

10 DECEMBER 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, 10 December 2014.

p Cllr Mrs A J Hoare (Chairman)
ap 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
p C Lagdon
p Mrs M E Lewis
p J Penwarden
p A W Rice
p W S Rippon-Swaine

Councillors:

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

Officers Attending:

T Barnett, S Clothier, Miss J Dawe, Miss J Debnam, C Elliott, Mrs C Eyles, D Groom, G Williams (Hampshire County Council), N Williamson, Mrs A Wilson and for part of the meeting D Brunton, W Lever, Miss G O'Rourke and D Willis

25. MINUTES.

RESOLVED:

That the minutes of the meeting held on 12 November 2014 be signed by the Chairman as a correct record.

26. DECLARATIONS OF INTEREST.

Cllr Dart declared a non-pecuniary interest in applications 14/11332 and 14/11386 as a member of Totton and Eling Town Council which had commented on the applications.

Cllr C Harrison disclosed a non-pecuniary interest in application 14/11098 as a member of Hythe and Dibden Parish Council which had commented on the application.

Cllr Lagdon disclosed a non-pecuniary interest in application 13/11408 as a member of the New Forest National Park Authority which had commented on the application. He also declared a non-pecuniary interest in applications 14/11332 and 14/11386 as a member of Totton and Eling Town Council which had commented on the applications.

Cllr Lewis disclosed a non-pecuniary interest in application 14/11292 on the grounds that she lived in the same road as the application site.

Cllr Rice disclosed a non-pecuniary interest in applications 14/11158 and 14/11289 as a member of New Milton Town Council which had commented on the applications.

Cllr Wappet disclosed a non-pecuniary interest in application 14/10592 as a member of Fawley Parish Council which had commented on the application.

Cllr C Ward disclosed a non-pecuniary interest in applications 14/11158 and 14/11289 as a member of New Milton Town Council which had commented on the applications.

Cllr Woods disclosed a non-pecuniary interest in applications 14/11158 and 14/11289 as a member of New Milton Town Council which had commented on the applications.

Cllr Wyeth disclosed a non-pecuniary interest in application 13/11408 as a member of the New Forest National Park Authority which had commented on the application.

27. DEVELOPERS' CONTRIBUTIONS.

The Chairman advised the Committee that the National Planning Practice Guidance had recently been updated in respect of developers' contributions and the change must be regarded as a material consideration when determining planning applications. As the Council had a fully adopted local plan and consistently applied a viability assessment in response to site specific viability considerations on small sites, the Council's policies could however outweigh this latest guidance. The situation would be kept under review until the situation changed with the adoption of a CIL charging structure from 5 April 2015.

28. 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:	14/10592
Details:	Geo Speciality Chemicals, Charleston Road, Hardley, Fawley – Industrial building; associated external works to include additional hardstanding and roadways, level changes and extension of boundary fencing
Public Participants:	Mr Liptrott – Applicant's representative Mr Cox - Objector
Additional Representations:	Further information submitted by the applicant in respect of contaminated land, surface water run-off and the ability of the site to achieve a BREEAM "Excellent" standard.

Comment: Cllr Wappet disclosed a non-pecuniary interest as a member of Fawley Parish Council which had commented on the application. He concluded that there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

Following the receipt of additional information from the applicant, the officer's recommendation was amended by the deletion of conditions 2-7 inclusive (with the consequent renumbering of conditions); and the rewording of condition 8 to refer to a "Very Good" BREEAM standard, instead of "Excellent".

Decision: Planning consent

Conditions: As per report (Item A01), with the deletion of conditions 2-7 inclusive, the renumbering of the remaining conditions, and the amendment of condition 8 as follows:

8. The building shall achieve a BREEAM 'Very Good' standard. No development should commence on site until an interim certificate has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until a final BREEAM certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the building has achieved a BREEAM 'Very Good' standard.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

Action: Martine Parkes

Application: 14/11098

Details: 4 Brocks Close, Dibden Purlieu, Hythe – Variation/removal of Condition 5 of Planning Permission 90/45571 to allow the use of existing garage as ancillary living accommodation (retrospective)

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 grounds under common law to prevent him from remaining in the meeting to speak and to vote.

Decision: Planning consent
Conditions: As per report (Item A02).

Action: Martine Parkes

Application: 14/10219

Details: Fieldway, North Ripley Road, Ripley, Sopley – Single-storey rear extension

Public Participants: None

Additional Representations: None

Comment: None

Decision: Planning consent

Conditions: As per report (Item A03).

Action: Martine Parkes

Application: 14/11158

Details: Site of the Oak and Yaffle, Ashley Common Road, Ashley, New Milton – 5 detached houses; 1 pair of semi-detached houses; access; parking

Public Participants: Mr Annen – Applicant's Agent
 Mr Williams – Supporter of the application.

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 grounds under common law to prevent them from remaining in the meeting to speak and to vote.

The Committee was advised that the Section 106 Agreement in respect of this site had been completed the day before. The recommendation was accordingly updated to the granting of planning consent.

Decision: Planning consent

Conditions: As per report (Item A04).

Action: Martine Parkes

Application:	13/11408
Details:	Merryfield Park, Derritt Lane, Sopley – The erection of up to 80 dwellings with the retention of up to 11 existing buildings with a total floor area of no more than 1,309 sqm for B1 uses and a museum all with associated access point, the provision of SANGS and open space, the provision of a footpath along Derritt Lane and the demolition of all buildings and structures on the site with the exception of those retained for the B1 or museum uses
Public Participants:	None
Additional Representations:	None
Comment:	<p>Cllrs Lagdon and Wyeth disclosed non-pecuniary interests as members of the New Forest National Park Authority which had commented on the application. They concluded that there were no grounds under common law to prevent them from remaining in the meeting to speak and to vote.</p> <p>The officer's recommendation was amended by the inclusion of a condition relating to ecological mitigation.</p>
Decision:	<p>Head of Planning and Transportation authorised to grant planning consent subject to:</p> <ul style="list-style-type: none"> (i) The completion of the requisite Agreement pursuant to S106 of the Town and Country Planning Act 1990 by 10 January 2015; and (ii) The imposition of conditions <p>Failing which, Head of Planning and Transportation authorised to refuse consent.</p>
Conditions/Agreements/Negotiations:	<p>As per report (Item A05) with additional condition:</p> <p>24: The development hereby approved shall only take place in accordance with the details and recommendations set out in the Abbas Ecology Report dated May-July 2013 and June 2014 unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of development that may affect protected species as identified in the survey, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.</p> <p>Reason: To safeguard protected species in accordance</p>

with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

Refusal Reasons: As per report (Item A05).

Action: Richard Natt

Application: 14/11286

Details: 31 Elm Avenue, Pennington, Lymington – Roof alterations and extension; rooflights in association with new first floor, fenestration alterations; solar panels

Public Participants: None

Additional Representations: None

Comment: None

Decision: Refused

Refusal Reasons: As per report (Item A06).

Action: Martine Parkes

Application: 14/11289

Details: 40 Station Road, New Milton – Use of first floor as residential dwelling; additional door to rear elevation

Public Participants: None

Additional Representations: The applicants had asked for additional time to complete the S106 agreement.

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 grounds under common law to prevent them from remaining in the meeting to speak and to vote.

The officer's recommendation was amended to allow until 31 January 2015 for the completion of the S106 Agreement.

Decision: Head of Planning and Transportation authorised to grant planning consent subject to:

- (i) The completion of the requisite Agreement pursuant to S106 of the Town and Country Planning Act 1990 by 31 January 2015; and

(ii) The imposition of conditions

Failing which, Head of Planning and Transportation authorised to refuse consent.

**Conditions/
Agreements/
Negotiations:**

As per report (Item A07), with the period allowed for the completion of the Section 106 Agreement extended until 31 January 2015.

Refusal Reasons:

As per report (Item A07).

Action:

Vivienne Baxter.

Application:

14/11292

Details:

31 New Street, Lymington – Use as 5 flats; second floor extension; extension to create new third floor; balconies; ground floor parking; cycle store and bin store; part use of ground floor as office

**Public
Participants:**

Mr Sherlock – Applicant's Agent

**Additional
Representations:**

The Housing Development Manager and Estates and Valuation Officer both advised that a financial contribution towards off-site affordable housing should be sought instead of on-site provision.

Comment:

Cllr Lewis disclosed a non-pecuniary interest as she lived in the same road as the application site. She concluded that she was not directly affected by the proposal and there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

The Committee was advised that a unilateral undertaking had been received from the applicants in respect of the financial contributions that should be paid. The unilateral undertaking had yet to be checked by the Council's solicitors but, if acceptable, would overcome reasons for refusal 2-4 inclusive.

The Committee concluded that the proposed development would bring the building back into use while protecting important historic features that contributed both to its character and that of the conservation area. They did not consider that that the penthouse floor would have an unacceptable impact within the street scene and consequently it would not harm the conservation area. Overall, the development would enhance the conservation area.

Decision: Head of Planning authorised to grant planning consent

**Conditions/
Agreements/
Negotiations:** Upon being satisfied that the submitted unilateral undertaking meets the Council's requirements for the payment of financial contributions, and with the imposition of such conditions as he deems appropriate.

Action: Ian Rayner

Application: 14/11332

Details: 3-4 South Parade, Salisbury Road, Totton – Use as estate agents (Use Class A2)

**Public
Participants:** None

**Additional
Representations:** None

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

Decision: Planning consent

Conditions: As per report (Item A09).

Action: Martine Parkes

Application: 14/11333

Details: 2-6 Bridge Street, Fordingbridge – Variation of Condition 7 of Planning Permission 11/97536 to allow amended slab levels

**Public
Participants:** None

**Additional
Representations:** None

Comment: None

Decision: Planning consent

Conditions: As per report (Item A10).

Action: Martine Parkes

Application:	14/11334
Details:	Channel Hill Farm, High Street, North End, Damerham – Use as residential dwelling (Use Class C3); external alterations to include new windows; rooflights; doors; cladding; slate roof; flue; parking; landscaping; change of use of land from agriculture to residential curtilage; demolition of barn
Public Participants:	Mr Mainwaring – Applicant’s Agent Mr Tandy – Supporter of the application Parish Cllr Crane – Damerham Parish Council
Additional Representations:	None
Comment:	Members were advised that an additional condition should be imposed regarding the treatment of the metal hopper windows on the stable building.
Decision:	Head of Planning and Transportation authorised to grant planning consent subject to: (i) The completion of the requisite Agreement pursuant to S106 of the Town and Country Planning Act 1990 by 31 March 2015; and (ii) The imposition of conditions Failing which, Head of Planning and Transportation authorised to refuse consent.
Conditions/Agreements/Negotiations:	As per report (Item A11), with additional condition: 8: Notwithstanding the submitted Design and Access Statement and elevational drawing reference 1137-P-01 Rev. D and before development commences details and justification shall be submitted as to why the existing metal hopper windows in the stable building cannot be retained and reused. If the justification is considered acceptable full details of replacement windows including sectional drawings as set out under condition 3 (b) shall be submitted for approval. In the event that details are not approved by the Local Planning Authority, details of the restoration and repair of the windows shall be submitted for approval. Development shall only take place in accordance with the approved details. Reason: To ensure that the development takes place in an appropriate way in this sensitive location lying within the countryside, Conservation Area and Area of Outstanding Natural Beauty to comply

with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

Refusal Reasons: As per report (Item A11).

Action: Richard Natt

Application: 14/11386

Details: Land of 2 Malwood Gardens, Totton – House; associated parking and access

Public Participants: Mr Taylor – Applicant's Agent
Mr Noble - Objector

Additional Representations: None

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

The Committee was advised that the S106 Agreement in respect of this site had been completed which overcame reasons 2-4 for refusal, which were accordingly deleted from the recommendation.

In addition to the reason for refusal identified in the recommendation, the Committee considered that the proposed additional house, by creating a terrace and closing the visual gap between properties, would be harmful to the character of Malwood Close.

Decision: Refused

Refusal Reasons: Reason 1 from the report (Item A12) and

2. The proposed dwelling would detract from the open spacious character of this carefully planned estate and would detract from the character and appearance of the area being out of keeping with the street scene in an area which is characterised by detached and semi-detached properties. As a result the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Action: Steve Clothier and Martine Parkes

29. PROPOSED NEW FOREST DISTRICT COUNCIL REVISED 1APP (PLANNING APPLICATION) LOCAL REQUIREMENTS (REPORT B).

The Committee was advised of the responses that had been received to the consultation on the proposed amendment to the information submitted through the planning portal, to support the introduction of the Community Infrastructure Levy from 5 April 2015.

RESOLVED:

That the CIL Additional form is added to the Local 1APP Requirements.

Action: Dean Brunton

CHAIRMAN

(PDCC101214)