

8 JULY 2015

NEW FOREST DISTRICT COUNCIL

PLANNING DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Planning Development Control Committee held in the Council Chamber, Appletree Court, Lyndhurst on Wednesday, 8 July 2015

- * Cllr Mrs D E Andrews (Chairman)
- * Cllr Mrs C V Ward (Vice-Chairman)

Councillors:

- * P J Armstrong
- * Mrs S M Bennison
- * Mrs F Carpenter
- * A H G Davis
- * R L Frampton
- * L E Harris
- * D Harrison
- Mrs A Hoare

Councillors:

- * Mrs M D Holding
- A K Penson
- W S Rippon-Swaine
- Mrs A M Rostand
- Miss A Sevier
- * R A Wappet
- * M L White
- Mrs P A Wyeth

*Present

Officers Attending:

S Clothier, Miss J Debnam, C Elliott, Mrs J Garrity, D Groom, A Kinghorn, Miss G O'Rourke, Mrs V Potter, D Willis, D Gruber, Ms H Chalmers and Mrs E Harvey

Apologies:

Apologies for absence were received from Councillors Penson, Rippon-Swaine, Rostand, Sevier and Wyeth.

8 MINUTES

The minutes of the meeting held on 10 June 2015 were signed by the Chairman as a correct record.

9 DECLARATIONS OF INTEREST

Cllr Frampton disclosed a common law interest in applications 15/10409, 15/10560, 15/10577 and 15/10595 on the grounds that he was party to a planning appeal against the principle of applying policy CS15, requiring affordable housing contributions for developments of fewer than 10 homes. The consideration of each of those applications involved the same issue relating to affordable housing contributions.

Cllr White disclosed a non-pecuniary interest in applications 15/10228, 15/10485, 15/10577 and 15/10328 as a member of Lyminster and Pennington Town Council which had commented on the applications.

10 PLANNING APPLICATIONS FOR COMMITTEE DECISION

a Old Dolphin House, Quay Street, Lymington (Application 15/10228)

Details: Use as a café/coffee shop (Use Class A3)

Public Participants: Mr Savage – Applicant
Miss Badger – Objector

Additional Representations: Cllr Penson objected to the proposal.

Comment: Cllr White disclosed a non-pecuniary interest as a member of Lymington and Pennington Town 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.

The Committee was advised that the Environmental Health officer maintained concerns about the possibility of the proposed A3 use generating sufficient noise to represent a nuisance to the occupiers of the flat above the shop. As this was a listed building it was possible that there may be technical challenges in achieving sufficient noise insulation without affecting the historic fabric of the building. Accordingly the recommendation was amended to the Head of Planning and Transportation authorised to grant consent upon being satisfied with the arrangements for noise insulation, with the imposition of such conditions as he deemed appropriate.

The Committee was also advised that the storage of dustbins, although of concern locally, was not considered to be an issue for the determination of this application.

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

Conditions/Agreements/Negotiations: Upon being satisfied with the arrangements for sound insulation between the proposed A3 use and the flat above, with the imposition of such conditions as he deems appropriate, to include those set out in the report (Item 3a)

b 7 Duncan Road, Ashley, New Milton (Application 15/10336)

Details:	Single-storey front extension; fenestration alterations; roof lights
Public Participants:	Mr Johnson – Applicant’s Agent Town Cllr Hawkins – New Milton Town Council.
Additional Representations:	None
Comment:	None
Decision:	Planning consent
Conditions:	As per report (Item 3(b))

c Land of 8 Malthouse Gardens, Marchwood (Application 15/10409)

Details:	Two-storey extension to form dwelling
Public Participants:	Ms M Wathen – Marchwood Parish Council
Additional Representations:	None
Comment:	<p>Cllr Frampton disclosed a common law interest on the grounds that this application included the consideration of the requirement for a financial contribution towards affordable housing in compliance with policy CS15. As he was party to a planning appeal challenging the application of this policy to developments of fewer than 10 dwellings he concluded there was a danger that he could be perceived to be biased and consequently took no part in the consideration and did not vote.</p> <p>The officer’s recommendation was amended with revised wording for condition 3, which had been circulated in the update prior to the meeting.</p> <p>The Committee concluded that the additional development would have a significantly greater impact on the character and appearance of this area than the approved extension to the property through the introduction of additional parking spaces and other changes to the visible curtilage.</p>
Decision:	Refused.
Reasons:	1. The proposed development would, as a result of the increased level of car parking, removal of fencing and associated hard surfacing, result in a form of development that would be

out of character with the green, sylvan appearance of this area and give rise to a cramped form of development. As a result the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
3. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

d Springside, Lower Daggons Lane, South End, Damerham (Application 15/10471)

Details:	Detached carport
Public Participants:	Mr Sharpe - Applicant
Additional Representations:	None
Comment:	None
Decision:	Refused
Conditions:	As per report (Item 3(d))

-
- e 30 Cowley Road, Pennington, Lymington (Application 15/10485)**
- Details:** Retention of boundary fence
- Public Participants:** None
- Additional Representations:** None
- Comment:** Cllr White disclosed a non-pecuniary interest as a member of Lymington and Pennington Town Council which had commented on the application. He concluded that there were no grounds under common law to prevent him from taking part in the consideration and voting.
- Decision:** Planning consent
- Conditions:** As per report (Item 3(e))
-

- f 8 Knowland Drive, Milford-on-Sea (Application 15/10541)**
- Details:** House; partial demolition of existing
- Public Participants:** Mr Weston – Objector
Parish Cllr Banks – Milford on Sea Parish Council
- Additional Representations:** None
- Comment:** The Committee was advised that the report was incorrect in paragraph 14.2 in that the dwelling at no 11 Knowland Drive had been constructed as a house, not altered; while the bungalow at 7 Knowland Drive had not been altered as stated in paragraph 14.5.
- Decision:** Planning consent
- Conditions:** As per report (Item 3(f))
-

- g 37 Keyhaven Road, Milford-on-Sea (Application 15/10560)**
- Details:** 2 houses; 2 detached garages; parking; access from Keyhaven Road and Carrington Lane; demolition of existing buildings
- Public Participants:** Mr Brown – Applicant's Agent
Parish Cllr Banks – Milford on Sea Parish Council
- Additional Representations:** None

Comment: Cllr Frampton disclosed a common law interest on the grounds that this application included the consideration of the requirement for a financial contribution towards affordable housing in compliance with policy CS15. As he was party to a planning appeal challenging the application of this policy to developments of fewer than 10 dwellings he concluded there was a danger that he could be perceived to be biased and consequently took no part in the consideration and did not vote.

Decision: Refused

Reasons: As per report (Item 3(g))

h Land of Holly Cottage, 9 Wainsford Road, Pennington, Lymington (Application 15/10577)

Details: House

Public Participants: Mr Davis – Applicant’s Agent

Additional Representations: None

Comment: Cllr Frampton disclosed a common law interest on the grounds that this application included the consideration of the requirement for a financial contribution towards affordable housing in compliance with policy CS15. As he was party to a planning appeal challenging the application of this policy to developments of fewer than 10 dwellings he concluded there was a danger that he could be perceived to be biased and consequently took no part in the consideration and did not vote.

Cllr White disclosed a non-pecuniary interest as a member of Lymington and Pennington Town Council which had commented on the application. He concluded that there were no grounds under common law to prevent him from taking part in the consideration or voting.

Decision: Refused

Reasons: As per report (Item 3(h))

i 9 Hurst Road, Milford-on-Sea (Application 15/10595)

Details: 2 pairs of semi-detached houses; access; parking

Public Participants: Mr Holmes – Applicant’s Agent
Mr Compton – Objector
Parish Cllr Banks – Milford on Sea Parish Council

Additional Representations: None

Comment: Cllr Frampton disclosed a common law interest on the grounds that this application included the consideration of the requirement for a financial contribution towards affordable housing in compliance with policy CS15. As he was party to a planning appeal challenging the application of this policy to developments of fewer than 10 dwellings he concluded there was a danger that he could be perceived to be biased and consequently took no part in the consideration and did not vote.

The officer’s recommendation was amended by the inclusion of a condition to maintain the open character of the eastern part of the plot.

The Committee concluded that it was essential to maintain the current openness of the eastern part of this site. The open vista viewed to the right of the Sea Road junction with Hurst Road, when approaching along Sea Road, was an essential element of the character of this sensitive location. The views of the promenade and café, sweeping outwards to the sea, were very important. Similarly, the view from the promenade back towards the village was valued locally and should be protected. Within this context the Committee considered whether this current application overcame the objections raised by the Planning Inspectors in respect of previous appeals relating to the development of this site.

Members were satisfied that the previous objection on the grounds of highway safety had been satisfactorily overcome.

Members concluded that the removal of garages from the eastern side of the development and moving the building by 1 metre was not sufficient to overcome the objection raised to the intrusion of development into the open vista of the approach along Sea Road. A significant bulk of building would intrude into this view at 3 storey

height, and be visually obvious and imposing, seriously damaging the current character of the area. They considered that the indicative line suggested by the Inspector in respect of the most recent appeal did not fully respect the current views and a more precautionary approach was needed. They consequently also questioned whether, in principle, it would be possible for the site to accommodate 4 dwellings of a size and spacing that would be consistent with the character of this area without intruding upon the part of the site that it was essential should remain open. A previous appeal decision had reached this conclusion. The current application appeared cramped and out of character, failing to respect the natural rhythm of the surrounding development.

Decision: Refused.

Reasons:

1. The proposed development would compromise the open character of this area at the junction of Sea Road with Hurst Road as a result of the development's encroachment into the open vista, which would be exacerbated by the four dwellings proposed representing a contrived and cramped overdevelopment of the site that detracts from the openness, that is highly valued locally, when approaching the coast from Sea Road. As a result the proposed development would be out of character with this area contrary to Policy CS2 of the Core Strategy of the New Forest District outside the National Park
2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
3. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures

on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

11 PUBLIC PATH DIVERSION ORDER FOR THE LOFTS, LOWER PENNINGTON LANE, PENNINGTON, LYMINGTON

Cllr White disclosed a non-pecuniary interest as a member of Lymington and Pennington Town Council which had commented on the application. He concluded that there were no grounds under common law to prevent him from taking part in the consideration and voting.

Cllrs Frampton and Harrison noted that they had previously considered a related application at the New Forest National Park Authority but were satisfied that they could approach this current application with an open mind on the evidence before them. Similarly, their decision at this stage would be taken on the evidence before them and they reserved the right to change their view in the light of the information available should a related issue come before the National Park Authority in the future.

The Committee noted that there had been no objections received in respect of the consultations undertaken to date in respect of proposals to realign the public footpath at The Lofts, Lower Pennington Lane, Pennington. Indeed, the local member reported that the creation of a surfaced path which was distinctly separate from the private driveway would be a positive enhancement and promote the use of this route.

It was noted that if any objections were received in response to the present round of consultation, that could not be resolved through negotiation, the matter would need to be referred back to this Committee for determination.

RESOLVED:

- (a) That the Council's discretionary powers under S 257 of the Town and Country Planning Act 1990 be exercised to make an Order for consultation to allow the diversion of the public footpath at The Lofts, Lower Pennington Lane, Pennington from the alignment shown as A-B to that shown as C-I on the plan attached as an Appendix to Report item 4 considered by the Committee; and
- (b) That should no objections be received the officers be authorised to confirm the Order.

Chairman