

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 9 NOVEMBER 2016, AT 9.00 AM\*

**Place:** THE COUNCIL CHAMBER, APPLETREE COURT,  
LYNDHURST

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023 8028 5588 - ask for Jan Debnam  
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### **PUBLIC PARTICIPATION:**

**\*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Development Control Administration on Tel: 02380 285345 or E-mail: [DCAdministration@nfdc.gov.uk](mailto:DCAdministration@nfdc.gov.uk)**

**Bob Jackson**  
Chief Executive

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**This Agenda is also available on audio tape, in Braille, large print and digital format**

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## AGENDA

### **Apologies**

#### **1. MINUTES**

To confirm the minutes of the meeting held on 12 October 2016 as a correct record.

#### **2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

#### **3. PLANNING APPLICATIONS FOR COMMITTEE DECISION**

To determine the applications set out below:

(a) **Land off Forest Oak Drive, New Milton (Application 16/11323) (Pages 1 - 8)**

Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping

**RECOMMENDED:**

Raise no objection subject to resolution of the provision of public open spaces, habitats mitigation and detailed matters of design

(b) **Land rear of 9 Jacobs Gutter Lane, Totton (Application 16/10150) (Pages 9 - 14)**

Application for the Modification or Discharge of a Section 106 Obligation in respect of Planning Permission 16/10150 for 2 houses; parking; landscaping; drop kerb

**RECOMMENDED:**

That the S106 Affordable Housing Obligation be discharged in full and that the Service Manager Planning and Building Control be authorised to vary the Section 106 legal agreement accordingly

(c) **Merryfield Park, Derritt Lane, Sopley (Application 16/10497) (Pages 15 - 42)**

Development of 22 dwellings comprised: 7 houses; 4 chalet bungalows; 2 pairs of semi-detached houses; 1 terrace of 3 houses; 1 terrace of 4 houses; garages; cycle stores; parking; roadways; landscaping; demolition of existing buildings

**RECOMMENDED:**

Service Manager Planning and Building Control authorised to grant planning consent subject to the completion by 30 October 2016 of an agreement pursuant to S106 of the Town and Country Planning Act 1990 and with the imposition of conditions

(d) **Former Nursery Site, Hordle Lane, Hordle (Application 16/10725) (Pages 43 - 60)**

Development of 17 dwellings comprised: 7 pairs of semi-detached houses; 2 semi-detached dormer bungalows and a detached house; parking; allotments; landscaping; access (amended plans and description)

**RECOMMENDED:**

Service Manage Planning and Building Control authorised to grant planning consent subject to the completion by 30 December 2016 of an agreement pursuant to S106 of the Town and Country Planning Act 1990 and with the imposition of conditions

- (e) **Land west of 19-20 Sopley (Application 16/10809) (Pages 61 - 68)**

Greenhouse and shed (retrospectively)

**RECOMMENDED:**

Refuse

- (f) **Thornfields, 8 Milford Road, Pennington, Lymington (Application 16/10960) (Pages 69 - 78)**

Single-storey side and rear extensions; first-floor rear extension; lantern rooflights; fire escapes

**RECOMMENDED:**

Planning consent subject to conditions

- (g) **4 Fullerton Road, Pennington, Lymington (Application 16/10989) (Pages 79 - 86)**

Rear extension; raise roof height; 3 rear dormers, 2 front dormers and rooflight in association with new first floor; fenestration alterations; porch; detached garage; raised steps on rear elevation (Retrospective)

**RECOMMENDED:**

Planning consent subject to conditions

- (h) **Slaughter House, Sky End Lane, Hordle (Application 16/11027) (Pages 87 - 104)**

Use of land as residential curtilage; house; garage; barn; access; demolition of existing buildings (amended plans)

**RECOMMENDED:**

That the Service Manager Planning and Building Control be authorised to grant planning consent subject to the receipt of no new material objections to the submitted amended plans before 15 November 2016 and with the imposition of conditions

- (i) **27 High Street, Milford-on-Sea (Application 16/11030) (Pages 105 - 112)**

Use as craft beer bar (Use Class A4)

**RECOMMENDED:**

Planning consent subject to conditions

- (j) **Moorland House Rest Home, 20 Barton Court Avenue, Barton-on-Sea, New Milton (Application 16/11087) (Pages 113 - 120)**  
Single-storey rear extension  
**RECOMMENDED:**  
Planning consent subject to conditions
- (k) **226 Southampton Road, Ringwood (Application 16/11154) (Pages 121 - 130)**  
One and two-storey rear extension; detached house; parking; access from Wessex Road  
**RECOMMENDED:**  
Refuse
- (l) **Land of Elgin House, Roman Road, Dibden Purlieu (Application 16/11187) (Pages 131 - 140)**  
Detached house; shed  
**RECOMMENDED:**  
Planning consent subject to conditions
- (m) **9 Marine Drive West, Barton-on-Sea, New Milton (Application 16/11188) (Pages 141 - 146)**  
Boundary wall; gates  
**RECOMMENDED:**  
Planning consent subject to conditions
- (n) **Land of 2 East View Road, Ringwood (Application 16/11250) (Pages 147 - 154)**  
Bungalow; parking  
**RECOMMENDED:**  
Refuse
- (o) **Land of Holly Cottage, 9 Wainsford Road, Pennington, Lymington (Application 16/11266) (Pages 155 - 166)**  
House  
**RECOMMENDED:**  
Planning consent subject to conditions

- (p) **3 Lower Buckland Road, Lymington (Application 16/11288) (Pages 167 - 174)**

House; detached garage; parking; access (Outline application with details only of access)

**RECOMMENDED:**

Refuse

- 4. AMENDMENT OF THE COUNCIL'S DELEGATION SCHEME REGARDING AFFORDABLE HOUSING PROVISION ON SMALL SCALE DEVELOPMENT SITES (Pages 175 - 180)**

To amend the Committee's delegated powers to allow the officers to determine applications for developments of fewer than 10 dwellings.

- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**To: Councillors:**

Mrs D E Andrews (Chairman)  
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  
M H Thierry  
R A Wappet  
Mrs C V Ward (Vice-Chairman)  
M L White  
Mrs P A Wyeth

## **STATUTORY TESTS**

### **Introduction**

In making a decision to approve or refuse planning applications, or applications for listed building consent, conservation area consent and other types of consent, the decision maker is required by law to have regard to certain matters.

The most commonly used statutory tests are set out below. The list is not exhaustive. In reaching its decisions on the applications in this agenda, the Committee is obliged to take account of the relevant statutory tests.

### **The Development Plan**

#### **The Development Plan Section 38**

The Development Plan comprises the local development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If regard is to be had to the Development Plan for the purpose of any determination to be made the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Listed Buildings**

#### **Section 66 General duty as respects listed buildings in exercise of planning functions. Planning (Listed Buildings and Conservation Areas) Act 1990**

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.

### **Conservation Areas**

#### **Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990**

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

## **Areas of Outstanding Natural Beauty (AONB's)**

### Section 85. General duty as respects AONB's in exercise of any function Countryside and Rights of Way Act 2000

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

## **Trees**

### Section 197. Trees Town and Country Planning Act 1990

It shall be the duty of the local planning authority (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

## **Biodiversity**

### Section 40. Duty to conserve biodiversity Natural Environment and Rural Communities Act 2006

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

### Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

Any development involving the creation of new residential units within the District will have such an impact because of the resulting cumulative recreational pressure on these sensitive sites. Under Policy DM3 of the adopted Local Plan Part 2, the Council's general approach is to recognise that the impact is adequately mitigated through the payment of contributions for the provision of alternative recreational facilities, management measures and monitoring.

## **Equality**

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Financial Considerations in Planning**

Section 70 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 requires all reports dealing with the determination of planning applications to set out how “local financial considerations” where they are material to the decision have been dealt with. These are by definition only Community Infrastructure Levy (CIL) payments and government grant in the form of the New Homes Bonus.

New Forest District Council adopted a CIL charging schedule on 14 April 2014. The implementation date for the charging schedule is 6 April 2015. The New Homes Bonus Grant is paid to the Council by the Government for each net additional dwelling built in the District. The amount paid depends on the Council tax banding of the new dwellings and ranges between £798 and £2,304 per annum for a six year period. For the purposes of any report it is assumed that all new dwellings are banded D (as we don't actually know their band at planning application stage) which gives rise to grant of £1152 per dwelling or £6,912 over six years.