a typical addition within this urban area.

The proposals are modest in scale and size and have been designed as sympathetic and proportionate additions to the existing dwelling and would not detract from the character of the area or appear overly prominent within the street scene.

### Residential amenity

The proposals are set off all boundaries, the two-storey element sits alongside the blank wall of the neighbouring property. The single-storey element has a roof which pitches away from the side boundary.

The proposal has been carefully assessed on site. Due to the spatial characteristics of the application site and the adjacent properties, the design of the proposed development, its location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would not cause unacceptable effects on the privacy, light and outlook available to the adjacent neighbours.

### Concerns raised

Amended plans have been submitted which clearly show the boundary and a fence has now been installed along this boundary. The buildings are close, however the plans now show that all of the works will fall within the boundary of number 8. Access and scaffolding is a civil matter between the two parties.

Concerns have been raised regarding the established hedge. The hedge can be cut back to the boundary, however the height cannot be reduced, the owner of the hedge must be informed when doing so and cannot occur during bird nesting season. This is also a civil matter.

It has been demonstrated that an appropriate level of parking can be provided within the curtilage of the property.

The side extension is the same height as the current roof form, this is inline with the property number 10's two-storey side extension which has a blank wall. The single-storey roof form pitches away from the side boundary. As the property is to the east of number 10 any overshadowing would be minimal.

The properties along this section of Brook Avenue are large and varied in style. Due to the slope in land, views are mainly of the sky above the properties, also the erosion of the gaps between properties has already occurred by previous extensions.

### Biodiversity and Ecology

Householder developments are not exempt from the requirement to deliver biodiversity net gain as part of development. However, in proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. Additional planting of native species of shrubs and trees and the addition of bird boxes should be considered as a proportionate measure to address biodiversity net gain.

## **11 CONCLUSION**

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice and the views of consultees and interested 3rd parties.

As a result of this assessment it is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene. Also the National Planning Policy Framework states the planning balance is in favour of development and as such the application is recommended for permission.

## **12 OTHER CONSIDERATIONS**

None

## **13 RECOMMENDATION**

**Grant Subject to Conditions**



**Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

1224-PLAN-02 R3 = PROPOSED ELEVATIONS  
1224-PLAN-07 = SITE PLAN  
1224-PLAN-01 = EXISTING ELEVATIONS  
1224-PLAN-03 = EXISTING FLOOR PLAN  
1224-PLAN-04 = PROPOSED FLOOR PLAN  
1224-PLAN-05 = ROOF PLANS  
1224-PLAN-06 = SITE LOCATION AND BLOCK PLAN

Reason: To ensure satisfactory provision of the development.

**Further Information:**

Jacky Dawe  
Telephone: 023 8028 5447



# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
Executive Head of Planning,  
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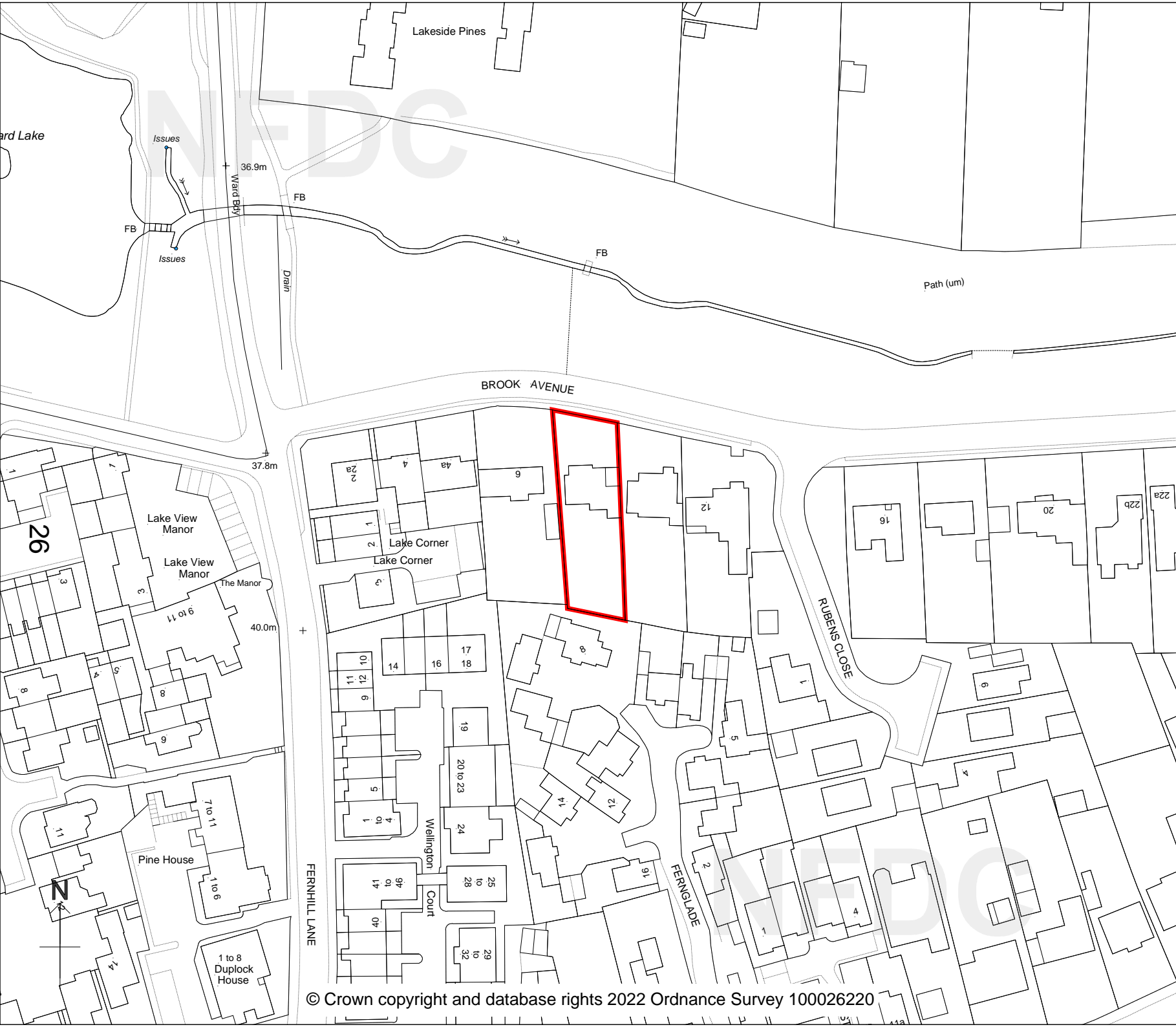
## PLANNING COMMITTEE

April 2022

8 BROOK AVENUE  
NEW MILTON  
BH25 5HD  
22/10109

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the internet, it will not be to  
scale.



Planning Committee 13 April 2022

**Application Number:** 22/10012 Full Planning Permission

**Site:** 137 HAMPTON LANE, BLACKFIELD, FAWLEY SO45 1WE

**Development:** Use of ground floor as flat; single-storey front and rear extensions; parking

**Applicant:** APE Properties Ltd

**Agent:** JKL Planning

**Target Date:** 01/03/2022

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the proposed development
- 2) Scale, design, materials and impact on the surrounding area
- 3) Amenity considerations
- 4) Access and parking provision
- 5) Ecology

This application is to be considered by Committee because of the PAR4 objection received from Fawley Parish Council.

## 2 SITE DESCRIPTION

The application relates to the ground floor of number 137 Hampton Lane, Blackfield. The existing authorised use of the ground floor is a shop, however the premises have been vacant since late December 2021.

At first floor level above the premises is a separate two bedroom flat which is accessed via a front door at ground floor level and internal staircase to first floor level.

## 3 PROPOSED DEVELOPMENT

The application proposes the change of use of ground floor shop to a two bedroom flat; together with single-storey front and rear extensions and associated parking provision.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10619 Single-storey rear extension to existing ground floor retail unit; demolition of existing garage & existing rear single-storey extension	30/06/2021	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

### Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON6: Primary, secondary and local shopping frontages

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR4: The settlement hierarchy

### Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

### Supplementary Planning Guidance And Documents

SPD - Parking Standards

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

### Relevant Advice

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

### Constraints

Plan Area

### Plan Policy Designations

Built-up Area

Local Shopping Frontage

## 6 PARISH COUNCIL COMMENTS

### **Fawley Parish Council**

(No 4) We recommend refusal as the Parish Council considers that the redevelopment of this area should be considered as a whole rather than this piecemeal approach that is negatively affecting the street scene. The Parish Council also believes that the extension of the building line is inappropriate.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### **Ecologist**

I have no substantive comments to make.

### **HCC Highways**

Due to there being no changes to the existing access, the Highway Authority have no objections to this application. The change of use will result in a small reduction of trips which is acceptable in this instance.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

One representation has been received from a third party, objecting to the proposal on grounds of loss of business premises and the proposed front extension would appear incongruous and out of place.

For: 0

Against: 1

## 10 PLANNING ASSESSMENT

### Principle of Development

The application relates to the ground floor of number 137 Hampton Lane, Blackfield. The existing authorised use of the ground floor is a shop. The premises is located within the designated Local Shopping Frontage of Blackfield, whereby local plan policy ECON6 applies. Policy ECON6 has regard to Primary, Secondary and local shopping frontages and seeks (within the designated local shopping frontages) to avoid the loss of an '*occupied shop or service use that provides for everyday community needs*' unless evidence of active and comprehensive marketing of the site for its current use is provided to demonstrate the existing use is not commercially sustainable.

With regard to ECON6, it is of note that this policy specifically refers to occupied shops or service uses, however the application premises have been vacant since late December 2021 since the previous tenant ceased trading.

Additionally, notwithstanding the provisions of policy ECON6, it is a strong material planning consideration in this case that, as a fall-back position the existing shop unit could change use to a C3 dwellinghouse under the provisions of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (albeit without the external alteration proposed in respect of the front porch. In this respect, given the applicant's fall-back position under Class MA permitted development rights, it is considered the loss of the shop as a commercial use must be accepted in principle in this case.

A further significant material planning consideration is the Council's current lack of a 5 year housing land supply. The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging

with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated this will be published in early 2022 and will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

#### Scale, design, materials and impact on the surrounding area

Officers note the proposed single storey rear extension already has extant planning permission under planning reference 21/10619.

The only other external alteration proposed is a small single storey lean-to front porch addition.

By reason of the very modest scale of the proposed porch, its appropriate simple design and use of external materials to match those used in the existing building, it is considered this addition would have a minimal visual impact and would not be detrimental to the character of the surrounding area.

#### Amenity considerations

The application proposes an additional residential use within a predominantly residential area and is considered a compatible use. The proposal is for ground floor accommodation only and does not raise material issues of undue overlooking or overshadowing.

In these respects the proposal is considered accordant with the provisions of policy ENV3 of the local plan.

#### Access and parking provision

The application makes provision for the off-street parking of three cars on the hard surfaced area at the front, utilising the existing access from Hampton Lane. In total 5 off-street parking spaces are proposed for the 2 x two bedroom flats (existing and proposed) on the site, which accords with the Council's Parking Standards SPD. HCC Highways were consulted on the application and due to there being no changes to the existing access, the Highway Authority have no objections to this application, noting the change of use will result in a small reduction of trips which they advise is acceptable in this instance.

Cycle parking and bin storage facilities are to be provided within the curtilage of the site to the rear.

#### Ecology

##### **Habitat Mitigation**

###### a) Managing Recreational Impact

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on

the European sites, but that the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution can be secured through a S106 or Unilateral Undertaking.

b) Nitrate neutrality and impact on the Solent SPA and SACs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

**Managing Air Quality**

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. An appropriate contribution can be secured through a S106 or Unilateral Undertaking.

**Biodiversity net gain**

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2.

Non-Major developments are not exempt from the requirement to deliver BNG as part of development. However, in proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. A planning condition can be imposed to agree a suitable scheme of BNG for the proposed development.

## Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £3,770
- Non-infrastructure contribution of £589
- Bird Aware Solent contribution of £563
- Air quality monitoring contribution of £91

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	136	117	19	19	£80/sqm	£1,940.92 *

Subtotal:	£1,940.92
Relief:	£0.00
Total Payable:	£1,940.92

## 11 CONCLUSION

The proposed development constitutes an acceptable and appropriate form of development that would provide a new unit of residential accommodation in a sustainable location without detriment to amenity of the character of the surrounding area.

Appropriate ecological mitigation in accordance with the Council's adopted Mitigation Strategy for recreational impacts on the European sites can be achieved via contributions provided by way of a S106 legal agreement or unilateral undertaking.

## 12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- (i) the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate habitats mitigation contributions as set out in the officer report, and
- (ii) the imposition of the conditions set out below.

### **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:

AD4401 REV C EX LOCATION PLANS ELEVS  
AD4401 REV F 15 PROP SITE PLANS

Reason: To ensure satisfactory provision of the development.

3. The external facing materials for the porch and rear extension shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

- (i) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and
- (ii) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- (iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority

to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

5. Before the development is first occupied as a dwelling, a suitable scheme for the provision of biodiversity net gain (such as bird boxes or insect houses) shall be submitted to the local planning authority and approved in writing. Development shall be carried out in accordance with the approved scheme.

Reason: To enhance existing features of nature conservation value within the site, in accordance with saved local plan policy DM2 and the guidance set out within the Council's Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021).

6. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging point(s) for electric vehicles to serve the new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

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

**Further Information:**

Warren Simmonds

Telephone: 023 8028 5453



# New Forest

DISTRICT COUNCIL

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SO43 7PA

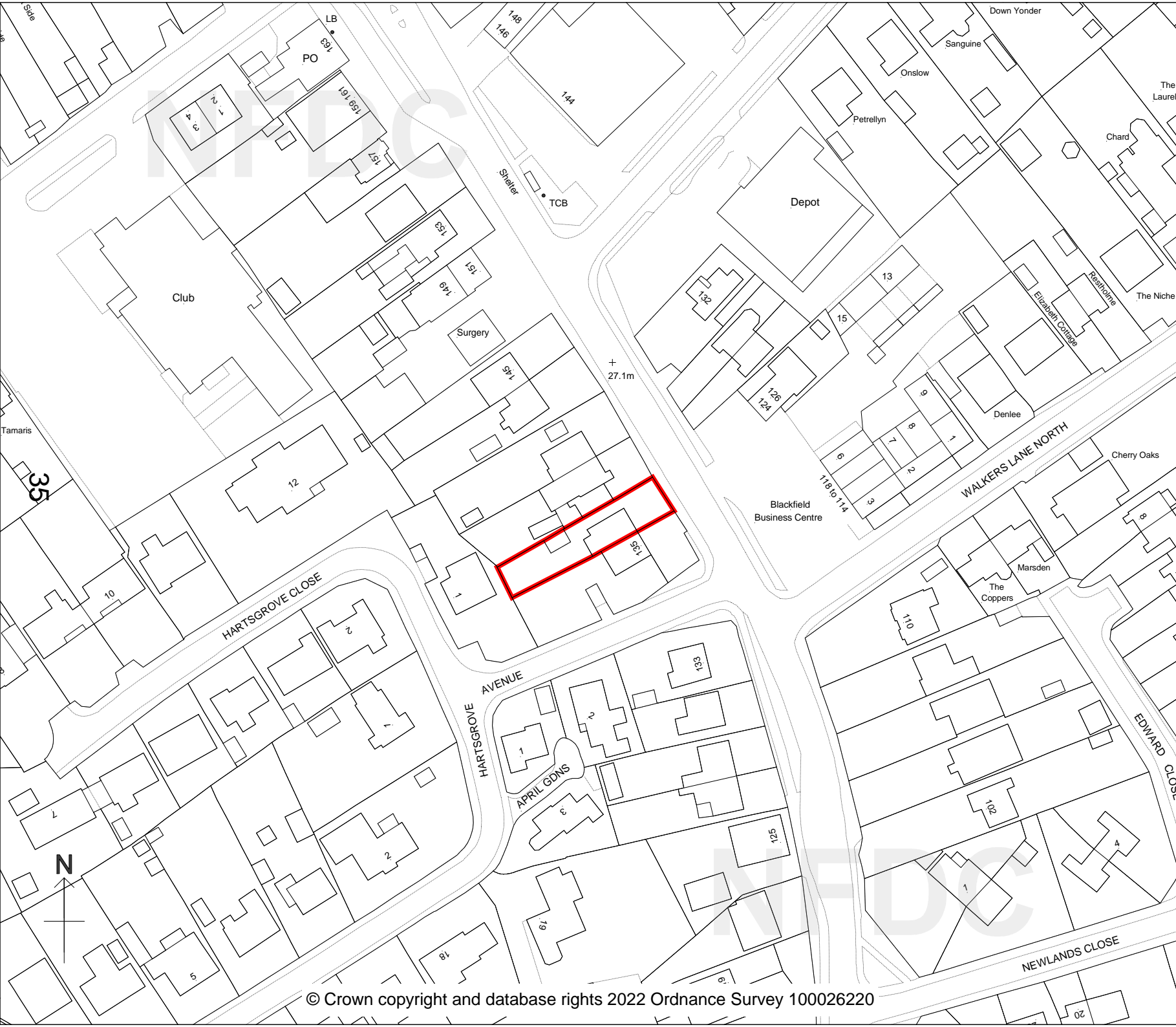
## PLANNING COMMITTEE

April 2022

137 HAMPTON LANE  
BLACKFIELD  
FAWLEY SO45 1WE  
22/10012

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Planning Committee 13 April 2022

**Application Number:** 22/10236 Full Planning Permission

**Site:** ANCHOR HOUSE, BATH ROAD, LYMINGTON SO41 3YL

**Development:** Front and side extension to provide additional showroom and work space

**Applicant:** Berthon Boat Company

**Agent:** Simpson Hilder Associates

**Target Date:** 25/04/2022

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the proposed development
- 2) Scale, design, materials and impact on the character of the surrounding area
- 3) Impact on the character and setting of heritage assets (including listed buildings and the adjacent Conservation Area)
- 4) Amenity considerations
- 5) Access, parking and Highway safety
- 6) Flood risk
- 7) Ecology and biodiversity

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Lymington and Pennington Town Council.

## 2 SITE DESCRIPTION

The application relates to Anchor House, a commercial building located on the eastern (industrial) side of Bath Road in Lymington. Anchor House was built in the early 1960s and comprised offices of the Berthon Boat Company on its first floor and a Yacht Chandlery at ground floor level. The ground floor is currently used as a sales area for Berthon, with ancillary offices above. The building is clad in brickwork at low level with green timber from first floor level.

To the north of the site is an access to the rear of the unit and into the shipyard. To the front (west) are residential houses within the designated Conservation area, including GII listed buildings Harbour Cottage, Press Gang Cottage and Heron Tye.

## 3 PROPOSED DEVELOPMENT

The application proposes a single storey flat-roofed extension to provide an enclosed showroom space over the existing open forecourt area of Anchor House, and connecting to the north of Seaforth House (additionally providing a workspace room in connection with the use of Seaforth House).

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10559 Use of ground floor office as restaurant extension	15/06/2016	Granted Subject to Conditions	Decided	
12/98874 Continued use as restaurant (Use Class A3); front porch; rear acoustic screen; retention of rear extraction flue	13/09/2012	Refused	Appeal Decided	Appeal Allowed with Conditions
11/97665 Use as cafe, restaurant & bar (Use Class A3 & A4) Sunday - Wednesday 9am - 9pm & Thursday - Saturday 9am - 11pm; flue (Retrospective)	14/11/2011	Refused	Decided	
10/96389 Continued use as cafe, restaurant/bar (Use Class A3/A4); installation of extraction flue	15/02/2011	Refused	Appeal Decided	Appeal Dismissed
08/92304 2 metre high boundary fence	01/07/2008	Granted	Decided	
08/92095 Shopfront	02/06/2008	Granted Subject to Conditions	Decided	
05/84704 Use as coffee shop (Class A3)	17/06/2005	Granted	Decided	
97/NFDC/62247 Erect workshop/offices/boat building shed & storage building	12/11/1997	Granted Subject to Conditions	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC1: Safe and healthy communities  
Policy ECON1: Employment land and development  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL2: Development standards  
Policy STR1: Achieving Sustainable Development  
Policy STR6: Sustainable economic growth

##### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity

##### **Supplementary Planning Guidance And Documents**

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)  
SPG - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness

## **Relevant Advice**

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

NPPF Para.s 159 to 169: Planning and flood risk

## **Constraints**

NFSFRA Surface Water

NFSFRA Coastal

Flood Zone

Historic Land Use

Plan Area

Conservation Area: Lyminster Conservation Area

## **Plan Policy Designations**

Built-up Area

## **6 TOWN COUNCIL COMMENTS**

### **Lyminster & Pennington Town Council**

PAR4: Recommend Refusal.

- Overdevelopment.
- Loss of public amenity.
- Negative impact on street scene.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **HCC Highways**

The Highway Authority have no objections to this application.

### **Environment Agency**

No response received

**NFDC Conservation**

Response not yet received (pre-app comments previously provided) Full response to be provided as a Committee update in due course.

**NFDC Ecology**

I have no comments to make on this application

**Natural England**

No comments to make on this application.

**NFDC Environmental Health (Pollution)**

Response not yet received

**SGN**

No response received

**NFDC Environmental Health (Contaminated Land)**

No objection, subject to a condition with respect to contaminated land investigation and remediation.

**9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

Seven representations from third parties have been received. Each raises objections or concerns, grounds for objection include:

- Highway safety
- Overlooking and overshadowing of opposing residential properties
- Adverse affect on outlook from neighbouring properties
- Out of keeping with the character of the surrounding area
- Detrimental to the existing character of nearby historic buildings and the adjacent Conservation area
- Noise and amenity concerns

For: 0

Against: 7

**10 PLANNING ASSESSMENT****Principle of Development**

The site forms part of the existing wider marine/industrial area on the east side of Bath Road and is in use by Berthon Boat Company whereby the ground floor is currently used as a sales area with offices above.

The application site is immediately adjacent to the designated Conservation area which includes Bath Road to the west and extends northwestward towards Nelson Place. Additionally, there are listed buildings adjacent to the site on the opposite side of Bath Road - numbers 9 (Harbour Cottage), 10 (Press Gang Cottage) & 11 (Heron Tye) Bath Road.

The development proposed relates to the provision of a new enclosed showroom space over the existing open forecourt area, consisting of a single storey, primarily glazed exterior under a low mono pitch/flat roof. The existing forecourt area is currently used for the open-air display of boats.



The existing access to the rear shipyard area will be retained and the showroom will feature a 'curved' corner (essentially following the existing shape of the walled perimeter of the forecourt) to allow for manoeuvring vehicles to enter and exit from Bath Road. It is proposed the extension will continue southwards to create a glazed 'link' between Anchor House and neighbouring Seaforth House, whilst also providing a new separate workspace for the occupiers of Seaforth House. It is understood Seaforth House is currently tenanted by HM Coastguard on the upper floor, and Malcolm McKeon Yacht Design Ltd on the ground floor who are expanding and require additional space to keep operating in the current premises.

#### Planning policy for economic development

Policy ECON1 (Employment land and development) is supportive of proposals for the development, redevelopment and intensification of employment uses on existing employment sites, subject to no undue environmental, landscape or amenity impacts.

The application site constitutes an existing and well established employment use and seeks improved facilities in connection with their existing business use of the site (i.e. in the form of a showroom for boats). In the planning policy context, it is a clear strategic objective of the adopted Local Plan 2016-2036 Part One: Planning Strategy to support local businesses to prosper for the benefit of the community (Strategic Objective SO6 refers) - to facilitate a healthy and growing economy operating within environmental limits and in particular, low impact tourism, knowledge-based enterprises and marine industries.

In these respects, the proposed improvement/enhancement of facilities at the Berthon Boatyard (Anchor House) site is considered accordant with overarching economic planning policies and thereby acceptable in principle.

#### Scale, design, materials and impact on the character of the surrounding area

The building at Anchor House as it currently exists is a relatively modest two storey commercial building with an overtly utilitarian/industrial appearance. The building is set back from Bath Road and is notably smaller in scale and visual impact within the street scene when viewed in the context of the significantly larger commercial buildings to the immediate north, which are much larger in scale and are set immediately adjacent to the highway edge.

To the south of Anchor House is the detached Seaforth House, which has the appearance of a dwellinghouse but is in commercial use.

There is a transition and 'tapering' down in the scale and form of the buildings on the eastern side of Bath Road as it progresses from north to south. In pre-application comments, the Conservation officer recognised the benefits of losing/replacing the tarmac hardstanding to the front of Anchor House and made recommendations for the amendment of the design of the extension as initially proposed, which included the slimming of the roof and soffit line, with the depth hidden behind the glazing and a finer projecting roof overhang to create a lighter weight modern addition in order to provide a more cohesive response. These amendments have been brought through to the current application proposal.

Whilst the proposed glazed extension would extend across the front of Anchor House and incorporate the existing gap between Anchor House and Seaforth House (together with a partial extension across the front of Seaforth House), it is considered the flat roofed single storey scale and lightweight contemporary design

and materials proposed would not have a detrimental impact on the existing character of the surrounding area which, on the eastern side of Bath Road, is predominantly and overtly commercial and industrial.

#### Impact on the character and setting of heritage assets (including listed buildings and the adjacent Conservation Area)

To the front (west) of the application site are residential houses within the designated Conservation area, including GII listed buildings Harbour Cottage, Press Gang Cottage and Heron Tye.

The application site is not within the designated Conservation area, which is immediately adjacent to the west.

The adjacent GII listed buildings are on the opposite side of the public street (Bath Road).

As mentioned above, there is an existing transition and 'tapering' down in the scale and form of the buildings on the eastern side of Bath Road as it progresses from north to south. Anchor House is set back from Bath Road and is notably smaller in scale and visual impact within the street scene when viewed in the context of the significantly larger commercial buildings to the immediate north, which are much larger in scale and are set immediately adjacent to the highway edge.

In pre-application comments, the Conservation officer recognised the benefits of losing/replacing the tarmac hardstanding to the front of Anchor House and made recommendations for the amendment of the design of the extension as initially proposed, which included the slimming of the roof and soffit line, with the depth hidden behind the glazing and a finer projecting roof overhang to create a lighter weight modern addition in order to provide a more cohesive response. These amendments have been brought through to the current application proposal.

By reason of the modest, single storey scale, flat roofed form and the use of appropriate, high quality materials proposed for the extension, it is considered the proposed development would not adversely affect the existing character of the adjacent Conservation area.

The adjacent GII listed buildings are on the opposite side of the road to the application site, which forms a clear definition between the existing and overt commercial industrial nature of the buildings and use of the eastern side of Bath Road in contrast to the more mixed residential character of the western side of Bath Road.

It is considered the proposed extension, being of contemporary commercial appearance and appropriate scale, design and materials, and being located within the existing extents of the commercial site, does not adversely affect the character and setting of the listed buildings on the opposite side of the road.

#### Amenity considerations

The site of the proposed extension is immediately to the front of the existing commercial building and would enclose an area that is currently used for open-air boat display. The proposal is of modest, single storey form and, being located on the opposite side of the public street from the nearest neighbouring residential properties to the west, would not result in the undue overlooking or overshadowing of those properties.

Officers note that some comments have been made in third party representations with respect of perceived adverse impact(s) on the outlook from adjacent residential properties. Matters of outlook from private properties (views) generally constitute a personal preference and are not considered a material planning consideration in this case.

The proposed development is considered accordant with the provisions of local plan policy ENV3 which has regards to residential amenity.

#### Access, parking and Highway safety

The access and parking provision arrangements for the application site do not change as a result of the proposed development. The proposed extension is to be sited entirely within the extents of the existing site and will not encroach, hinder or otherwise obstruct the adjacent road or pavement.

The existing forecourt area is used for the display of boats, consequently parking provision for the business is not displaced or affected by the proposal.

HCC Highways have been consulted on the proposed development and have no objections to the application.

In conclusion, the proposed development is considered acceptable in terms of access and parking and would not be detrimental in respect of Highway safety.

#### Flood risk

The application site lies within Environment Agency flood zone 3, whereby when determining planning applications, local planning authorities are required to ensure that flood risk is not increased elsewhere (NPPF para.167).

The application is supported by a site-specific flood-risk assessment (SHA, February 2022) in which it is identified that the industrial/commercial use of the building is in the 'less vulnerable' class and therefore can be considered appropriate in this setting. The FRA identifies that the proposed extension can not be placed elsewhere by reason of the operational constraints of the site, and sets out a scheme of flood resilience (flood mitigation) measures for the proposal, which accord with the Environment Agency's standing advice. In addition, a site management plan will be provided/led by the applicant to mitigate any residual risk on the property. Within this document, safe access routes and egress will be designated.

In the above respects, it is considered the proposal appropriately meets the criteria for Planning and flood risk as set out within the NPPF.

#### Ecology and biodiversity

The site is currently a hard-surface forecourt area with negligible ecological or biodiversity benefits.

A proportionate view should be taken for minor applications with regard to the need for any biodiversity enhancement on site. In this case the proposal is considered sufficiently modest in size and impact so as not to warrant any such proposals.

#### Developer Contributions

None relevant

## 11 CONCLUSION

The proposed development would facilitate improvements for an existing and well established business within its existing site, bringing economic benefits and supporting the economic growth of a marine industry in accordance with the Strategic Objectives of the adopted Local Plan.

The proposal would not be detrimental in terms of the amenity of neighbours or with respect to Highway safety.

The proposed development would not have an adverse impact on the existing character of the surrounding area or adjacent Conservation area and would not adversely affect the character or setting of adjacent listed buildings.

## 12 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:

9825.100 REV A BLOCK & LOCATION PLAN  
9825.105 REV A PROPOSED GROUND FLOOR PLAN  
9825.104 REV A PROPOSED SITE PLAN  
9825.106 PROPOSED ELEVATIONS  
HERITAGE STATEMENT  
DESIGN & ACCESS STATEMENT  
FLOOD RISK ASSESSMENT

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. No development shall take place until a site investigation of the nature and extent of contamination has been carried out to the standards described in BS10175: 2011 which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If the site is required to be remediated a validation report shall be submitted to and approved in writing by the local planning authority prior to occupation.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures, including validation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. Development shall be carried out in accordance with the Flood Resilience (Mitigation Measures) and the Flood Warning and Evacuation plan, as detailed in the submitted Flood Risk Assessment (SHA, February 2022).

Reason: To ensure the proposal incorporates appropriate flood resilience and mitigation measures, to mitigate the impacts of flood risk.

**Further Information:**

Warren Simmonds

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# New Forest DISTRICT COUNCIL

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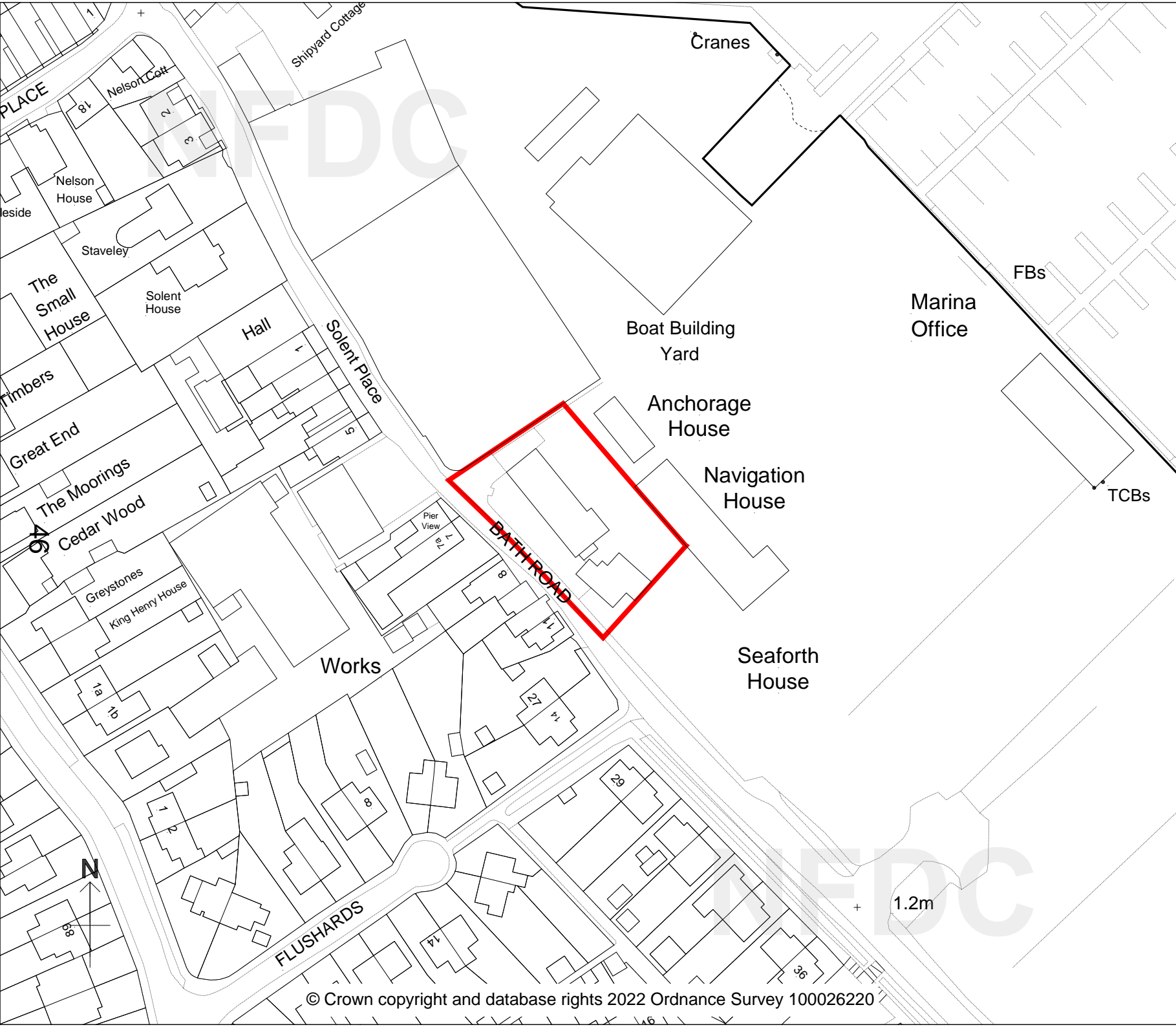
## PLANNING COMMITTEE

April 2022

ANCHOR HOUSE  
BATH ROAD  
LYMINGTON SO41 3YL  
22/10236

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the internet, it will not be to  
scale.



Planning Committee 13 April 2022

**Application Number:** 22/10111 Full Planning Permission

**Site:** OAKEND, 11 NEWENHAM ROAD, LYMINGTON SO41 8EQ

**Development:** Two-storey side extension

**Applicant:** Mr & Ms Morris & Fitzmorris

**Agent:** Task Building Design

**Target Date:** 24/03/2022

**Case Officer:** Julie Parry

**Extension Date:** 13/04/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the street scene and character of the area
- 2) Impact on neighbour amenity in terms of privacy, outlook and loss of light

This application is to be considered by Committee because of a contrary view from Lymington and Pennington Town Council.

## 2 SITE DESCRIPTION

Located within the built up area of Lymington the property is a detached bungalow at the end of a cul de sac of similar properties. To the side the property benefits from an attached garage/store with parking available to the front within the garden. To the north of the site is Farnleys Mead which is a cul de sac of two storey properties constructed in the mid 1980's. These two storey properties have their rear elevations opposite the side of Oakend. The property has been extended with a conservatory to the rear and the rear garden is enclosed with high fences with new planting to provide screening.

## 3 PROPOSED DEVELOPMENT

The application seeks planning permission for a two storey side extension which would incorporate a garage and side dormer.

Amended plans were received during the course of the application to change the internal layout so that obscure glazing could be used for the side and rear windows at first floor to overcome privacy concerns.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
99/NFDC/65694 Single storey additions	25/03/1999	Granted	Decided
76/NFDC/05382 Alterations and additions of a conservatory and porch.	15/07/1976	Granted	Decided

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

### **Plan Policy Designations**

Built-up Area

### **Supplementary Planning Guidance And Documents**

SPD - Lymington Local Distinctiveness

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

### **Lymington & Pennington Town Council**

PAR4: Recommend Refusal.

- Overbearing.
- Loss of privacy.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

No comments received

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 0

Against: 1

Comment: 1

Letters of objection received from the neighbour at 21 Farnley Mead in respect of the proposed development being overbearing, oppressive and cause overshadowing of their property.

Letters of comments received from the neighbour at 20 Farnleys Mead in respect of their privacy. Following the amended plans they were satisfied with the use of obscure glass provided this was conditioned to be retained.

## **10 PLANNING ASSESSMENT**

### Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and



identity of the locality. The principle of the development is considered to be acceptable subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area and residential amenity.

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

The proposed two storey extension to the side would extend over the existing ground floor element and provide a garage protruding slightly forward of the front elevation. Whilst the proposed extensions would result in a much larger property it would still retain a low eaves height and have a roof pitched away from the shared boundary to the north east thus maintaining the spatial character within the street scene. The proposed modest dormer would be set back along the side roof slope and therefore would be acceptable in terms of scale and design with limited impact on the street scene. The resulting property would appear in keeping in this location and would have an acceptable impact on the local area in terms of scale and design.

The materials to be used would be to match the existing property. The actual detail of the materials will have to be agreed with the officer.

#### Highway safety, access and parking

The proposed development would increase the number of bedrooms within the property from 3 to 4. The proposal would include a garage and there would also be parking available within the front garden along with on street parking. Therefore, the proposed alterations would not result in a highway safety concern.

#### Residential amenity

The neighbouring property to the north west, number 21 Farnleys Mead, is a two storey property which has been extended to the rear with a conservatory. This neighbour has objected to the proposed development on grounds that it would cause a loss of light and outlook along with privacy concerns. The proposed development would be set away from the shared boundary by 1.35 metres at the rear and 2.3 metres at the front and whilst the development would bring the first floor closer to this neighbour the proposed eaves height, closest to the boundary, would be 2.9 metres with a roof pitching away. The ridge would therefore be positioned 4.5 metres and 5.5 metres away from the boundary and whilst it is accepted that there would be some impact on this neighbour's amenity in terms of their outlook, given this degree of separation, it would not be to such a degree to be considered unacceptable. There is already some shading of this neighbouring garden when the sun is low in the sky and with a ridge introduced closer the increase in shading will still be limited to when the sun is low given the degree of separation and therefore the development would have an acceptable impact on this neighbour's amenity.

The neighbour to the north west, number 20 Farnleys Mead, has windows on the rear elevation which are in close proximity to the shared boundary. This neighbour made comments in respect of the potential for overlooking and following receipt of amended plans to move the bathroom to the back of the property they were supportive of the development provided conditions were applied to maintain the obscure glazing.

To protect the privacy of both 20 and 21 Farnleys Mead a condition will be applied to any approval for the side dormer window, rooflight and new rear window, which serve an ensuite, bathroom and dressing room, to be obscure glazed and only opening at 1.7 metres above floor level.

## Ecology

There are no ecological enhancements identified to be incorporated in the proposed outbuilding nevertheless, taking into account the scale of the proposed development this would not be grounds to refuse this part of the proposed development.

## **11 CONCLUSION**

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained with the National Planning Policy Framework (2021) and other Local Plan policies. Permission is therefore recommended

## **12 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:  
  
TBD/21/1236/01 Rev 1 Site and location plan received 1st March 2022  
TBD/21/1236/02 Existing plans and elevations received 27th January 2022  
TBD/21/1236/03 Rev 2 Proposed plans and elevations received 1st March 2022  
  
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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The first floor ensuite, bathroom and dressing room windows and rooflight on the north west (side) and south west (rear) elevations of the approved extension shall be:

- (i) obscurely glazed, and
- (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Julie Parry

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# New Forest

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Lyndhurst  
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## PLANNING COMMITTEE

April 2022

OAKEND  
11 NEWENHAM ROAD  
LYMINGTON SO41 8EQ  
22/10111

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scale.



Planning Committee 13 April 2022

**Application Number:** 22/10170 Full Planning Permission

**Site:** 1 PEALSHAM GARDENS, FORDINGBRIDGE SP6 1RD

**Development:** Use of garden outbuilding as dog grooming facility

**Applicant:** Miss Humby

**Agent:** Andy Looker Design

**Target Date:** 12/04/2022

**Case Officer:** Vivienne Baxter

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact of the development on the residential amenities of neighbouring properties
- 3) Highway matters including parking

This application is to be considered by Committee because of a contrary Town Council view.

## 2 SITE DESCRIPTION

The site lies within the built up area of Fordingbridge in a residential area. It contains a semi-detached bungalow with detached single garage and, more recently, a detached outbuilding in the rear garden. The rear garden is set at a slightly higher level than the road. There is space to accommodate two small cars on the drive.

## 3 PROPOSED DEVELOPMENT

The proposal entails the change of use of the domestic outbuilding to a dog grooming facility.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
NFDC/78/10234 179 dwellings and garages with construction of roads and drainage.	20/09/1978	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

### Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel

Policy ENV3: Design quality and local distinctiveness

### Supplementary Planning Guidance And Documents

SPD - Fordingbridge Town Design Statement

SPD - Parking Standards

### **Relevant Legislation**

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

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

Aerodrome Safeguarding Zone  
Avon Catchment Area  
Meteorological Safeguarding  
Tree Preservation Order: TPO/0029/13/T1

### **Plan Policy Designations**

Built-up Area

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

### **Fordingbridge Town Council**

Recommend REFUSAL under PAR4, due to potential parking issues and noise disturbance with the location being in close proximity to other residents.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environmental Health (Pollution)**

Request conditions

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

Against: 2

- *noise impact on neighbouring properties and associated peaceful enjoyment of their gardens*
- *pressures on parking*
- *impact on privacy*
- *keeping doors and window shut isn't necessarily feasible in summer*

## **10 PLANNING ASSESSMENT**

### **Principle of Development**

In principle, there are no objections to the applicant wishing to run a business from their home. However, particular consideration has to be given to the scale of the business and the impact this would have on the living conditions for neighbouring properties through noise and disturbance and the traffic implications of the proposal.

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

The proposal would entail the conversion of an existing structure in the applicant's garden. There are no proposed alterations to the external appearance of this building and as such, no impact on the character or appearance of the area.

### Highway safety, access and parking

The supporting statement advises that there is parking available on the driveway at all times although it was noted at the time of the site visit that the drive was taken up with a transporter vehicle, potentially too large for the garage and restricting this facility for visitors. However, limited parking is available on street in this location. The statement goes on to advise that it is hoped that most visitors would walk their dogs to the facility and, should they need to drive, parking would be for a very limited time as they would not stay whilst the grooming was in progress.

On balance, it is not considered that the proposal would adversely impact on highway safety.

### Residential amenity

Concerns have been raised locally with regard to the potential noise from the proposed use, particularly given the limited size of the adjacent garden with the existing outbuilding less than 10m from the rear of the adjacent dwelling.

Environmental Health have considered the proposal which states, that only one dog would be seen at a time and the business would operate on an appointment only basis with the applicant being the only operator. Environmental Health has not raised any objections to the proposal although this is subject to a condition requiring details of how noise would be managed. This would address concerns relating to noise through the walls and the possibility of open windows when temperatures are high.

Further conditions are recommended to ensure the proposed hours of use are not exceeded and the operation of the business is not expanded i.e. one dog at a time.

## **11 CONCLUSION**

The proposed use of the outbuilding as a dog grooming salon is considered to be of a scale and intensity that will not have an adverse impact upon the amenity of the area, subject to the imposition of conditions.

## **12 OTHER CONSIDERATIONS**

N/A

## **13 RECOMMENDATION**

**Grant Subject to Conditions**

**Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

Planning Statement

22 001 001 - existing outbuilding details and location plan

22 001 002 - proposed outbuilding details and block plan.

Reason: To ensure satisfactory provision of the development.

3. Before any development is commenced, a scheme for the management of waste from the proposed business, to include the waste water, waste chemicals (shampoos etc.) animal waste and all other waste shall be submitted and agreed in writing with the Local Planning Authority. Waste materials shall be dealt with in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and in accordance with policies ENV3 and CCC1 of the Local Plan Part 1: Planning Strategy.

4. Before use of the development commences, a noise management plan (NMP) shall be submitted to for approval in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the proposed development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The agreed measures shall be installed prior to the first use of the dog grooming facility hereby approved and permanently maintained as such.

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

5. No activity shall take place on the site in connection with the approved use other than between the hours of 0900 and 1730 Monday to Saturdays, not including recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1: Planning Strategy.



6. No more than one animal or groomer associated with the business hereby approved, shall be on the application site at any one time.

Reason: In the interests of residential amenity and highway safety in accordance with policies ENV3 and CCC2 of the Local Plan Part 1: Planning Strategy.

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442



# New Forest

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Executive Head of Planning,  
Regeneration and Economy  
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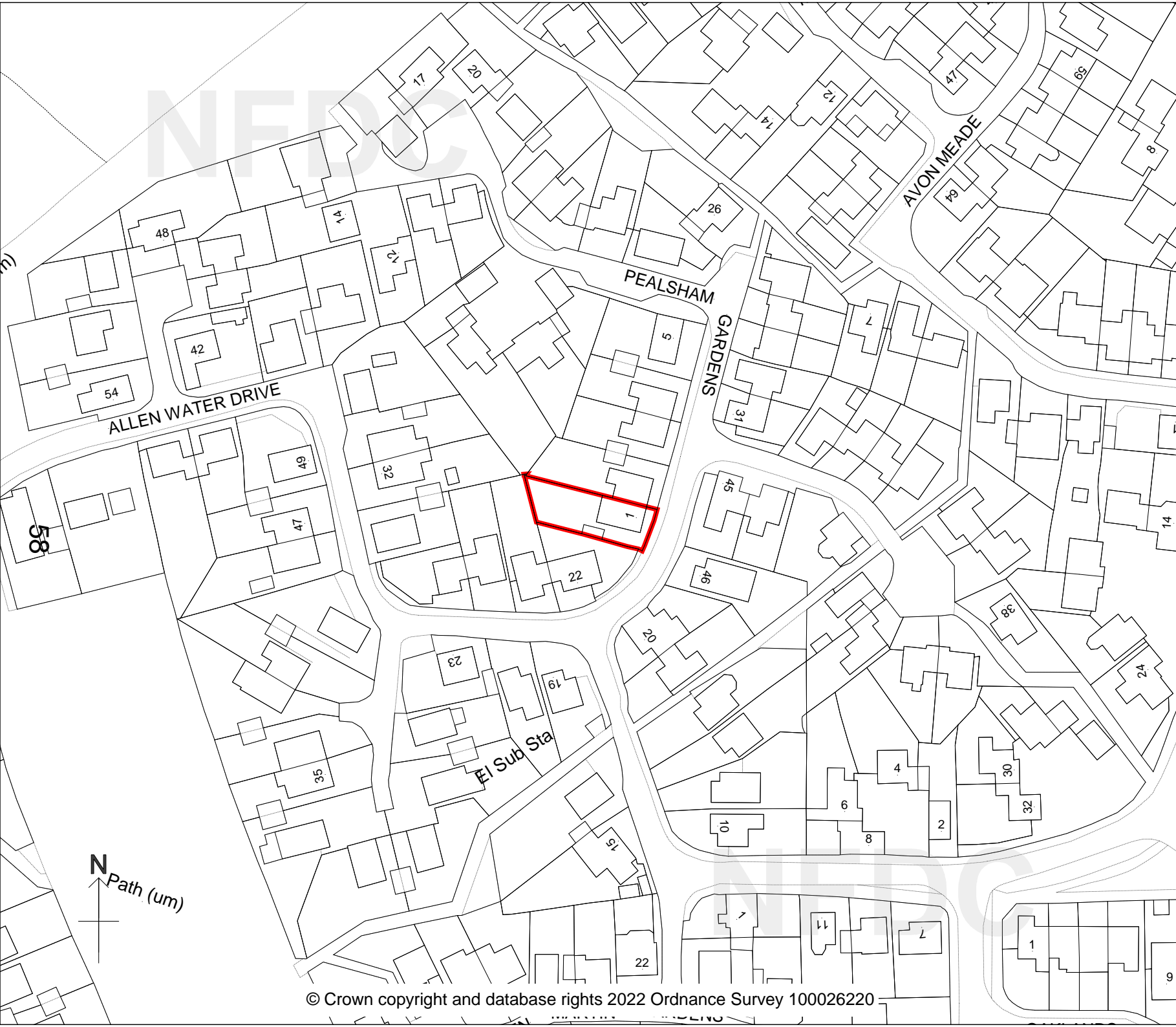
## PLANNING COMMITTEE

April 2022

1 PEALSHAM GARDENS  
FORDINGBRIDGE  
SP6 1RD  
22/10170

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the internet, it will not be to  
scale.



Planning Committee 13 April 2022

**Application Number:** 22/10081 Full Planning Permission

**Site:** 82 LOWER BUCKLAND ROAD, LYMINGTON SO41 9DW

**Development:** Erection of a replacement dwelling, with associated works

**Applicant:** Mr Savin

**Agent:** Concept Design & Planning

**Target Date:** 16/03/2022

**Case Officer:** Andrew Sage

**Extension Date:** 15/04/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on the character and appearance of the area
- 3) Residential amenity
- 4) Impact on highway safety including matters relevant to highway safety
- 5) Impact on ecology and in particular protected species

This application is to be considered by Committee because the officer's recommendation is contrary to the view of Lyminster and Bennington Town Council.

## 2 SITE DESCRIPTION

82 Lower Buckland Road is a detached single-storey dwelling situated within the built up area of Lyminster, located on the eastern side of the road, at point where the road rises from north to south. The existing bungalow is of red brick construction with timber clad gables above first-floor level and with a concrete tile roof.

The site is elevated above the road and its neighbouring properties to the north and east. Permission for the demolition and replacement of the northernmost of the three bungalows, No.86, was granted under permission 21/10819.

The area of Lower Buckland Road around the site is characterised by mixed residential development of varying forms of late nineteenth to late twentieth century date.

## 3 PROPOSED DEVELOPMENT

The proposal seeks to demolish the existing 3-bedroom bungalow and replace it with a larger, 4-bedroom, chalet-style dwelling, with first floor accommodation in the roofspace. The proposed dwelling would be of contemporary design, finished in red brick, timber cladding, composite slates and modern UPVC windows. Off street parking for 2 no. vehicles will be provided to the front of the dwelling.

Following initial submission the applicant has submitted amended plans in light of representations received and the feedback from planning officers. The amendments have reduced the height of the N-S ridge, making it subservient to the main ridge.

#### **4 PLANNING HISTORY**

No relevant history

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

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

ENV1: Mitigating the impacts of development on International Nature Conservation Sites

ENV3: Design quality and local distinctiveness

##### **Local Plan 2016-2036 Part 2: Development management**

DM2: Nature Conservation, biodiversity and geodiversity

##### **Supplementary Planning Guidance And Documents**

Lymington Local Distinctiveness SPD

##### **Relevant Advice**

Chap 12: Achieving well designed places

##### **Constraints**

Plan Area

##### **Plan Policy Designations**

Built-up Area

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

##### **Lymington & Pennington Town Council**

PAR4: Recommend Refusal.

- Overdevelopment - disproportionate to the plot size.
- Loss of amenity.

#### **7 COUNCILLOR COMMENTS**

No comments received

#### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**NFDC Ecologist** - no objection, subject to the mitigation and enhancement measures detailed in the Preliminary Roost Assessment Report being secured by planning condition.

#### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- Loss of light to dwelling on opposite side of the street
- Loss of privacy to dwelling on opposite side of the street

- Height of the proposed dwelling will be out of keeping with the existing street scene.
- Traffic and pedestrian safety concerns about timing of deliveries.
- Concern over anti-social working hours during construction.

Against: 2

Neutral: 1

## 10 PLANNING ASSESSMENT

### Principle of Development

In assessing this proposal consideration has been given to the relevant policies of the Local Plan and relevant Supplementary Planning Documents, including the Lymington local distinctiveness SPD. As the site is within the built up area, the principle of a replacement dwelling is acceptable, subject to consideration of matters including whether the proposed dwelling would be contextually appropriate having regard to the prevailing character of the area, impact on neighbouring residential amenity, ecological impacts, highways safety and car parking provision, which are discussed below.

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

Policy ENV3 seeks to ensure that new development is well designed to respect the character, identity and context of the district's towns.

In the area of Lower Buckland Road around the location site the character of built forms is varied in terms of age, scale and design. The dwelling was originally one of three matching gable-roofed bungalows with front gabled projections facing the road. To the north of these is a pair of modest, brick built and slate roofed, nineteenth century, semi-detached cottages, whilst to the south No. 80 is a two storey hip-roofed modern dwelling with a number of single storey and dormer extensions. No's. 80 to 86 occupy relatively wide and shallow plots. On the opposite side of the road development is characterised by early- to mid- twentieth century semi-detached dwellings of varied designs, with a mix of roof forms, located on long and narrow plots.

The proposed development, whilst creating a larger dwelling with two floors of accommodation, retains the bungalow form and street facing gable that characterises the current dwelling.

Whilst the proposal will result in an increase in height (1.2m) and massing of the dwelling by reason of bringing the highest point of the ridge forward in the plot and the construction of the side projection, given that the site is located adjacent to a larger detached dwelling, and opposite two-storey houses with more prominent gables set at a similar distance from the road, the proposed scale and massing of the dwelling will not appear out of keeping with the surrounding development. The proposed side projection, with ridge subservient to the main ridge but running parallel with the street, and front facing dormer will represent a change of form from the current dwelling, but similar forms are present nearby in the street (No. 92) and given the mix of forms present will not be out of place in the streetscene.

The proposed materials; red brick, timber-cladding and composite roof slates are reflective not only the materials used in the existing development but also of the older properties within the immediate streetscene.

Whilst the introduction of side-by-side parking arrangements to the frontage will alter the appearance of the site, the change is not considered to result in any more urban appearance than the current retaining wall. Given the highway safety benefits of the proposed improved visibility splay and side-by-side parking, versus the current tandem parking arrangements, and the presence of a similar arrangements already existing within the street at the properties opposite (No's. 47 - 49), the change is considered acceptable.

It has been requested that the hours that construction work are permitted to be carried out on site be restricted in order to protect the amenity of local residents. Disruption caused by construction traffic and activity is an inevitable consequence of most new developments, and on a scheme of this scale those occasions when work would occur outside of usual working hours would be relatively time limited and not have a long term impact. As such, it is not considered necessary to impose such a condition.

During the course of the application the plans were amended to reduce the height of the side projection, and it is considered that the scale, form, massing and design of the amended proposal preserves the character and appearance of the area and will sit comfortably within the existing mixed street scene and reflects the pattern of development in the locality, in accordance with Policy ENV3 of the NFDC Local Plan Part 1 2016-2036.

#### Highway safety, access and parking

Whilst the submitted plans show two side-by-side off-street car parking spaces for use by future occupiers, the size of the proposed parking area at the front of the property could accommodate three vehicles, if necessary, by tandem parking in front of the front door. The dwelling would be a four bedroom unit, which would typically require 3 off street parking spaces to meet the Council's Parking Standards SPD. Given the proximity of the site to public transport option (both bus and rail) the proposed parking provision is considered acceptable.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, which will be ensured by condition.

A concern has been raised with regards highways safety during the construction of the dwelling, and the timing of deliveries to the site to avoid times when school children are likely to be passing. It is not reasonable to condition the timing of deliveries, as these are often outside the control of the applicant/constructor on a small development such as this, and therefore any such condition would not be enforceable.

#### Impact on residential amenity of adjacent neighbouring properties

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

Comments have been received that the development will result in a loss of light and privacy to the property on the opposite side of the road, No.51. The proposed development will result in some loss of early morning light to No.5, but this will be limited to the loss of direct sunlight to 1 or more front windows for a period of up to c.1 hour prior to 0700 GMT during late spring and late summer. Given the limited impact in terms of occurrence, duration and nature this loss of light is considered acceptable.

With regards loss of privacy to No. 51, because of the relative elevation of the two properties above street level there is already substantial inter-visibility between the front windows of the two properties. The nature of the use of rooms from which overlooking could occur will change in that the main living space will move from the front of No.82 to the rear, and the windows at the front of No.82 will predominantly serve bedrooms and secondary living space. It is considered that the proposed development will not result in unacceptable additional overlooking or a loss of privacy, and the situation will be reflective of that normally experienced in most streets where residential dwellings face each other across the street.

The proposed increase in height and massing of No.82, including the additional 3.5m projection will result in some additional shading of the kitchen and bathroom windows, and the southernmost parts of the rear garden of the neighbouring property to the north, No. 84, during the morning in the spring and autumn. However, as No.84 is already located downhill of No. 82, for much of the year this additional shading would not be significantly greater than would be cast by a c.2m high boundary fence. There will be no additional overlooking of No. 84 created by the development as the two roof lights located on the north facing roof slope serve bathrooms and would reasonably be expected to be obscure glazed and this can be secured by condition.

The increase in height and massing, including the side projection, will result in some additional loss of light to the rear garden of 5 Jonathan Close during the late afternoon and early evening in early to mid autumn and early to mid spring. However the increase of overshadowing over the existing situation is considered and limited and acceptable.

The location of proposed roof windows in the south facing roof slope to the rear of the dwelling will afford slight views of the north east corner of the rear garden of No. 80. It is considered that the angle of this view is sufficiently acute that it will not result in an unacceptable loss of privacy.

With regards to all the above matters it is considered that the proposed development would not have any unacceptable impacts in terms of visual intrusion, overbearing impact, shading, noise or light pollution. Consequently there are no issues with regard to the amenity of adjoining properties that could substantiate a reason for refusal.

The amenity space provided for future occupiers of the dwelling would be acceptable and in compliance with the amenity provisions of Policy ENV3.

#### Ecology, Biodiversity and Habitat Mitigation

A preliminary roost assessment was undertaken but no evidence of bats was found. On-site biodiversity enhancement has been secured by condition.

As a proposal for a replacement dwelling there is no requirement for it to mitigate recreational impacts, achieve nitrate neutrality or address air quality.

#### Developer Contributions

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	188	115	73	73	£80/sqm	£7,457.23 *

Subtotal:	£7,457.23
Relief:	£0.00
Total Payable:	£7,457.23

## 11 CONCLUSION

The proposal would create a development which would be acceptable within the street scene. It is considered that the proposal raises no significant concerns in respect of highway safety, visual amenity, ecology, or residential amenity. The proposal would make efficient use of land to provide new housing in a sustainable location close to services and facilities. Overall it is considered that the proposal is acceptable and is recommended for approval.

## 12 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:

- Dwg no. C22/005.05 Rev B Proposed location and site plan, as submitted to NFDC on 22 March 2022
- Dwg no. C22/005.06 Rev B Proposed floor plans, as submitted to NFDC on 10 March 2022
- Dwg no. C22/005.07 Rev B Proposed elevations 1, as submitted to NFDC on 10 March 2022
- Dwg no. C22/005.08 Rev B Proposed elevations 2, as submitted to NFDC on 10 March 2022

Reason: To ensure satisfactory provision of the development.



3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. No works shall commence (other than site clearance) unless details of finished floor levels of the dwelling hereby approved have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Sectional and elevational plans showing details in the change in land levels and the height of any retaining walls required to provide the two parking spaces shown on the approved site layout plan C22/005.05, as submitted to NFDC on 28 March 2022, shall be submitted to and approved in writing by the Local Planning Authority prior to excavation of that part of the site being undertaken. The works shall then be undertaken in accordance with the approved details.

Reason. To ensure the works are done in a manner which safeguards the character of the area in accordance with Policy ENV 3 of the Local Plan.

6. The works hereby approved shall be undertaken in strict accordance with the ecological enhancement measures detailed in Section 5 and Figure 4 of the Hampshire Ecological Services Ltd Preliminary Roost Assessment, as submitted to NFDC on 09 March 2022, unless otherwise first agreed in writing with the Local Planning Authority

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

7. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

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

8. The parking areas, cycle store, access paths and rear garden, including all new boundary treatments shall be fully implemented in accordance with the approved site layout plan prior to occupation of the replacement dwelling.

Reason: To ensure the development provides an appropriate and accessible living environment for future occupiers in accordance with Policy ENV3 of the Local Plan.

9. The first floor bathroom and en-suite windows on the north elevation of the approved dwelling shall be permanently glazed with obscured glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

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

**Further Information:**

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# New Forest

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## PLANNING COMMITTEE

April 2022

82 LOWER BUCKLAND ROAD  
LYMINGTON  
SO41 9DW  
22/10081

Scale 1:1250

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



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