

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 14 DECEMBER 2016, AT 9.00 AM\*

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

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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 9 November 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) **Old Forge, Salisbury Road, Breamore (Application 16/10603) (Pages 1 - 6)**

Retention of ground and first floor partition work and first floor side window, blocking up of rear door, reversal of staircase, provision of steps to kitchen and utility area (retrospective) (Application for Listed Building Consent)

**RECOMMENDED:**

Grant Listed Building Consent

- (b) **Bus Station, 44 High Street, Lymington (Application 16/10754) (Pages 7 - 20)**

17 sheltered apartments for the elderly; retail unit; communal facilities; access; underground car parking; bin store; landscaping; demolition of existing (Amended plans and description)

**RECOMMENDED:**

Refuse

- (c) **Solent Works, North Close, Lymington (Application 16/10886) (Pages 21 - 36)**

One two/three/four-storey block of 41 retirement flats including communal facilities, access; parking; landscaping; demolition of existing

**RECOMMENDED:**

Service Manager Planning and Building Control authorised to grant planning consent subject the completion by 31 January 2017 of an agreement pursuant to S106 of the Town and Country Planning Act 1990 and with the imposition of conditions.

- (d) **Land opposite Broadmead Trees Farmhouse, Broadmead, Sway, Hordle (Application 16/11151) (Pages 37 - 56)**

2 detached houses; detached garage; demolition of existing buildings

**RECOMMENDED:**

Planning consent subject to conditions

- (e) **Land Adjacent Trident Business Park, Shore Road, Hythe (Application 16/11237) (Pages 57 - 66)**

6 industrial units in three blocks; parking; landscaping

**RECOMMENDED:**

Planning consent subject to conditions

- (f) **6 Castle Close, Milford-on-Sea (Application 16/11280) (Pages 67 - 74)**  
Rear dormer, rooflights; Juliet balcony in association with new second floor  
**RECOMMENDED:**  
Planning consent subject to conditions
- (g) **Ashford House, Ashford Road, Fordingbridge (Application 16/11290) (Pages 75 - 82)**  
Two-storey side extension; single-storey extensions; roof alterations; fenestration alterations  
**RECOMMENDED:**  
Refuse
- (h) **Chewton Glen Hotel, Christchurch Road, New Milton (Application 16/11333) (Pages 83 - 90)**  
2 detached guest lodges; parking; landscaping  
**RECOMMENDED:**  
Refuse
- (i) **16 Western Road, Lymington (Application 16/11354) (Pages 91 - 98)**  
Use as 1 residential unit; fenestration alterations to ground floor rear and side elevations  
**RECOMMENDED:**  
Planning consent subject to conditions
- (j) **Land of Garden House, Private Road, Marsh Lane, Lymington (Application 16/11361) (Pages 99 - 106)**  
House; access; parking  
**RECOMMENDED:**  
Refuse
- (k) **45 Barton Court Avenue, Barton-on-Sea, New Milton (Application 16/11385) (Pages 107 - 116)**  
Variation of Condition 2 of Planning Permission 16/10758 to vary plan numbers 8502/500, 8502/501 to allow attached garage and front dormer to unit 1 and remove window on south elevation, rooflight, cladding and fenestration alterations to rear of unit 2

**RECOMMENDED:**

Grant Variation of Condition

- (l) **The Fusion Inn, Queen Street, Lymington (Application 16/11391) (Pages 117 - 122)**

Bi-fold door; alter door; double glazed window to block side door; landscape front terrace and rear garden

**RECOMMENDED:**

Refuse

- (m) **The Fusion Inn, Queen Street, Lymington (Application 16/11392) (Pages 123 - 128)**

Bi-fold door; form entrance lobby; alter door; create door and stud walls; double glazed window to block side door; stud wall to create prep area; bar alterations; landscape front terrace and rear garden (Application for Listed Building Consent)

**RECOMMENDED:**

Refuse

- (n) **Pound Cottage, High Street, North End, Damerham (Application 16/11371) (Pages 129 - 136)**

Single-storey extensions; porch; bay window extension

**RECOMMENDED:**

Refuse

- (o) **Pound Cottage, High Street, North End, Damerham (Application 16/11372) (Pages 137 - 144)**

Single-storey extensions; porch; bay window extension (Application for Listed Building Consent)

**RECOMMENDED:**

Refuse

**4. PROPOSED NEW FOREST DISTRICT COUNCIL REVISED 1APP (PLANNING APPLICATION) LOCAL REQUIREMENTS (Pages 145 - 156)**

To consider the comments received in response to consultations on potential revisions to the Scheme and to approve the revisions.

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

<b>To:</b>	<b>Councillors:</b>	<b>Councillors:</b>
	Mrs D E Andrews (Chairman)	J M Olliff-Cooper
	P J Armstrong	A K Penson
	Mrs S M Bennison	W S Rippon-Swaine
	Mrs F Carpenter	Mrs A M Rostand
	A H G Davis	Miss A Sevier
	R L Frampton	M H Thierry
	L E Harris	R A Wappet
	D Harrison	Mrs C V Ward (Vice-Chairman)
	Mrs A J Hoare	M L White
	Mrs M D Holding	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.