

**9 NOVEMBER 2016**

**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, 9 November 2016

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  
\* M H Thierry  
\* R A Wappet  
\* M L White  
Mrs P A Wyeth

\*Present

**In attendance:**

**Councillors:**

M A Steele

**Officers Attending:**

S Clothier, Miss J Debnam, Mrs C Eyles, D Groom, A Kinghorn, C Elliott, Ms K Cattermole, J Ditta, Mrs J Garrity and G Worsley

**Apologies**

Apologies for absence were received from Cllr Mrs D E Andrews.

**23 MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 12 October 2016 be signed by the Chairman as a correct record.

**24 DECLARATIONS OF INTEREST**

Cllr Armstrong disclosed a non-pecuniary interest in application 16/11187 as a member of Hythe and Dibden Parish Council which had commented on the application.

Cllr Davis disclosed a non-pecuniary interest in application 16/10150 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Frampton disclosed a non-pecuniary interest in application 16/10497 as a member of Bransgore Parish Council which had commented on the application.

Cllr L Harris disclosed a non-pecuniary interest in application 16/10150 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Harrison disclosed a non-pecuniary interest in application 16/11323 as a member of Hampshire County Council which was the applicant.

Cllr Hoare disclosed a non-pecuniary interest in application 16/10960 on the basis that she knew the applicants.

Cllr Penson disclosed a non-pecuniary interest in applications 16/10960, 16/10989 and 16/11266 as a member of Lyminster and Pennington Town Council which had commented on the applications.

Cllr Rippon-Swaine disclosed a non-pecuniary interest in applications 16/11154 and 16/11250 as a member of Ringwood Town Council which had commented on the applications. He disclosed a non-pecuniary interest in application 16/11323 as a member of Hampshire County Council, which was the applicant. He disclosed a non-pecuniary interest in application 16/10809 as he knew the applicant.

Cllr Rostand disclosed a non-pecuniary interest in applications 16/10960, 16/10989 and 16/11266 as a member of Lyminster and Pennington Town Council which had commented on the applications.

Cllr Steele disclosed a non-pecuniary interest in application 16/10497 as a member of Bransgore Parish Council which had commented on the application.

Cllr Thierry disclosed a non-pecuniary interest in applications 16/11154 and 16/11250 as a member of Ringwood Town Council which had commented on the applications.

Cllr White disclosed a non-pecuniary interest in applications 16/10960, 16/10989 and 16/11266 as a member of Lyminster and Pennington Town Council which had commented on the applications.

Cllr Wyeth disclosed a non-pecuniary interest in application 16/11187 as a member of the New Forest National Park Authority which had commented on the application.

## 25 PLANNING APPLICATIONS FOR COMMITTEE DECISION

---

- a Land off Forest Oak Drive, New Milton (Application 16/11323)**
- Details:** Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping
- Public Participants:** Mr Flood – Applicant’s representative  
Ms Hague – Applicant’s representative
- Additional Representations:** The Urban Design Officer maintained his concerns
- Comment:** Cllrs Harrison and Rippon-Swaine disclosed non-pecuniary interests as members of Hampshire County Council which was the applicant and would be determining the application.
- Members were advised that amended plans had been received that moved the access and altered/improved the habitat enhancement and landscaping proposals. The County Council had also confirmed that they would make a payment, as required for the mitigation of the impact of the development on internationally designated sites.
- The Officer’s recommendation was amended as set out in the update circulated prior to the meeting.
- Decision:** That the County Council be advised that:
- (a) while there is no objection in principle to the development of this site with the type of accommodation proposed the current scheme does not appear to be design led; it does not relate well to the context of the site; or relate appropriately to the existing area of public open space; or make any provision for additional public open space;
  - (b) In addition, having regard to the Habitats Regulations, the County Council are reminded that they are the Competent Authority in respect of ensuring that the development provides mitigation for the impact of the development on internationally designated sites;

- (c) Concerns are also expressed about the impact of car headlights shining into nearby properties as a result of the use of the access.

---

<b>b</b>	<b>Land rear of 9 Jacobs Gutter Lane, Totton (Application 16/10150)</b>	
	<b>Details:</b>	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
	<b>Public Participants:</b>	None
	<b>Additional Representations:</b>	None
	<b>Comment:</b>	Cllrs Davis and L Harris 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.
	<b>Decision:</b>	That the S106 affordable housing obligation be discharged in full and the Service Manager Planning and Building Control be authorised to vary the Section 106 agreement accordingly.

---

<b>c</b>	<b>Merryfield Park, Derritt Lane, Sopley (Application 16/10497)</b>	
	<b>Details:</b>	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
	<b>Public Participants:</b>	Mr Nash – Applicant’s representative Mr Emmel - Objector
	<b>Additional Representations:</b>	The applicant had submitted further evidence on the historical arrangements for drainage on this site.  Wessex Water had confirmed that they were satisfied that foul discharges from the site were made to the public sewer.

<b>Comment:</b>	<p>Cllrs Frampton and Steele disclosed non-pecuniary interests as members of Bransgore Parish 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, in the case of Cllr Frampton, to vote. Cllr Steele did not have a vote.</p> <p>The Committee was advised of an amendment to the report, as set out in the update circulated prior to the meeting. In addition the period for the completion of the S106 Agreement was extended to 31 January 2017.</p>
<b>Decision:</b>	<p>Service Manager Planning and Building Control authorised to grant planning consent subject to the completion by 31 January 2017 of the requisite S106 agreement and with the imposition of conditions. If the Agreement has not been completed by that date, Service Manager Planning and Building Control authorised to refuse consent.</p>
<b>Conditions/ Agreements/ Negotiations:</b>	<p>As per report (Item 3(c)).</p>
<b>Refusal reasons:</b>	<p>As per report (Item 3(c)).</p>

**d Former Nursery Site, Hordle Lane, Hordle (Application 16/10725)**

<b>Details:</b>	<p>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)</p>
<b>Public Participants:</b>	<p>Parish Cllr Brown – Hordle Parish Council</p>
<b>Additional Representations:</b>	<p>Hordle Parish Council maintained their objections in respect of the amended plans.</p> <p>The Environment Agency raised no objection following confirmation of the arrangements for the disposal of foul drainage.</p> <p>The Ecologist raised no objection subject to the imposition of a condition.</p> <p>The Tree Officer asked for the imposition of additional conditions.</p>

The Urban Design Officer supported the proposal subject to the resolution of the location of the highway drainage apparatus.

Two further letters of objection in the same terms as set out in the report and in addition raising concerns about the safety of the footpath, the access position and car parking provision.

Further details of these representations were set out in the update circulated prior to the meeting.

**Comment:**

The Officer's recommendation was amended by the imposition of additional conditions as requested by the Ecologist and Tree Officer, and the pre-requisites to the granting of consent were supplemented by the requirement to resolve the surface water drainage arrangements and the location of the highway drainage apparatus, as set out in the update circulated prior to the meeting.

**Decision:**

Service Manager Planning and Building Control authorised to grant planning consent subject to the completion by 30 December 2016 of the requisite S106 agreement and with the imposition of conditions. If the Agreement has not been completed by that date, Service Manager Planning and Building Control authorised to refuse consent.

**Conditions/  
Agreements/  
Negotiations:**

As per report (Item 3(d)), with the pre-requisites to the granting of consent to also include:

- iii) the satisfactory resolution of the surface water drainage on the site in conjunction with Hampshire County Council Flood Water Management Team.
  - iv) the satisfactory resolution of the location of highway drainage apparatus.
- and the following additional conditions:

13. Prior to the commencement of development the final details of biodiversity mitigation, compensation and enhancement, in respect of dormice and reptiles, shall be carried out by an appropriately qualified consultant and be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures of mitigation and compensation shall be implemented in accordance with an approved programme of works.

Reason: To safeguard protected species and to ensure the Council has control over the content and delivery of biodiversity measures in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

- 14.No development, demolition or site clearance shall take place until a plan showing service routes, including the position of soakaways and location of site compound and mixing areas has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

- 15.No development, demolition or site clearance shall take place until a method statement and engineering drawings for the foundation design of the approved development and the proposed footpath along the site frontage has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

**Refusal reasons:** As per report (Item 3 (d))

---

<b>e</b>	<b>Land west of 19-20 Sopley (Application 16/10809)</b>	
	<b>Details:</b>	Greenhouse and shed (retrospective)
	<b>Public Participants:</b>	Mr Benton Jones – Applicant Mr Davies – Applicant’s Agent.
	<b>Additional Representations:</b>	None
	<b>Comment:</b>	Cllr Rippon-Swaine disclosed an interest on the grounds that he knew the applicant. He concluded that the degree of acquaintance was sufficient to create an impression of bias and consequently took no part in the consideration and did not vote.  The Committee noted that an horticultural use of this field in the green belt was acceptable in policy terms. They concluded that, provided the greenhouse continued to serve the nearby Sopley Mill, and remained of a modest scale, it would not harm the green belt or Conservation area.
	<b>Decision:</b>	Planning consent
	<b>Conditions:</b>	Subject to such conditions as the Service Manager Planning and Building Control deems appropriate, to include that the greenhouse and shed shall be removed should they no longer be required to supply plants to Sopley Mill.

---

<b>f</b>	<b>Thornfields, 8 Milford Road, Pennington, Lymington (Application 16/10960)</b>	
	<b>Details:</b>	Single-storey side and rear extensions; first-floor rear extension; lantern rooflights; fire escapes
	<b>Public Participants:</b>	None
	<b>Additional Representations:</b>	None
	<b>Comment:</b>	Cllrs Penson and White disclosed non – pecuniary interests as members of Lymington and Pennington 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.



Cllr Hoare disclosed a non-pecuniary interest on the grounds that she knew the applicant. She concluded that the degree of acquaintance was sufficient to create an impression of bias and consequently took no part in the consideration and did not vote.

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

**Decision:** Planning consent

**Conditions:** As per report (Item 3(f)).

**g 4 Fullerton Road, Pennington, Lymington (Application 16/10989)**

**Details:** 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)

**Public Participants:** Mr Larkin - Objector

**Additional Representations:** None

**Comment:** Cllr White and Penson disclosed non-pecuniary interests as members of Lymington and Pennington 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.

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

The Committee noted that alterations to the roof of this property had been granted consent on appeal but had not been constructed in accordance with the conditions imposed by the Inspector. They considered whether the changes were materially harmful.

Members considered that, as built, the roof alterations were unacceptable in a number of respects. The design of the roof and use of dark slate, in an area where the roofing material was very predominantly tile, was visually jarring and out of character with the area.

The increase in size in the dormers, the additional area of glazing and the raising of the dormers cumulatively increased the visual intrusion and overlooking of the neighbouring properties to the rear.

**Decision:** Refused

**Refusal reasons::**

1. The development, by reason of the increased number, overall shape and form of the dormer windows combined with the inappropriate roofing materials, in this prominent location, would be out of character with the area and as such would be contrary to Policy CS2 of the Core Strategy for the New Forest outside of the National Park and Chapter 7 of the National Planning Policy Framework.
2. The increase in the number and height of dormer windows on the rear elevation, combined with the associated increase in the area of glazing would result in real and perceived overlooking to adjoining residential properties to the detriment of their reasonable amenity. As such would be contrary to Policy CS2 of the Core Strategy for the New Forest outside of the National Park and Chapter 7 of the National Planning Policy Framework.

**h Slaughter House, Sky End Lane, Hordle (Application 16/11027)**

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

**Public Participants:** Mr Baldwin – Applicant  
Mr McDermott – Applicant’s Agent

**Additional Representations:** None

**Comment:** None

**Decision:** Service Manager Planning and Building Control authorised to grant planning consent.

**Conditions/Agreements/Negotiations:** As per report (Item 3(h)).

- 
- i**      **27 High Street, Milford-on-Sea (Application 16/11030)**
- Details:**                      Use as craft beer bar (Use Class A4)
- Public Participants:**      None
- Additional Representations:**      None
- Comment:**                      The Officer's recommendation was amended by revised wording for Condition 5 to meet the requirement of the Environmental Health Officer.
- Decision:**                      Planning consent
- Conditions:**                      As per report (Item 3(i)), with revised wording for condition 5:
5. Before the use hereby approved is operated, details of measures to be undertaken to reduce sound transmission emanating from the building housing the hereby approved A4 use to an agreed level, shall be submitted to and approved in writing by, the Local Planning Authority. The submitted details shall include an acoustic assessment of the sound insulation quality of the fabric of the building housing the hereby approved A4 Use and the existing noise level (NR Level) within the accommodation directly above when unoccupied and with windows closed, to be undertaken by an appropriately qualified consultant. The development shall only take place in accordance with the approved details.
- Reason: In the interest of the amenity of the adjoining neighbouring properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
- 

- j**      **Moorland House Rest Home, 20 Barton Court Avenue, Barton-on-Sea, New Milton (Application 16/11087)**
- Details:**                      Single-storey rear extension
- Public Participants:**      None
- Additional Representations:**      None

**Comment:** None

**Decision:** Planning consent

**Conditions:** As per report (Item 3(j)).

**k**     **226 Southampton Road, Ringwood (Application 16/11154)**

**Details:** One and two-storey rear extension; detached house; parking; access from Wessex Road

**Public Participants:** Miss King – Applicant’s Agent

**Additional Representations:** The Highways Engineer raised no objection.

**Comment:** Cllrs Rippon-Swaine and Thierry disclosed non-pecuniary interests as members of Ringwood 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 vote.

**Decision:** Refused

**Refusal Reasons:** As per report (Item 3(k)).

**l**     **Land of Elgin House, Roman Road, Dibden Purlieu (Application 16/11187)**

**Details:** Detached house; shed

**Public Participants:** None

**Additional Representations:** None

**Comment:** Cllr Armstrong 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 3(l)).

---

<b>m</b>	<b>9 Marine Drive West, Barton-on-Sea, New Milton (Application 16/11188)</b>
<b>Details:</b>	Boundary wall; gates
<b>Public Participants:</b>	None
<b>Additional Representations:</b>	None
<b>Comment:</b>	None
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	As per report (Item 3(m)).

---

<b>n</b>	<b>Land of 2 East View Road, Ringwood (Application 16/11250)</b>
<b>Details:</b>	Bungalow; parking
<b>Public Participants:</b>	Mr Davies – Applicant’s Agent Mr Clark - Objector
<b>Additional Representations:</b>	Ringwood Town Council had amended their observations, as set out in detail in the update circulated prior to the meeting.
<b>Comment:</b>	Cllrs Rippon-Swaine and Thierry disclosed non-pecuniary interests as members of Ringwood 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.
<b>Decision:</b>	Refused
<b>Refusal Reasons:</b>	As per report (Item 3(n)).

---

<b>o</b>	<b>Land of Holly Cottage, 9 Wainsford Road, Pennington, Lymington (Application 16/11266)</b>
<b>Details:</b>	House
<b>Public Participants:</b>	None
<b>Additional Representations:</b>	The Highways Engineer raised no objection, subject to the imposition of conditions.

<b>Comment:</b>	Cllr White and Penson disclosed non-pecuniary interests as members of Lymington and Pennington 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.
	Cllr Rostand was not present for the determination of this application.
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	As per report (Item 3(o)).

- p     **3 Lower Buckland Road, Lymington (Application 16/11288)**  
**Details:**                     House; detached garage; parking; access  
   (Outline application with details only of access)
- This application was withdrawn by the applicants by e-mail dated 8 November 2016

**26     AMENDMENT OF THE COUNCIL'S DELEGATION SCHEME REGARDING AFFORDABLE HOUSING PROVISION ON SMALL SCALE DEVELOPMENT SITES**

Following a change in Government policy that prevented this Council from collecting affordable housing contributions on developments of fewer than 10 dwellings, the Committee considered a change to the powers delegated to the officers to allow them to determine applications where this was the sole issue that would require the application to be referred to the Committee for determination.

**RESOLVED:**

That the Scheme of Delegation of Powers to Officers be amended to allow decisions to be made that do not accord with the provisions of the Development Plan solely with respect to the requirement for the provision of affordable housing where the development is of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm under Policy CS15 of the Core Strategy.

CHAIRMAN