

**14 OCTOBER 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, 14 October 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 J Hoare
- \* Mrs M D Holding

**Councillors:**

- \* J M Olliff-Cooper
- \* 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

**In attendance:**

**Councillor:**

S J Clarke

**Officers Attending:**

T Barnett, S Clothier, Miss J Debnam, Mrs C Eyles, D Groom, I Barker, Mrs E Beckett, Miss K Ellis, A Kinghorn, Miss S Locke, P McGowan, Miss G O'Rourke, G Worsley and N Whittington

**Apologies**

Apologies for absence were received from Councillors Harrison and Rostand.

**19 MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 9 September 2015 be signed by the Chairman as a correct record.

**20 DECLARATIONS OF INTEREST**

Cllr Armstrong disclosed a non-pecuniary interest in application 15/10986 as a member of Hythe and Dibden Parish Council which had commented on the application.

Cllr Clarke disclosed a non-pecuniary interest in applications 14/11441, 15/10601, 15/10784 and 15/10834 as a member of New Milton Town Council which had commented on the applications.

Cllr Davis disclosed a non-pecuniary interest in applications 15/11112 and 15/11190 as a member of Totton and Eling Town Council which had commented on the applications. He disclosed a further common law interest in application 15/11190 on the grounds that he was a close acquaintance of the applicants.

Cllr Frampton disclosed a disclosable pecuniary interest in application 15/ 11190 as the owner of the site.

Cllr Harris disclosed a non-pecuniary interest in applications 15/11112 and 15/11190 as a member of Totton and Eling Town Council which had commented on the applications. He disclosed a further common law interest in application 15/11190 on the grounds that he was a close acquaintance of the applicants.

Cllr Hoare disclosed a non-pecuniary interest in application 15/11254 as a member of Marchwood Parish Council which had commented on the application.

## 21 PLANNING APPLICATIONS FOR COMMITTEE DECISION

### a Land at 68-74 Old Milton Road, New Milton (Application 14/11441)

<b>Details:</b>	Development of 7 dwellings comprised; 1 two-storey block of 4 flats; 1 two-storey block of 2 flats; 1 detached house; cycle/bin stores; parking; landscaping
<b>Public Participants:</b>	Town Cllr Schooling – New Milton Town Council.
<b>Additional Representations:</b>	None
<b>Comment:</b>	Cllr Clarke disclosed a non-pecuniary interest as a member of New Milton 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. He did not have a vote.
<b>Decision:</b>	Planning consent.
<b>Conditions:</b>	As per report (Item 3(a)).

### b Coppice, 90 Barton Lane, Barton-on-Sea, New Milton (Application 15/10601)

<b>Details:</b>	Single-storey side extension; use of garage as ancillary accommodation
<b>Public Participants:</b>	Town Cllr Schooling – New Milton Town Council.
<b>Additional Representations:</b>	None

<b>Comment:</b>	Cllr Clarke disclosed a non-pecuniary interest as a member of New Milton 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. He did not have a vote.
<b>Decision:</b>	Planning consent.
<b>Conditions:</b>	As per report (Item 3(b)).

**c Land Adjacent 4 Brockhills Lane, Ashley, New Milton (Application 15/10784)**

<b>Details:</b>	7 detached houses; parking; landscaping; access from Brockhills Lane and Cullwood Lane
<b>Public Participants:</b>	Ms Evans – Applicant’s Agent Mrs Paul and Mrs Szumski – Objectors Town Cllr Schooling – New Milton Town Council.
<b>Additional Representations:</b>	The Highways Authority raised objection to the footbridge adjacent to 4 Brockhills Lane.
<b>Comment:</b>	<p>Cllr Clarke disclosed a non-pecuniary interest as a member of New Milton 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. He did not have a vote.</p> <p>The Committee was advised that the Highway Authority had now raised an objection to the proposed pedestrian footbridge adjacent to 4 Brockhills Lane and had suggested that their concerns could be overcome by the installation of a footpath along Brockhills Lane from 4 Brockhills Lane to the new junction into the development. This proposal would need to be subject to proper consultation and evaluation. The recommendation was accordingly amended to deferral.</p> <p>The public speakers indicated that they agreed to forgo speaking on this occasion and would speak once the application came before members for determination.</p> <p>In answer to questions the Committee was reassured that all the issues raised in the report would be before them for consideration when the application was brought back. The deferral did not indicate that other aspects of the development had been agreed.</p>

**Decision:** That consideration of this application be deferred to allow proper consultation and consideration of amended proposals.

**d Spring Lodge, Spring Lane, Ashley, New Milton (Application 15/10834)**

**Details:** Removal of Condition 7 of Planning Permission 08/91825 to remove requirement to retain car parking

**Public Participants:** Mr Giles – Objector  
Ms Wilson (representing Mr Korbey) – Objector  
Town Cllr Schooling – New Milton Town Council.

**Additional Representations:** None

**Comment:** Cllr Clarke disclosed a non-pecuniary interest as a member of New Milton 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. He did not have a vote.

The Committee was advised that the last sentence of section 6 of the report should refer to planning enforcement history in paragraphs 14.12 – 14.13 of the report.

The Committee carefully reviewed the evidence before them, including photographs of the site that included both Spring Lodge and Sunshine Cottage, and of Spring Lane in that vicinity. The Committee noted that, as this was a private road, the County Council had no jurisdiction in this matter. They had consequently raised no objection.

It was noted that the recent installation of fencing across the informal layby opposite the site had reduced the width of Spring Lane and removed the opportunity for vehicles to turn around. That layby was in separate, private, ownership and this application must therefore be judged on its own merits, separately from the layby.

While the Council no longer applied minimum standards for the provision of car parking the Committee considered that policy still required them to be mindful of the effects of displaced parking, with that requirement applying whether or not the affected road was adopted. All the other properties along Spring Lane used parking on-site to avoid obstruction. On-site parking was essential for correct traffic

management along Spring Lane, which would be impeded by parking outside properties and cause problems with respect to the flow of vehicles, including emergency vehicles, and the safe passage of pedestrians on the Lane.

Cllrs Davis, Frampton, Harris and Hoare asked that it be recorded that they voted against the decision in respect of this application.

**Decision:** Refused

**Refusal reasons:** The relief of condition 7 of planning consent 08/91825 would remove the need to retain any off road car parking on the site as required as a fundamental element of the development as first approved. As a result, inadequate car parking provision would be available within the site to serve the current and future parking needs of Spring Lodge and Sunshine Cottage and this causes a significant Traffic Management issue in that it would result in the parking of vehicles on Spring Lane which would interrupt the free flow of traffic on this narrow, unmade road and the ability of pedestrians to safely use the Lane to the detriment of highway safety and contrary to Policy CS2(c) of the Core Strategy for the New Forest District outside of the National Park 2009.

**e 58 Dale Road, Hythe (Application 15/10986)**

**Details:** Front dormers in association with new first floor; two-storey side extension; single-storey rear extension; basement garage; roof light; photovoltaic panels

**Public Participants:** Mrs Lovell – Applicant.

**Additional Representations:** None

**Comment:** Cllr Armstrong disclosed a non-pecuniary interest as a member of Hythe and Dibden Parish Council. He concluded that there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

**Decision:** Refused

**Refusal reasons:** As per report (Item 3(e)).

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<b>f</b>	<b>2 Calmore Gardens, Totton (Application 15/11112)</b>
<b>Details:</b>	House; detached garage; demolish existing
<b>Public Participants:</b>	Mr Austin – Applicant’s Agent.
<b>Additional Representations:</b>	None
<b>Comment:</b>	Cllrs Davis and Harris disclosed non-pecuniary interests as members of Totton and Eling Town Council which had commented on the application. They each determined that they would not speak or vote on this application.
<b>Decision:</b>	Planning consent.
<b>Conditions:</b>	As per report (Item 3(f)).

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<b>g</b>	<b>Marchwood Wharf, Oceanic Way, Marchwood (Application 15/11254)</b>
<b>Details:</b>	Installation and operation of an asphalt plant for a period of 5 years
<b>Public Participants:</b>	Mrs M Wathen – Marchwood Parish Council
<b>Additional Representations:</b>	Marchwood Parish Council - considered that the more recent traffic survey, of 2015, should be used to evaluate this application. Environmental Health Officer – was now satisfied that the proposed 17m stack was adequate. However, they requested the imposition of a condition to restrict the noise generated by the proposal. The suggested condition had been circulated in the update prior to the meeting.
<b>Comment:</b>	<p>Cllr Hoare disclosed a non-pecuniary interest as a member of Marchwood Parish Council which had commented on the application. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.</p> <p>Cllr Rippon-Swaine noted that this item would be determined by the County Council of which he was a member. He took no part in the consideration and did not vote.</p> <p>The officer’s recommendation was updated to take account of the additional representations received.</p> <p>The Committee considered that this proposal had the potential to cause serious harm to the living conditions of many residents of Marchwood if certain aspects, including that most of the materials used would be imported</p>

through the nearby wharf, were not secured. Other proposals to transport materials to businesses on this estate by water had been refused consent by the Ports Authority. Significant numbers of HGV movements would be generated close to residential areas, 24 hours a day, 7 days a week. In addition, the process of producing the asphalt had the potential to generate noise, dust and fumes, with a danger that a defence of best available techniques could be used and leave the local population vulnerable. The cumulative effect of this proposal together with other activities in this area should also be taken into account.

**Decision:**

That the County Council be advised that this Council raises the strongest objections to the proposal on the grounds that:

1. Consent should not be granted unless the applicant has secured the right to import the majority of materials through the nearby Marchwood Wharf and they have also obtained the necessary consents from the Port Authority. Without such consents the number of HGV movements would be significantly greater than set out in the proposal, which would have an unacceptably detrimental effect on the quality of life of local residents.
2. The cumulative effect of this proposal together with other developments that have been given consent in this area should be taken into account. Traffic movements, noise, dust and fumes from the industrial estate already affect the quality of life of large numbers of nearby residents and any additional impact must be assessed very critically within this context.
3. The potential for this plant, operating 24 hours a day, 7 days a week, to generate unreasonable levels of noise must be given proper consideration. Before any consent is granted the applicant should be required to prove that they can control the level of noise generated to no more than 9 decibels above ambient at the nearest noise sensitive premises between 07.00 and 19.00 on Mondays to Friday and 07.00 to 13.00 on Saturdays. At all other times there should be no more than 5 decibels above ambient at the nearest noise sensitive premises. The measures used should also take account of the potential amplification effects of temperature inversions. Otherwise, the company could use a defence that they have used the best available techniques to

- control noise generated, leaving the local population vulnerable should enforcement action become necessary.
4. In addition to concerns about the noise and disturbance created by HGV movements, the effect of large numbers of additional HGV movements on air quality must also be taken into account and a proper air quality assessment provided. Initial evaluation suggests that the number of HGV movements generated by this proposal should be controlled to be fewer than 100 a day, but this figure may be too generous when other contributory factors are taken into account.
  5. The information submitted with the proposal assesses road capacity based on traffic survey work undertaken in 2000. A further traffic survey was undertaken in 2015 that sets the current context within which this proposal should be judged. The use of 2000 information is misleading in the light of the significant development that has taken place in this area in recent years.
  6. Should consent be granted, lighting details should be agreed to ensure that the development does not cause unacceptable light pollution; and
  7. Should consent be granted, conditions should be imposed to ensure that any contamination of the land is properly identified and mitigated.

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<b>h</b>	<b>Co-Op Store, 6-7 Oak Tree Parade, Bransgore (Application 15/11135)</b>
<b>Details:</b>	Installation of 5 anti ram raid bollards
<b>Public Participants:</b>	None
<b>Additional Representations:</b>	None
<b>Comment:</b>	Cllr Frampton disclosed a disclosable pecuniary interest as the owner of the site. He took no part in the consideration and did not vote.
<b>Decision:</b>	Planning consent.
<b>Conditions:</b>	As per report (Item 3(h)).

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<b>i</b>	<b>4 Shakespeare Drive, Totton (Application 15/11190)</b>
<b>Details:</b>	Single-storey rear extension
<b>Public Participants:</b>	None
<b>Additional Representations:</b>	None
<b>Comment:</b>	Cllrs Davis and Harris disclosed non-pecuniary interests as members of Totton and Eling Town Council which had commented on the application. They disclosed a further interest on the grounds that they were both close acquaintances of the applicants. As they may be perceived to be biased they concluded that there were grounds under common law to prevent them from taking part. They left the meeting for the consideration and voting.
<b>Decision:</b>	Planning consent.
<b>Conditions:</b>	As per report (Item 3(i)).

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<b>j</b>	<b>7 Arnolds Close, Barton-on-Sea, New Milton (Application 15/11088)</b>
<b>Details:</b>	Retention of garage roof alterations; re-clad garage walls
<b>Public Participants:</b>	Mrs Day – Objector Town Cllr Schooling – New Milton Town Council
<b>Additional Representations:</b>	None
<b>Comment:</b>	Cllr Clarke disclosed a non-pecuniary interest as a member of New Milton 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. He did not have a vote.
<b>Decision:</b>	Planning consent.
<b>Conditions:</b>	As per report (Item 3(j)).

CHAIRMAN