

9 JULY 2014

NEW FOREST DISTRICT COUNCIL

PLANNING DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Planning Development Control Committee held at Appletree Court, Lyndhurst on Wednesday, 9 July 2014.

- p Cllr Mrs A J Hoare (Chairman)
- p Cllr Mrs B M Woodfield (Vice-Chairman)

Councillors:

- p Mrs D E Andrews
- p Mrs S M Bennison
- p G F Dart
- p C J Harrison
- C Lagdon
- p Mrs M E Lewis
- p J Penwarden
- p A W Rice
- ap W S Rippon-Swaine

Councillors:

- p Mrs A M Rostand
- p Miss A Sevier
- p M D Southgate
- p A J Swain
- p M H Thierry
- p R A Wappet
- p Mrs C V Ward
- p P R Woods
- p Mrs P A Wyeth

Officers Attending:

S Clothier, Mrs J Dawe, Miss J Debnam, C Elliott, D Groom, Mrs J Garrity, A Kinghorn, G Williams (Hampshire County Council), and for part of the meeting Mrs E Beckett (New Forest National Park Authority), Mrs V Potter, M Robinson, S Williams and D Willis

6. MINUTES.

RESOLVED:

That the minutes of the meeting held on 11 June 2014 be signed by the Chairman as a correct record.

7. DECLARATIONS OF INTEREST.

Cllr Andrews disclosed an interest in application 13/11578 on the grounds that she had already expressed a firm opinion on this application.

Cllr Bennison disclosed a disclosable pecuniary interest in application 14/10642 on the grounds that the applicant was a client of her Company.

Cllr C Harrison disclosed a non-pecuniary interest in applications 14/10550 and 14/10582 as a member of Hythe and Dibden Parish Council which had commented on the applications.

Cllr Rice disclosed a non-pecuniary interest in applications 14/10540, 14/10565, 14/10642 and 14/10662 as a member of New Milton Town Council which had commented on the applications.

Cllr Rostand disclosed a non-pecuniary interest in applications 14/10561, 14/10661, 14/10720 and 13/11561 as a member of Lymington and Pennington Town Council which had commented on the applications.

Cllr Thierry disclosed a non-pecuniary interest in applications 13/10984, 14/10275, 14/10527, 14/10575 and 14/10701 as a member of Ringwood Town Council which had commented on the applications. He also disclosed a disclosable pecuniary interest in application 13/10984 on the grounds that the applicant was a client of his business.

Cllr Woodfield disclosed a non-pecuniary interest in applications 13/10984, 14/10275, 14/10527, 14/10575 and 14/10701 as a member of Ringwood Town Council which had commented on the applications. She also disclosed a disclosable pecuniary interest in application 13/10984 on the grounds that the applicant was a business client.

Cllr C Ward disclosed a non-pecuniary interest in applications 14/10540, 14/10565, 14/10642 and 14/10662 as a member of New Milton Town Council which had commented on the applications.

Cllr Woods disclosed a non-pecuniary interest in applications 14/10540, 14/10565, 14/10642 and 14/10662 as a member of New Milton Town Council which had commented on the applications.

8. PLANNING APPLICATIONS FOR COMMITTEE DECISION (REPORT A).

RESOLVED:

That the planning applications listed below be determined as shown in respect of each application and, in accordance with the Council's policies and procedures, formal notice of the decisions be sent to the applicants forthwith.

Application:	13/10984
Details:	55-57 Christchurch Road, Ringwood – Variation of Condition 6 of Planning Permission 12/98968 to allow the development to achieve level 3 of the code for sustainable homes
Public Participants:	None
Additional Representations:	None

Comment:	<p>Cllrs Thierry and Woodfield disclosed non-pecuniary interests as members of Ringwood Town Council which had commented on the application. They each disclosed a further disclosable pecuniary interest on the grounds that the applicant was a client of their respective businesses and consequently took no part in the consideration and did not vote.</p> <p>Mr Clothier, Area Planning Officer, disclosed an interest on the grounds that the applicant was a personal friend. He had taken no part in the processing of this application and left the meeting during its consideration.</p>
Decision:	Head of Planning and Transportation authorised to grant planning consent until 30 September 2014 and, if consent has not been granted by that time, Head of Planning and Transportation authorised to refuse consent.
Conditions/ Agreements/ Negotiations:	As per report (Item A01).
Refusal Reasons:	As per report (Item A01).

Action:	Richard Natt
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Application:	13/11578
Details:	McDonald's Restaurant, Romsey Road, Ower, Copythorne – 8 lights on 6m high lamp posts
Public Participants:	Mr Willis - Objector
Additional Representations:	The applicants had confirmed the proposed colour of the lamp posts.
Comment:	<p>Cllr Andrews disclosed an interest on the grounds that she had already expressed a clear view on this application and there was therefore a danger, under common law, that she could be considered to have pre-determined the issue. She moved to the area of seating used by the public participants and, having made a statement, took no part in the consideration and did not vote.</p> <p>The Committee was advised that proposed condition 4 had been amended to take account of the confirmed colour of the lamp posts.</p> <p>Members considered that the current, low level lighting was sufficient for operational and safety requirements without causing undue harm to the character and appearance of the area, which was within the countryside outside the National Park. The proposed high level lighting would have an urbanising effect which would be unacceptable in this</p>

rural location and no evidence had been submitted to demonstrate that such harm could be justified.

Decision: Refused.

Refusal Reasons: The proposed high level lighting would give rise to a more urban appearance than the existing low level lighting and would be visually unacceptable in this sensitive countryside location contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Action: Steve Clothier

Application: 14/10162

Details: Sandledeane, 159 Station Road, Fordingbridge – Detached three-storey dwelling; one pair of semi-detached three-storey dwellings; demolition of existing; detached garages and associated parking; new access

Public Participants: Mr Tanner - Applicant's Agent

Additional Representations: HCC Highways Engineer raised no objection subject to the imposition of conditions and to securing a financial contribution towards off-site highway improvements.

Comment: None

Decision: Refused

Refusal Reasons: As per report (Item A03).

Action: Martine Parkes

Application: 14/10275

Details: 39 Southampton Road, Ringwood – Display illuminated fascia sign; illuminated projecting sign; illuminated sign on side elevation

Public Participants: None

Additional Representations: None

Comment: Cllrs Thierry and Woodfield disclosed non-pecuniary interests as members of Ringwood Town Council which had commented on the application. They concluded that there were no issues under common law to prevent them from remaining in the meeting to speak and to vote.

Decision: Advertisement consent

Conditions: As per report (Item A04).

Action: Martine Parkes

Application: 14/10527

Details: 5 Hampton Drive, Ringwood – Single-storey side and rear extensions

Public Participants: Mrs Hunt – Applicant.

Additional Representations: None

Comment: Cllrs Thierry and Woodfield disclosed non-pecuniary interests as members of Ringwood Town Council which had commented on the application. They concluded that there were no issues under common law to prevent them from remaining in the meeting to speak and to vote.

Decision: Planning consent

Conditions: As per report (Item A05).

Action: Martine Parkes

Application: 14/10540

Details: Milton House, Christchurch Road, New Milton – Use of part of ground floor as residential dwelling

Public Participants: Town Cllr Humphries – New Milton Town Council

Additional Representations: None

Comment: Cllrs Rice, C Ward and Woods disclosed non-pecuniary interests as members of New Milton Town Council which had commented on the application. They concluded that there were no issues under common law to prevent them from remaining in the meeting to speak and to vote.

Decision: Head of Planning and Transportation authorised to grant planning consent until 31 July 2014, and if consent has not been granted by that time, Head of Planning and Transportation authorised to refuse consent.

Conditions/Agreements/Negotiations: As per report (Item A06)

Refusal Reasons: As per report (Item A06)

Action:	Vivienne Baxter
Application:	14/10550
Details:	1 Butts Ash Avenue, Hythe – Attached house; access; parking; cycle store
Public Participants:	None
Additional Representations:	None
Comment:	Cllr C Harrison disclosed a non-pecuniary interest as a member of Hythe and Dibden Parish Council which had commented on the application. He concluded that there were no issues under common law to prevent him from remaining in the meeting to speak and to vote.
Decision:	Refused
Refusal Reasons:	As per report (Item A07).

Action:	Martine Parkes
Application:	14/10561
Details:	Land adjacent 27 Deneside Copse, Pennington, Lymington – 1 terrace of 3 houses; carport; cycle stores; parking; landscaping
Public Participants:	None
Additional Representations:	None
Comment:	The officer's recommendation was amended with revised wording for condition 6 to make specific reference to the landscaping requirement along the boundary to the public open space. Cllr Rostand was not present for the determination of this item
Decision:	Head of Planning and Transportation authorised to grant planning consent until 30 September 2014 and, if consent has not been granted by that time, Head of Planning and Transportation authorised to refuse consent
Conditions/Agreements/Negotiations:	As per report (Item A08) with condition 6 amended to read: 6. Before development commences, a detailed landscaping scheme for the site shall be submitted to and approved in

writing by the Local Planning Authority. The landscaping scheme shall include a landscaping and planting scheme along the western boundary of the site adjacent to the existing area of public open space between X and X on the approved plans and this shall include a long term management and maintenance programme for the long term future retention and establishment of the approved landscaping. The landscaping scheme shall also include details of the existing trees and planting to be retained, and the new soft landscaping shall be in the form of a native hedgerow and trees to be provided along this western boundary adjacent to the existing public open space and details shall be submitted to include a specification for new tree and hedgerow planting (species, size and location) and a method and programme for its implementation and the means to provide for its future maintenance. The landscaping scheme shall also include details of the areas of hardsurfacing and the materials to be used, existing and proposed boundary fencing and treatment. All planting, seeding or turfing comprised in the approved details of landscaping 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 a similar size or species, unless the Local Planning Authority gives written consent to any variation. The development shall only take place in accordance with the details that have been approved.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Refusal Reasons: As per report (Item A08)

Action: Martine Parkes

Application: 14/10565

Details: Land of 10 – 12 Gorse Close, Ashley, New Milton – 4 houses; associated parking; demolition of existing

Public Participants: Mr Palmer – Applicant's Agent
Mrs Avery – Objector
Ms Rivers – Objector's representative.
Town Cllr Hawkins – New Milton Town Council.

Additional None

Representations:

Comment: Cllrs Rice, C Ward and Woods disclosed non-pecuniary interests as members of New Milton Town Council which had commented on the application. Cllrs Rice and Woods concluded that there were no issues under common law to prevent them from remaining in the meeting to speak and to vote. Cllr Ward concluded that, as she had been advising one of the objectors, there was a danger that she would be perceived to have a pre-determined view on this application and consequently took no part in the consideration and did not vote.

The Committee noted the concerns expressed by one of the objectors relating to the need to maintain the integrity of the stock fencing to the adjacent agricultural land and considered that the conditions should be amended to address this concern.

Decision: Head of Planning and Transportation authorised to grant planning consent until 31 July 2014 and if consent has not been granted by that time, Head of Planning and Transportation authorised to refuse consent.

Conditions/Agreements/Negotiations: As per report (Item A09) with condition No 3 (d) revised as follows:
(d) other means of enclosure including along the north-east boundary to the open countryside;

Refusal Reasons: As per report (Item A09).

Action: Vivienne Baxter.

Application: 14/10575

Details: 3 Grenville Close, Poulner, Ringwood – Single-storey front, side and rear extension with roof lights

Public Participants: None

Additional Representations: None

Comment: Cllrs Thierry and Woodfield disclosed non-pecuniary interests as members of Ringwood Town Council which had commented on the application. They concluded that there were no issues under common law to prevent them from remaining in the meeting to speak and to vote.

Decision: Planning consent

Conditions: As per report (Item A10).

Action:	Martine Parkes
Application:	14/10582
Details:	1 Malwood Road West, Hythe – Variation of Condition 1 of Planning Permission 04/80956 to allow 60 children at any one time; first floor extension; single-storey infill extension
Public Participants:	Mr Knight – Applicant's Agent
Additional Representations:	None
Comment:	Cllr C Harrison disclosed a non-pecuniary interest as a member of Hythe and Dibden Parish Council which had commented on the application. He concluded that there were no issues under common law to prevent him from remaining in the meeting to speak and to vote.
Decision:	Planning consent
Conditions:	As per report (Item A11).
Action:	Martine Parkes

Application:	14/10642
Details:	Hoburne Naish, Glenside, Naish Estate, Christchurch Road, New Milton – 14 x 8m high and 5 x 10m high steel posts to support WIFI antennas and street lights
Public Participants:	Mr Henderson – Applicant's Agent Mr Fradd – Objector's Representative Town Cllr Humphries – New Milton Town Council
Additional Representations:	The applicant had corrected the description of the application to refer to 14 x 8 m high and 5 x 10 m high steel posts.
Comment:	Cllrs Rice and C Ward disclosed non-pecuniary interests as members of New Milton Town Council which had commented on the application. They concluded that there were no issues under common law to prevent them from speaking and voting. Cllr Woods was not present for the determination of this application. Cllr Bennison disclosed a disclosable pecuniary interest on the grounds that the applicant was a client of her company. She took no part in the consideration and did not vote.

The Committee considered that, to prevent the lighting of the site having an increased visual impact, the lights that would be relocated onto these new, taller, poles, should continue to be at no more than 5 m above ground level.

Decision: Planning consent

Conditions: As per report (Item A12) with an additional condition:

3. The proposed street lamps (8 no.) to be attached to 8 of the proposed poles shall be no more than 5 metres above the surrounding ground level.

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

Action: Steve Clothier and Martine Parkes

Application: 14/10661

Details: The Firs, North Greenlands, Pennington, Lymington – Single-storey and two-storey side and rear extensions

Public Participants: Mr Cook – Objector
Mrs Holt - Objector

Additional Representations: None

Comment: Cllr Rostand disclosed a non-pecuniary interest as a member of Lymington and Pennington Town Council which had commented on the application. She concluded that there were no issues under common law to prevent her from taking part in the consideration and voting.

Decision: Planning consent

Conditions: As per report (Item A13).

Action: Martine Parkes

Application: 14/10662

Details: Site of 10 Mount Avenue, New Milton – Variation of Condition 3 of Planning Permission 13/11034 to allow landscaping, parking and cycle store to be as amended plans

Public Participants: None

Additional Representations:	None
Comment:	Cllrs Rice and C Ward disclosed non-pecuniary interests as members of New Milton Town Council which had commented on the application. They concluded that there were no issues under common law to prevent them from speaking and voting. Cllr Woods was not present for the determination of this application.
Decision:	Planning consent
Conditions:	As per report (Item A14).
Action:	Martine Parkes

Application:	14/10701
Details:	4 Butlers Lane, Poulner, Ringwood – Use as hot food takeaway (Use Class A5); extractor flue
Public Participants:	Mr and Miss Uddin – Applicants Mr Wilkinson - Objector
Additional Representations:	One further letter of objection had been received raising concerns already referred to in paragraph 10 of the report.
Comment:	Cllrs Thierry and Woodfield disclosed non-pecuniary interests as members of Ringwood Town Council which had commented on the application. They concluded that there were no issues under common law to prevent them from remaining in the meeting to speak and to vote.
Decision:	Planning consent
Conditions:	As per report (Item A15).
Action:	Martine Parkes

Application:	14/10720
Details:	15 Lodge Road, Pennington, Lymington – Outbuilding for use as ancillary accommodation
Public Participants:	Mrs Shorey - Applicant
Additional Representations:	1 additional letter from the applicant 1 letter of support from a neighbour.
Comment:	Cllr Rostand disclosed a non-pecuniary interest as a member of Lymington and Pennington Town Council which had commented on the application. She concluded that

there were no issues under common law to prevent her from taking part in the consideration and voting.

Decision: Refused

Refusal Reasons: As per report (Item A16).

Action: Martine Parkes

Application: 14/10290

Details: Sequoia Farm, Puddleslosh Lane, Tinkers Cross, Fordingbridge – Continued siting of mobile home for temporary period of 3 years for an agricultural worker

Public Participants: Mr Tutton – Applicant's Agent

Additional Representations: The Tree Officer had commented on the containers which were situated within the root protection area of a large, mature Lime protected by TPO. As a temporary installation this was acceptable, but the containers had the potential to adversely affect the tree's health over a longer period of time.

The applicants had submitted three 'expressions of interest' in their products. Two of these appeared to be from individuals and the other related to a local NHS community project. The Council's agricultural consultant had commented that these did not appear to be the expressions of interest from restaurants and catering establishments that he was expecting, and did not add to the weight of the application and neither of these names appeared in the Business Plan as possible customers. One additional objection had been received.

Comment: None

Decision: Refused

Refusal Reasons: As per report (Item A17).

Action: Martine Parkes

Application: 14/10589

Details: Sequoia Farm, Puddleslosh Lane, Tinkers Cross, Fordingbridge – Retention of access, hardstanding and turning area

Public Participants: None

Additional Representations: None

Comment: None

Decision: Planning consent

Conditions: As per report (Item A18).

Action: Martine Parkes

Application: 13/11561

Details: Pinetops Nurseries, 67-69 Ramley Road, Pennington, Lymington – Residential development of 45 dwellings; access road; footpaths; open space; landscaping; demolition of existing

Public Participants: None

Additional Representations: The Environmental Health Officer requested the imposition of conditions to cover the contamination of land.

Comment: The officer's recommendation was amended by the inclusion of conditions to cover contamination of land.

Cllr Rostand was not present for the determination of this application.

Decision: Planning consent

Conditions: As per report (Item A19) with additional conditions:

15. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 16 to 18 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 19 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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 CS5 of the Core Strategy

for the New Forest District outside the National Park.

16. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

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 CS5 of the Core Strategy for the New Forest District outside the National Park.

17. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in

writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 CS5 of the Core Strategy for the New Forest District outside the National Park.

18. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 CS5 of the Core Strategy for the New Forest District outside the National Park.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

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 CS5 of the Core Strategy for the New Forest District outside the National Park.

20. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period as stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

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 CS5 of the Core Strategy for the New Forest District outside the National Park.

Action: Martine Parkes

CHAIRMAN