



HYTHE AND DIBDEN PARISH COUNCIL

The Grove, 25 St. John's Street, Hythe, Hampshire SO45 6BZ

Serving the communities of Dibden, Dibden Purlieu and Hythe

DAVID SHIMPE Clerk to the Council

Tel: (023) 8084 1411

Ext: 207

Fax: (023) 8084 2181

email:david.shimpe@btconnect.com

To: Members of the Planning Committee

Mr W Binns

Mr R Guy

Mr G Parkes

Mrs M Robinson (ex officio)

Mr M Short (Vice Chairman)

Mr D Smith

Mr B Uglow

Mr A Wade

Mr M Wade

(ex officio)

(Chairman)

and remainder of the Council for information

AGPLN383

31 August 2010

Members of the Planning Committee

are hereby summoned to attend the Planning Committee meeting to be held in The Grove, St. John's Street, Hythe on Monday next, 6 September 2010 commencing at 6.45 pm.

Yours faithfully

P.P.

S. Spencer

Clerk to the Council

AGENDA

1. Apologies for absence.
2. To note any declarations of interest made by Members in connection with an Agenda item. The nature of the interest must also be specified.
3. Public Participation Period.
4. Notification of any other urgent business to be raised at the end of the meeting.
5. Forthcoming events that could affect the communities within the Parish.
6. To sign the Minutes of the meeting held on 9 August 2010.
7. Planning applications and decisions for
 - a) New Forest District Council received up to 1 September 2010.
 - b) National Park received up to 1 September 2010.
8. Planning Appeal – 17 Ingle Gen, Dibden Purlieu, SO45 4ND



QUALITY
PARISH
COUNCIL

- Land of Maythorne, North Road and rear of 40 and 42 Oak Road,
Dibden Purlieu SO45 4PG

9. Appeal Decision and Costs Decision
 - Land of The Croft Tavern, Langdown Lawn, Hythe
10. Any other urgent business concerning the Committee.

Planning Applications to be considered on 6 September 2010

1 10/95804

27/07/10

Applicant - Mrs P Boyles

Proposal - Use as hot food takeaway; extract flue to rear

Site - Unit 1, 1-5 The Marsh, Hythe SO45 6AJ

2 10/95848

12/08/10

Applicant - Mr S Baker

Proposal - Single-storey side extension.

Site - 1 Conifer Close.

3 10/95899

26/07/10

Applicant - Mr Patel

Proposal - New shopfront

Site - 1 and 2 Merriemead Parade, Beaulieu Road, Dibden Purlieu SO45 4PY

4 10/95900

22/07/10

Applicant - Mr Clarke

Proposal - Attached three-storey house

Site - Land of 43 Ladycross Road, Hythe SO45 3JW (NB: proposed legal agreement)

5 10/95903

28/07/10

Applicant - Mr Sawyers

Proposal - Conservatory

Site - 6 Heatherdown, Dibden Purlieu SO45 4AZ

6 10/95928 10/08/10

Applicant - Premier Coffee Ltd

Proposal - Use as a coffee shop with external seating (mixed use classes A1 and A3)

Site - 22 High Street, Hythe SO45 6AH

7 10/95986 02/08/10

Applicant - Mr Trayling

Proposal - Front bay window

Site - 15 Curlew Walk, Hythe SO45 3FX

8 10/95991 16/08/10

Applicant - Domino's Pizza Group Ltd

Proposal - Display 1 externally illuminated projecting sign.

Site - 1 The Marsh, Hythe SO45 6AJ

9 10/96018 10/08/10

Applicant - Mr and Mrs Oakley

Proposal - First floor rear extension.

Site - 47 Hobart Drive, Hythe SO45 6FJ

10 10/96020 10/08/10

Applicant - Mrs Morelli

Proposal - Roof alterations in association with new second floor; roof lights

Site - 32 Sir Christopher Court, Hythe SO45 6JR

11 10/96021 26/08/10

Applicant - Ms Morelli

Proposal - Insertion of roof lights in association with loft conversion

Site - 31 Sir Christopher Court, Hythe SO45 6JR

12 10/96023 11/08/10

Applicant - Mr Morley

Proposal - First floor side extension; single-story side and front extensions.

Site - 22 Briarswood Rise, Dibden Purlieu SO45 5SW

New Forest National Park

13 95460/10

02/09/10

Applicant - Mr and Mrs Warren-King

Proposal - Replacement dwelling; outbuilding and bin store (amended description)

Site - Hillside, Main Road, Dibden, Southampton SO45 5TE

14 95549/10

19/08/10

Applicant - Mrs Archdeacon

Proposal - Conservatory

Site- Dale Farm, Manor Road, Dibden SO45 5TJ

Members are asked to consider the recommended responses in relation to the following tree applications

15 TPO/10/0416

05/08/10

Proposal - x2 Silver Birch - Crown clean, crown lift to 5m and crown thin by up to 20%

Site - 20 Badgers Walk, Dibden Purlieu SO45 4BU

The Parish Council will take the advice of New Forest District Council's arboriculturist.

16 TPO/10/0420

06/08/10

Proposal - Lime - Crown clean and crown lift to 4m.

Site - 2 Heatherdown, Dibden Purlieu SO45 4AZ

The Parish Council will accept the advice of New Forest District Council's arboriculturist.

17 TPO/10/0422

15/08/10

Proposal - T4602 & T4603 Silver Birch - fell T4604 & T4605 Silver Birch - ivy band Group 4606 Laurel X 12 stems - fell.

Site - Butts Ash Wood - to rear of 45 Rosebery Avenue, Hythe

The Parish Council will accept the advice of New Forest District Council's arboriculturist.

18 TPO/10/0425

15/08/10

Proposal - X14 Cypress – fell

Site - Bellarosa, Claypits Lane, Dibden SO45 5TN

The Parish Council will accept the advice of New Forest District Council's arboriculturist.

19 TPO/10/0432

17/08/10

Proposal - Oak. Deadwood

Site - 15 Tamar Grove, Hythe SO45 5XE

The Parish Council will take the advice of New Forest District Council's arboriculturist.

Planning Application Decisions reported up to the meeting on 1 September 2010

1 10/95600

01/06/10

Applicant - Oakhill Group Ltd

Proposal - 28 apartments in 3 blocks; parking area (details of appearance, landscaping, layout and scale development granted by Outline Permission 03/77439 renewed by Planning Permission 07/89708)

Site - Former Hartwell Dealership, Southampton Road, Hythe SO45 5DA

Granted subject to conditions.

2 10/95612

24/05/10

Applicant - Mr Plowright

Proposal - 1 block of 14 flats; associated access and parking

Site - Land off Scott-Paine Drive

Granted subject to conditions.

3 10/95679

07/07/10

Applicant - Mr Coxhead

Proposal - roof alterations in association with new first floor; dormers

Site - 53 Dale Road, Hythe SO45 5DR

Granted subject to conditions.

4 10/95692

14/06/10

Applicant - Mr D Musker

Proposal - Continued use as residential dwelling (Lawful Use Certificate for retaining an existing use)

Site - Sutherlin, Forest Front, Hythe SO45 3RJ

Was lawful.

5 10/95693

09/06/10

Applicant - Mr Bloss

Proposal - Roof alterations; first floor side extension

Site - 7 Forest Meadow, Hythe SO45 3RH

Granted subject to conditions.

11 10/95768

14/07/10

Applicant - Mr and Mrs Smith

Proposal - Two-storey side extension; single-storey rear extension; porch

Site - Deepdene, 30 Nash Road, Dibden Purlieu, SO45 4RS

Granted subject to conditions.

12 10/95787

07/07/10

Applicant - Mr and Mrs Quinn

Proposal - Single storey rear extension

Site - 6 Hillview Road, Hythe SO45 5GL

Granted subject to conditions.

13 10/95799

07/07/10

Applicant - Mr Friend

Proposal - Single-storey front extension; use of part of garage as ancillary accommodation

Site - Nyahokwe, Beaulieu Road, Dibden Purlieu, SO45 4JE

Granted subject to conditions.

14 10/95847

06/07/10

Applicant. Mr and Mrs Schrader

Proposal. Conservatory: raised decking: log burner flue to side elevation

Site. The Copse, Hart Hill, HYTHE SO45 3ND

Granted subject to conditions.

David Shimpe

From: dev.consultation@nfdc.gov.uk
Sent: 09 August 2010 12:00
To: david.shimpe@btconnect.com
Subject: Appeal received on 10/95478

An appeal has been submitted to the Planning Inspectorate in respect of the application detailed below. The appeal will be considered by means of Written Representations.

Application No: 10/95478

Planning Inspectorate Reference: APP/B1740/A/10/2133255/NWF

Site: 17 INGLE GLEN, DIBDEN PURLIEU, HYTHE SO45 4ND (NB: SUBJECT TO LEGAL AGREEMENT)

Description: 1 terrace of three houses; demolition of existing

Reason(s) for refusal: The proposed development would result in an overintensive use of the site which would be of a cramped appearance that would consolidate development in this location and would have a lack of landscaping and space surrounding the building and, together with the cumulative impact of the additional car parking spaces, would exacerbate the harsh and stark layout design which would be harmful to and out of context with the character and appearance of the area. As such, it is contrary to policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.

To view the grounds of appeal please refer to the "Appeal Form" document attached to the case on our website:

<http://web3.newforest.gov.uk/planningonline/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=170421>

Any comments you made at the application stage will be forwarded on to the Planning Inspectorate.

If you wish to make further comments on the appeal please send three copies to the Planning Inspectorate, Room 3/21, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN to arrive no later than 10/09/2010.

Representations received after the deadline will not be accepted. The Planning Inspectorate will send copies of your letter to the Council and to the appellant.

A copy of the decision letter on the appeal will only be sent to you by the Inspectorate if you expressly request it. However the decision will be available to view on the internet - see www.planningportal.gov.uk/pcs.

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. Any comments you send to the Planning Inspectorate must be received by the deadline stated above. You can find the online appeals service through the appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The information in this electronic mail (email) and any appendices to it is the property of New Forest District Council.

It may contain confidential information. It is intended for the addressee only. Communications using this email system may be subject to recording and/or monitoring in accordance with relevant legislation.

Please examine the full terms of this disclaimer by clicking on the following hyper link: www.newforest.gov.uk\emaildisclaimer

David Shimpe

From: dev.consultation@nfdc.gov.uk
Sent: 16 August 2010 16:30
To: david.shimpe@btconnect.com
Subject: Appeal received on 09/94867

An appeal has been submitted to the Planning Inspectorate in respect of the application detailed below. The appeal will be considered by means of Hearing.

Application No: 09/94867

Planning Inspectorate Reference: APP/B1740/A/10/2134202/NWF

Site: Land of MAYTHORNE, NORTH ROAD & rear of 40 & 42 OAK ROAD, DIBDEN PURLIEU, HYTHE SO45 4PG

Description: 3 houses; associated garages; new access

Reason(s) for refusal: The proposed development is contrary to policies CS2, CS7, CS10, CS15 and CS25 of the Core Strategy for the New Forest District outside the National Park in that:

(a) by reason of its siting and relationship to the surrounding development, the loss of green spaces, vegetation and the overall loss of space surrounding the building, its poor layout and design that would be dominated by accesses and parking arrangements, it would represent an inappropriate form of development in an area of open rear garden areas and an overintensive use of the site that would be out of context with and harmful to the spatial characteristics of the plot and the established pattern of the wider locality,

(b) it would fail to secure appropriate provision towards public open space in order to meet the public open space needs of the occupants of the proposed development,

(c) it would fail to secure appropriate provision towards affordable housing.

The proposed development is likely to impose an additional burden on the existing transport network which would require improvements in order to mitigate the impact of the development. In the absence of any contribution towards the costs of the necessary improvements to enable the additional travel needs to be satisfactorily and sustainably accommodated, the development conflicts with the objectives of policy CS24 of the Core Strategy for the New Forest District outside the National Park.

To view the grounds of appeal please refer to the "Appeal Form" document attached to the case on our website:

<http://web3.newforest.gov.uk/planningonline/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=167753>

Any comments you made at the application stage will be forwarded on to the Planning Inspectorate.

If you wish to make further comments on the appeal please send three copies to the Planning Inspectorate, Room 3/21, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN to arrive no later than 27/09/2010.

Representations received after the deadline will not be accepted. The Planning Inspectorate will send copies of your letter to the Council and to the appellants.

A copy of the decision letter on the appeal will only be sent to you by the Inspectorate if you expressly request it. However the decision will be available to view on the internet - see www.planningportal.gov.uk/pcs.

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. Any comments you send to the Planning Inspectorate must be received by the deadline stated above. You can find the online appeals service through the appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The information in this electronic mail (email) and any appendices to it is the property of New

19/08/2010



Appeal Decision

Site visit made on 14 July 2010

by **G M Hollington MA, BPhil, MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
5 August 2010

Appeal Ref: APP/B1740/A/10/2120784

Land at The Croft Tavern, Langdown Lawn, Hythe, Southampton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Knightstone Housing Association and Punch Taverns (Pubs) Ltd against the decision of New Forest District Council.
 - The application Ref. 09/94521, dated 21 August 2009, was refused by notice dated 10 December 2009.
 - The development proposed is "erection of 15 flats with associated car parking and cycle parking access from Knightstone Grange".
-

Application for Costs

1. An application for costs was made by Knightstone Housing Association and Punch Taverns (Pubs) Ltd against New Forest District Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Procedural Matters

3. The appellants have submitted a section 106 planning obligation which would ensure, prior to occupation of any of the proposed flats, the making of financial contributions towards open space and transport. It also gives the Council affordable housing nomination rights. I am satisfied the obligation meets the tests of Circular 05/2005: *Planning Obligations* and the Community Infrastructure Levy Regulations 2010, and the Council has confirmed it satisfactorily addresses the third and fourth reasons for which planning permission was refused.
 4. The appellants have submitted an amended site plan (Plan B) showing changes to the access route and parking spaces in order to enable refuse and emergency vehicles to turn adjacent to the proposed flats. I consider the differences from the planning application scheme are sufficient that third parties, in particular, might reasonably expect an opportunity to offer considered comment on the modified scheme. For the same reason, the degree of alteration is greater than should be achieved by the use of conditions. My decision is based on the plans in respect of which the Council's decision was taken.
-

5. The planning application and appeal forms give incorrect postal addresses for the site of Dorset and New Forest respectively. From third party representations, it appears the correct postal town is Southampton.

Main Issues

6. I consider the main issues in this appeal to be the effects of the proposed development on:
 - (a) the character and appearance of the surrounding area; and
 - (b) highway safety.

Reasons

(a) Character & Appearance

7. The proposed flats would be in the form of a three-storey building with two asymmetric wings projecting towards Knightstone Grange. It would be in the southern part of the site, leaving in place a central group of protected trees and with car parking at the northern end of the site.
8. Development in the surrounding, predominantly residential area is varied in sizes, designs and ages. A public house (The Croft) stands to the west, with large detached houses on the opposite side of Langdown Lawn, a road with boundary trees and hedges giving it a verdant appearance. Bungalows and two-storey houses are to be found generally to the north and east, with three-storey blocks of flats immediately to the south-west and south-east, at Knightstone Grange and Whitecroft, respectively.
9. The principal public or semi-public views of the proposed development would be from Langdown Lawn, Knightstone Grange and the car park and grounds of The Croft, although it would also be seen by adjacent residents. The view from Ipley Way, to the side of Whitecroft, would not be significant.
10. The proposed building would be substantial in size and mass and I consider its shape, articulation and materials would not adequately relieve its bulk or overcome its austere appearance. The roof pitches and eaves would reflect those of The Croft but its windows would not and I consider it is not necessarily appropriate to take a design lead from a building with a different size, form and function.
11. The proposed flats would stand well back from Langdown Lawn and this would help to some extent to reduce their apparent bulk. However, I share the local planning authority's concern about the impression given by the photomontage. The difference in ground levels either side of the boundary fence is only slight and, in my opinion, anyone looking towards the flats from Langdown Lawn or from within the public house curtilage would be aware of the block's depth and three-storey height, which would appear unduly dominant and out of keeping with the more modestly sized dwellings in much of the area.
12. The proposed building would be no taller than the flats at Knightstone Grange; the density of development would be similar to that of Knightstone Grange and less than Whitecroft; and the percentage site coverage would be similar to that found in the locality. Nevertheless, such statistics alone are not adequate to gauge the effect of the proposal. Much of the site would remain open but the

building would be in sufficient proximity to the existing flats at Knightstone Grange and Whitecroft that it would result in the development in this part of the site having a cramped appearance.

13. The appeal site contains several maturing trees which are the subject of a tree preservation order and these would be retained. There is a large amount of other vegetation on the site, the loss of which would be a change from the site's overgrown appearance but not itself unacceptable – a landscaping scheme could be required by condition, to ensure planting with appropriate species. However, the removal of established planting between the proposed flats and those at Knightstone Grange and Whitecroft would exacerbate the cramped appearance of the development in this part of the site.
14. The proposed development would make efficient use of land, which remains an aim of Government guidance as expressed in Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* and PPS 3: *Housing* (the site is not a residential garden), but such guidance also stresses the need for high quality housing of good design, which I consider the proposal would not achieve.
15. My conclusion on this issue is that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. It would not accord with the aims of policies CS1 and CS2 of the New Forest District (outside the National Park) Core Strategy (adopted October 2009) and of PPS1 and PPS3.

(b) Highway Safety
16. The proposed layout does not enable refuse vehicles and fire appliances to turn adjacent to the proposed building. They would have to reverse to or from a turning point within Knightstone Grange, the distance from the proposed flats being greater than the maximum reversing distances for such vehicles acceptable to the highway authority.
17. However, from the highway authority's initial comments on the planning application, it appears that a fire appliance needs to be able to access only to 45m from the proposed flats, and the turning point shown on Plan A is within this range. So as not to exceed the maximum reversing distance recommended for refuse vehicles, the appellants are willing for the estate manager to move the proposed flats' refuse to a suitable collection point near the turning area, as is already done for 57/59/61 Knightstone Grange. The detailed arrangements could be the subject of a planning condition and so a turning arrangement in accordance with Plan A would be acceptable.
18. I saw that cars park adjacent to the low post and rail fence in the south-east corner of the appeal site, in a position which overlaps with the tracking diagram shown on Plan A. However, there is no suggestion that the existing turning arrangements within Knightstone Grange do not work satisfactorily, and trimming of the overgrown vegetation along this fence would encourage better use to be made of the available space.
19. I therefore conclude on this issue that the proposed development would not result in unacceptable harm to highway safety. It would not conflict with the aims of Core Strategy policy CS24. This favourable view does not, however, outweigh my conclusion on the first main issue.

20. I have also taken into account all the other matters raised in the written representations, including local residents' concerns, but none is of such significance as to outweigh the considerations which have led to my conclusions on the main issues.

G M Hollington

INSPECTOR



Costs Decision

Site visit made on 14 July 2010

by **G M Hollington** MA, BPhil, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
5 August 2010

Costs application in relation to Appeal Ref: **APP/B1740/A/10/2120784** Land at **The Croft Tavern, Langdown Lawn, Hythe, Southampton**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Knightstone Housing Association and Punch Taverns (Pubs) Ltd for a partial award of costs against New Forest District Council.
 - The appeal was against the refusal of planning permission for "erection of 15 flats with associated car parking and cycle parking access from Knightstone Grange".
-

Decision

1. I refuse the application for an award of costs.

Reasons

2. Circular 03/2009: *Costs Awards in Appeals and Other Planning Proceedings* advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. In this instance, I consider the case for an award of costs rests principally on whether the local planning authority (LPA) refused planning permission on a planning ground capable of being dealt with by conditions and whether it unreasonably refused to provide reasonably requested information when a more helpful approach would have probably resulted in the appeal being avoided altogether. These are tests set out in paragraphs B25 and B29, respectively, of Circular 03/2009.
 4. In respect of the highway reason for refusal, the appellant's statement of case for the appeal provides a plan (Plan B) showing an alternative layout for turning facilities which is acceptable to the highway authority. However, my understanding is that it was only Plan A that was put to the highway authority or LPA prior to determination of the planning application. At that stage, it had not been shown there was an acceptable, alternative arrangement which could have been the subject of a planning condition.
 5. Furthermore, my view is that the changes required by Plan B, which include re-positioning of the access road, relocation of parking bays and formation of a turning bay to the rear of 57/59/61 Knightstone Grange, are sufficient that third parties, in particular, might reasonably expect an opportunity to offer considered comment on the modified scheme and the degree of alteration is
-

greater than should be achieved by the use of conditions.

6. Plan A was sent to the LPA only after seeing the report to planning committee but it did not overcome the proposed highway reason for refusal, which was also only one of the proposed reasons. This was not a case where a more helpful approach could have resulted in the appeal being avoided.
7. I turn now to the reasons for refusal relating to public open space, affordable housing and transport infrastructure, which have been overcome by the submitted section 106 unilateral undertaking dated 23 March 2010. The terms of a section 106 agreement were finalised on 13 November 2009, when the appellants asked for the planning application to be determined as soon as possible following completion of the agreement.
8. On 30 November, the LPA confirmed that its solicitor had been instructed and encouraged the appellants to try to complete the agreement before the likely committee date of 9 December (the date necessary to meet a Government target); further details were requested by the Council solicitor on 1 December. It seems the agreement had not been completed by that date but it is not unusual for parties to agree to prepare a planning obligation, only for their efforts not to come to fruition as other matters (not the subject of the obligation) justify the refusal of planning permission.
9. The appellants were aware by 30 November that there were a number of reasons proposed for refusal but wished to progress the agreement; it was a known risk the appellants chose to take. I am not aware that the appellants expressed, prior to the costs application, any wish to progress the agreement after the refusal and before the target date. Also in relation to these reasons, therefore, this was not a case where a more helpful approach could have resulted in the appeal being avoided.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

G M Hollington

INSPECTOR