

**Application No: 16/00284/FULL Full Application**

**Site:** Land To The Rear Of 35 High Street, Lyndhurst, SO43 7BE

**Proposal:** New dwelling; associated landscaping

**Applicant:** Enodoc Properties Ltd

**Case Officer:** Deborah Slade

**Parish:** LYNDHURST

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Defined New Forest Village  
Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
CP12 New Residential Development  
CP7 The Built Environment  
DP6 Design Principles  
CP8 Local Distinctiveness  
CP1 Nature Conservation Sites of International Importance

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD  
Development Standards SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 11 - Conserving and enhancing the natural environment  
Sec 12 - Conserving and enhancing the historic environment  
Sec 7 - Requiring good design

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Lyndhurst Parish Council: Recommend refusal:

- The design of the dwelling is an improvement on the last, but there is not enough space to accommodate housing in that area.
- The amenity of neighbouring businesses would be greatly affected.
- Access for deliveries and emergencies is inadequate
- The proposal would set an undesirable precedent.

## **8. CONSULTEEES**

- 8.1 Highway Authority (HCC): No objection subject to condition.
- 8.2 Environmental Protection (NFDC): An informative should be added to any consent granted regarding the proximity of underground petrol storage tanks.
- 8.3 Land Drainage (NFDC): No objection subject to surface water drainage condition.

## **9. REPRESENTATIONS**

- 9.1 Three representations received objecting to the proposal, one of which is on behalf of the freehold owner of a group of properties adjacent to the site.
- 9.2 Grounds of objection are:
- car parking will be lost
  - there will be greater pressure on the narrow access
  - amenity of the tenants of the properties along High Street would be adversely affected
  - the proposal would not be suitable for the Conservation Area
  - the proposal is too cramped
  - the proposal at land rear of 12 Wellands Road should not be used as a precedent.

## **10. RELEVANT HISTORY**

- 10.1 New dwelling with undercroft parking and associated landscaping (15/00287) refused on 20 May 2015.

## **11. ASSESSMENT**

- 11.1 The site comprises a parcel of land which is partly used for parking, located between the High Street and Wellands Road, within the Defined Village of Lyndhurst. Adjacent to the site are the back gardens of properties which front onto Wellands Road, and the backs of properties fronting onto High Street, as well as a backland building used as a Chiropractor's clinic. The site benefits from existing vehicular access onto Wellands Road and is mostly laid to hardstanding. The site lies within the Lyndhurst Conservation Area.
- 11.2 Permission is sought for a single, detached one-and-a-half storey dwelling. The dwelling would be of traditional appearance and

would have two bedrooms. Permission was sought for a significantly larger dwelling on this site in 2015, and that application was refused for:

- design, materials, landscaping, and impact upon the Conservation Area
- overlooking towards properties on High Street
- lack of developer contributions.

The main issue to consider is therefore whether this proposal overcomes the earlier reasons for refusal.

- 11.3 The design of the dwelling is now much improved, with proportions and detailing in a small 'coach house' form which would be typical of the area. The property would have a steep gable, appropriate timber fenestration, and a curved feature corner to aid the property's siting. The property would be orientated west-east, whereas the overall grain of development runs north-south; however it is not considered that this aspect would be harmful to the character of the Conservation Area, given that the dwelling would not be particularly visible within the streetscene, and the new building's orientation would not undermine the significance of the Conservation Area in any tangible way. The new house would benefit from parking and amenity space, as shown on the layout plans, and within the context of close-knit development at the back of High Street, these small areas would not appear out of character. Overall it is considered that the proposal would preserve the character of the Conservation Area, and that the first reason for refusal has been overcome.
- 11.4 The previous application featured a raised terrace and patio doors on the south elevation, in close proximity to the properties on High Street. The south elevation has now been amended to only include 3 rooflights on the southern roof plane, which are angled towards the sky, and ground floor fenestration which is capable of mitigation by a suitable fence or planting. No objection has been received from any resident on High Street on grounds of impact upon amenity. Overall it is therefore considered that this second reason for refusal has been overcome.
- 11.5 The building would not have any principal first floor windows which would overlook private amenity space, either on High Street or Wellands Road. The proposal would therefore not give rise to any significant overlooking or loss of privacy to neighbouring properties.
- 11.6 Finally, the applicant has agreed to pay into the Authority's overarching SPA mitigation scheme, and the Authority can no longer seek and other tariff-style contributions in light of the recent High Court decision. The proposal would therefore overcome the third reason for refusal. The new dwelling would provide a smaller, more affordable unit in accordance with Policy CP12 of the Core Strategy and Section 6 of the NPPF.

- 11.7 As previously, the Highways Officer has no concerns about vehicular access arrangements or parking provision, but requires that the proposed parking is secured by condition.
- 11.8 No trees or protected species would likely be affected by the proposal, due to lack of suitable habitat at the site.
- 11.9 Overall it is therefore recommended that permission is granted subject to conditions, as the proposal is considered to accord with Policies CP12 and CP7 of the Authority's Core Strategy.

## **12. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

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

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

- 2 No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

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

Reason: To ensure an acceptable appearance of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 No development shall take place until the following details have been submitted to, and approved in writing by the New Forest National Park Authority:

Typical joinery details including windows, doors, eaves, verge, bargeboards.

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

Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 All new roof lights shall be of a 'Conservation' type and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.
- Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
- 5 Before use of the development is commenced provision for parking for both cars and cycles shall have been made within the site in accordance with the approved plans and shall be retained thereafter. These areas shall be kept available for their intended purposes at all times.
- Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.
- 6 No development shall take place until details of the means of disposal of surface water from the site have been submitted to and approved in writing by the New Forest National Park Authority.
- Development shall only take place in accordance with the approved details.
- Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
- 7 Development shall only be carried out in accordance with:
- Drwgs: 110, 111.
- No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.
- Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.
- 8 No development shall take place until details of ecological mitigation of impacts upon the New Forest SPA have been submitted to and approved in writing by the National Park Authority. This could take the form of a satisfactory Unilateral Undertaking in accordance with the Authority's overarching SPA

mitigation scheme as set out in the Development Standards SPD.

Reason: To ensure that the development protects the integrity of the European designated site the New Forest SPA in accordance with Policy CP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and the Development Standards SPD (adopted 2012).

- 9 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :

- a) a specification for new planting (species, size, spacing and location);
- b) areas for hard surfacing and the materials to be used;
- c) other means of enclosure;
- d) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 10 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

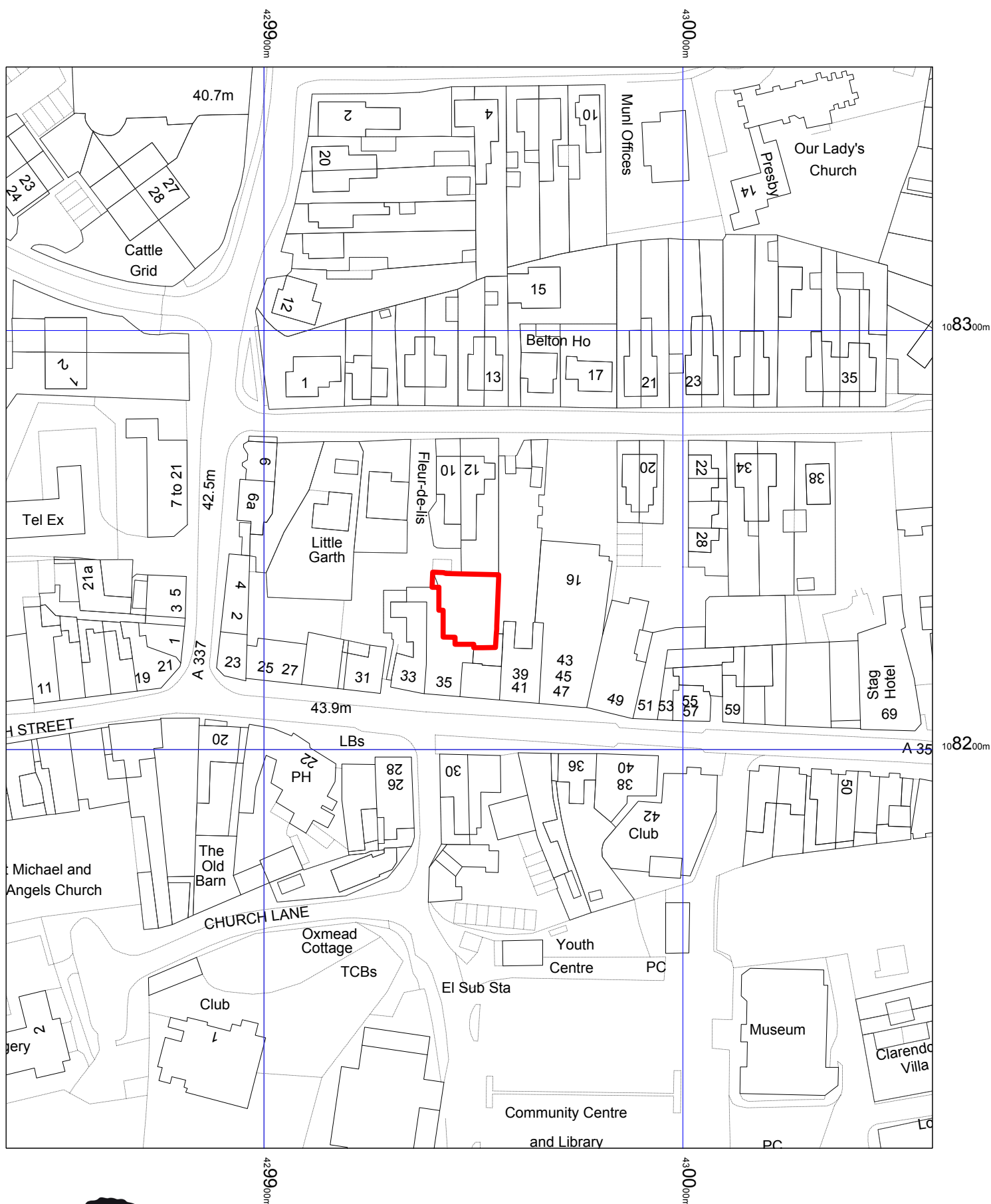
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension or alterations otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 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 New Forest National Park 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 Policies DP1, DP11 or CP8 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

**Informative(s):**

- 1        There are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.



NEW FOREST  
NATIONAL PARK

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