

**8 FEBRUARY 2017**

**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 February 2017

- \* 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
- \* L E Harris
- \* D Harrison
- \* Mrs A J Hoare
- \* Mrs M D Holding
- \* J M Olliff-Cooper

**Councillors:**

- \* 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:**

G C Beck

**Councillors:**

Ms L C Ford

**Officers Attending:**

I Barker, T Barnett, J Bennett, S Clothier, Ms J Colclough, Miss J Debnam, Mrs C Eyles, D Groom, A Kinghorn and Miss G O'Rourke

**Apologies:**

Apologies for absence were received from Cllrs Rostand and Sevier.

**36 MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 11 January 2017 be signed by the Chairman as a correct record.

**37 DECLARATIONS OF INTEREST**

Cllr D E Andrews disclosed a disclosable pecuniary interest in Minute 40 on the grounds that the decision might affect her financial affairs.

Cllr Beck disclosed a non-pecuniary interest in applications 13/11276, 16/11255 and 16/11382 as a member of New Milton Town Council which had commented on the application.

Cllr Penson disclosed a non-pecuniary interest in applications 16/11466, 16/11482, 16/11548, 16/11644 and 16/11701 as a member of Lymington and Pennington Town Council which had commented on the applications. He also disclosed a disclosable pecuniary interest in application 16/10764 as a member of Lymington and Pennington Town Council which were potential parties to the S106 Agreement.

Cllr Rippon Swaine disclosed a non-pecuniary interest in application 16/11553 as a member of Ringwood Town Council which had commented on the application.

Cllr Thierry disclosed a non-pecuniary interest in application 16/11553 as a member of Ringwood Town Council which had commented on the application. He disclosed a further interest on the grounds that the applicant was a client of his business.

Cllr Wappet disclosed a non-pecuniary interest in application 16/10861 as a member of Fawley Parish Council which had commented on the application.

Cllr White disclosed a non-pecuniary interest in applications 16/11466, 16/11482, 16/11548, 16/11644 and 16/11701 as a member of Lymington and Pennington Town Council which had commented on the applications. He also disclosed a disclosable pecuniary interest in application 16/10764 as a member of Lymington and Pennington Town Council which were potential parties to the S106 Agreement. Cllr White also disclosed a non-pecuniary interest in applications 16/11116 and 16/11315 on the grounds that he knew the applicant.

### 38 PLANNING APPLICATIONS FOR COMMITTEE DECISION

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**a Land South of Lymington Road, New Milton (Application 13/11276)**

**Details:** 4 houses; site of alternative natural green space; access (Outline Application with details only of access)

**Public Participants:** Mr Parke – Applicant's Agent  
Mr Sherrad – Objector  
Mr Wheeler – Objector

**Additional Representations:** 1 additional letter of objection, in the same terms as set out in the report.

**Comment:** Cllr Beck disclosed a non-pecuniary interest as a member of New Milton Town Council which had commented on the application. He remained in the meeting. He did not speak and he did not have a vote.

The Committee raised some concerns, relating to the protection of trees during construction; the strengthening of landscaping, particularly along the boundary with the existing residential properties; and the fencing of the public open space. These concerns could be overcome by

the imposition of suitably robust conditions.

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

**Conditions:** Such conditions as he deems appropriate, following a review of the adequacy of those set out in the report (Item 3(a))

**b 68 Forest Edge, Fawley (Application 16/10861)**

**Details:** Single-storey extension

**Public Participants:** None

**Additional Representations:** None

**Comment:** Cllr Wappet disclosed a non-pecuniary interest as a member of Fawley 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:** Refused

**Refusal Reasons:** As per report (Item 3(b))

**c Shorefield Country Park, Shorefield Road, Downton, Milford-on-Sea (Application 16/11116)**

**Details:** Alterations and extension to access road; gates; bund

**Public Participants:** Mr Pollock - Applicant

**Additional Representations:** None

**Comment:** Cllr White disclosed a non-pecuniary interest on the grounds that he knew the applicant. He concluded that the degree of acquaintance was sufficient that he could be perceived to be biased and consequently withdrew from the meeting for the consideration and voting.

The officer's recommendation was amended to deferral in light of issues that had been raised recently in respect of landscape impacts, minerals safeguarding, tree impacts and discrepancies in the submitted plans.

**Decision:** That consideration of this application be deferred to allow the issues that had been raised in respect of landscape impacts, minerals safeguarding, tree impacts and discrepancies in the submitted plans to be resolved.

**d 6 Barton Common Road, Barton-on-Sea, New Milton (Application 16/11255)**

**Details:** One block of 8 flats; parking; bin and cycle storage

**Public Participants:** Mr Annon – Applicant’s Agent  
Mr Charles – Objector’s Representative  
Mr Williams – Objector  
Cllr Beck – on behalf of New Milton Town Council

**Additional Representations:** 1 letter of clarification from the agent for a nearby site.  
2 further letters of objection, in the same terms as set out in the report.  
The Highways Engineer had submitted further comments as set out in the update circulated prior to the meeting.

**Comment:** Cllr Beck disclosed a non-pecuniary interest as a member of New Milton Town Council, which he was representing. 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 raised some concerns, relating to the strengthening of landscaping, particularly along the boundary with the existing residential properties; securing the sight lines for the access before development can commence; and appropriate surfacing materials for the driveway within the property. These concerns could be overcome by the imposition of suitably robust conditions.

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

**Conditions:** Such conditions as he deems appropriate, following a review of the adequacy of those set out in the report

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<b>e</b>	<b>Shorefield Country Park, Shorefield Road, Downton, Milford-on-Sea (Application 16/11315)</b>
<b>Details:</b>	Bund bordering 3 The Bucklers (retrospective)
<b>Public Participants:</b>	None
<b>Additional Representations:</b>	None
<b>Comment:</b>	<p>Cllr White disclosed a non-pecuniary interest on the grounds that he knew the applicant. He concluded that the degree of acquaintance was sufficient that he could be perceived to be biased and consequently withdrew from the meeting for the consideration and voting.</p> <p>The Committee considered that it was important that the officers were satisfied that the rubbish within the surface of the bund should all be removed before the landscaping was planted.</p>
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	As per report (Item 3(e)), together with an additional condition to secure that the litter picking of the bund is carried out to an acceptable standard prior to the landscaping being planted.

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<b>f</b>	<b>27 Farm Lane South, Barton-on-Sea, New Milton (Application 16/11382)</b>
<b>Details:</b>	Raise roof height, dormers and rooflights in association with new first floor; two-storey rear extension; single-storey side and rear extension; front porch; decking; flue; cladding
<b>Public Participants:</b>	Mr Cutmore - Applicant Mr Davies – Objector Cllr Beck – representing New Milton Town Council
<b>Additional Representations:</b>	None
<b>Comment:</b>	Cllr Beck disclosed a non-pecuniary interest as a member of New Milton Town Council, which he was representing. 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(f))

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<b>g</b>	<b>Oakhaven Hospice, Lower Pennington Lane, Pennington, Lymington (Application 16/11466)</b>
<b>Details:</b>	Additional parking
<b>Public Participants:</b>	Mr Simpson - Applicant's representative
<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.
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	As per report (Item 3(g))

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<b>h</b>	<b>2 Quay Street, Lymington (Application 16/11482)</b>
<b>Details:</b>	Use of rear ground floor as residential
<b>Public Participants:</b>	Mrs Keningley – Applicant's Agent
<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.
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	As per report (Item 3(h))

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<b>i</b>	<b>Pyrford Gardens, Belmore Lane, Lymington (Application 16/11548)</b>
<b>Details:</b>	Single-storey extension
<b>Public Participants:</b>	Mr Davies – Applicant's Agent Mr Farrow – Objector's Representative.
<b>Additional Representations:</b>	3 further letters of objection in the same terms as set out in the report. 1 letter of support stating that the extension would have no effect on the accessibility to the

gardens and that security would be improved.

**Comment:**

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.

The Committee noted that, while the applicant stated that the double doors adjacent to flat 4 were routinely kept locked this appeared to be a recent development. The reported experience of visitors, which included members of the Committee, was that these doors had historically been unlocked, allowing free access to the building.

The Committee considered that the white painted brick wall within 2 feet of the bedroom of flat 4 would have been unduly visually intrusive and impressive, particularly as the occupier was elderly and more likely to spend a greater proportion of time in the bedroom. In addition, the loss of the level access to the garden through the double doors adjacent to flat 4 would represent a significant loss of amenity to the occupiers of other flats who would be forced to divert along a much longer route to gain access to the gardens.

**Decision:**

Refused

**Refusal Reasons:**

The proposed development would have an unneighbourly impact on the residential amenities of the occupants of 4 Pyrford Gardens as a result of the proximity and height of the extension to the windows of this flat and the loss of part of the hedge. In addition the loss of the access from this part of the building to the garden would be detrimental to the enjoyment of the garden by the residents. As a result the proposal would fail to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**j 6 Highfield Avenue, Ringwood (Application 16/11553)****Details:**

Raise ridge height in association with new first floor; two-storey front and rear extensions; solar panels

**Public Participants:**

None

<b>Additional Representations:</b>	None
<b>Comment:</b>	<p>Cllrs Rippon-Swaine and Thierry disclosed non-pecuniary interests as members of Ringwood Town Council which had commented on the application. Cllr Rippon-Swaine concluded that there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote. Cllr Thierry disclosed a further non-pecuniary interest on the grounds that the applicant was a client of his newspaper and he could therefore be perceived to be biased. Having made a statement in support of the application he took no further part in the consideration and did not vote.</p> <p>The Committee concluded that the design of the proposed modifications had been changed sufficiently that they were now in keeping with the development of other properties in the vicinity. The proposal was therefore acceptable.</p>
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	Such conditions as the Service Manager Planning and Building Control deems appropriate.

<b>k</b>	<b>Land of 29 Pear Tree Close, Bransgore (Application 16/11581)</b>
<b>Details:</b>	Attached house; detached garage; dropped kerb
<b>Public Participants:</b>	Parish Cllr Manley – Bransgore Parish Council.
<b>Additional Representations:</b>	None
<b>Comment:</b>	None
<b>Decision:</b>	Refused
<b>Refusal Reasons:</b>	As per report (Item 3(k))

<b>l</b>	<b>Harbridge School, Harbridge, Ellingham, Harbridge &amp; Ibsley (Application 16/11602)</b>
<b>Details:</b>	Use as one dwelling; rooflights; demolition of single-storey flat roofed extension; alterations to windows
<b>Public Participants:</b>	None



<b>Additional Representations:</b>	The Ecologist had commented on the additional bat survey that had been submitted and had requested the imposition of an additional condition.
<b>Comment:</b>	The officer's recommendation was amended by the inclusion of an additional condition, as requested by the Ecologist, and circulated in the update prior to the meeting.
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	As per report (Item 3(l)), with additional condition:  5. The works hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures set out in Ecological Report by Ecosupport dated June 2016 unless otherwise first agreed in writing with the Local Planning Authority.  Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of 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).

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<b>m</b>	<b>Harbridge School, Harbridge, Ellingham, Harbridge &amp; Ibsley (Application 16/11603)</b>
<b>Details:</b>	First floor mezzazine extension; rooflights; demolition of single-storey flat roofed extension and reinstate brickwork detailing; repair roof; repoint chimney; rainwater goods; stone vent; repair tower; reinstate glazed door pane; repair doors and windows; remove polycarbonate outbuilding canopy; remove main hall flat ceiling; make good original vaulted ceiling; stud walls; first floor internal end studwall with glazing; repair floor; insert staircase; remove window shutters; open fireplaces; insert hammerbeam (Application for Listed Building Consent)
<b>Public Participants:</b>	None
<b>Additional Representations:</b>	None

<b>Comment:</b>	None
<b>Decision:</b>	Listed Building Consent Granted
<b>Conditions:</b>	As per report (Item 3(m))

**n 25 Sea Road, Milford-on-Sea (Application 16/11633)**

<b>Details:</b>	2 detached houses; associated parking; landscaping; demolition of existing
<b>Public Participants:</b>	None
<b>Additional Representations:</b>	None
<b>Comment:</b>	<p>Mr Groom, Service Manager Planning and Building Control, disclosed an interest on the grounds that the applicant was a long term family friend. He left the meeting for the consideration and voting.</p> <p>A statement from Cllr Carpenter, raising concerns about the application, was submitted to the meeting.</p>
<b>Decision:</b>	Planning consent
<b>Conditions:</b>	As per report (Item 3(n))

**o 18 Priestlands Road, Pennington, Lymington (Application 16/11644)**

<b>Details:</b>	Two-storey side and rear extensions; dormers; fenestration alterations; rooflights
<b>Public Participants:</b>	Mr Ellis – Applicant’s Agent Mr Parke – Objector’s Agent
<b>Additional Representations:</b>	None
<b>Comment:</b>	<p>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.</p> <p>The Committee considered that, in addition to the recommended reason for refusal, the scale of the proposed addition, in close proximity to the neighbouring property, would have an unduly detrimental effect on the amenities of that property.</p>

<b>Decision:</b>	Refused
<b>Refusal Reasons:</b>	As per report (Item 3(o)) with additional reason for refusal:  2. By reason of the siting of the proposed side extension and height of the flank gable wall, in close proximity to the neighbouring property no 16 Priestlands Road, this would create an imposing and overbearing form of development, especially when viewed from the ground floor side window at no 16. Consequently the proposed side extension would result in an unneighbourly form of development that would be harmful to the amenities of the occupiers of 16 Priestlands Road and as such would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

<b>p</b>	<b>4 South Street, Pennington, Lymington (Application 16/11701)</b>
<b>Details:</b>	Use of ground floor as 1 flat
<b>Public Participants:</b>	Mr Davies – Applicant’s Agent
<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.
<b>Decision:</b>	Refused
<b>Refusal Reasons:</b>	As per report (Item 3(p))

<b>q</b>	<b>Land at Buckland Manor Farm, Alexandra Road, Lymington (Application 16/10764)</b>
<b>Details:</b>	Development of 87 dwellings comprised: 21 detached houses; 5 bungalows; 26 pairs of semi-detached houses; 3 terraces of 3 houses; garages; parking; landscaping; junction access; estate roads; footpaths, SANG; open space; 10 allotments.
<b>Public Participants:</b>	None

<b>Additional Representations:</b>	1 further letter of objection, in the same terms as set out in the report.
<b>Comment:</b>	Cllrs Penson and White disclosed pecuniary interests as members of Lymington and Pennington Town Council which were potential parties to the S106 Agreement. They took no part in the consideration and did not vote.
<b>Decision:</b>	Service Manager Planning and Building Control authorised to grant planning consent subject to the completion by 30 March 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.
<b>Conditions: Agreements/ Negotiations:</b>	As per report (Item 3(q))
<b>Refusal Reasons:</b>	As per report (Item 3(q))

### 39 EXCLUSION OF THE PUBLIC INCLUDING THE PRESS

#### RESOLVED:

That, under Section 100(A)(4) of the Local Government Act 1972, the public and the Press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part I of Schedule 12A of the Act and the public interest in maintaining the exception outweighs the public interest in disclosing it.

### 40 INDEMNIFICATION IN RELATION TO A LEGAL MATTER

The Chairman, Cllr Mrs Andrews, disclosed a disclosable pecuniary interest on the grounds that the decision might affect her financial affairs. Having left the meeting she took no part in the consideration or voting.

The Vice-Chairman, Cllr Mrs Ward, in the Chair.

This matter was considered, as a matter of urgency, with the consent of the Chairman on the grounds that the need for the decision had only very recently come to light, and it was important that the Committee's recommendation was considered by the Council at its meeting on 20 February 2017.

The Committee considered the course of action that should be taken to remedy an error. It had been agreed that the most appropriate way forward would be for the Council to seek a judicial review to have the decision quashed. This could not be initiated by the planning service and the most appropriate person to act was the Chairman of the Planning Development Control Committee. As the Chairman was acting in the best interests of the Council, she should be indemnified against any costs that might arise from the proceedings.

**RECOMMENDED:**

***That Councillor Mrs D E Andrews be indemnified in respect of any adverse costs order that might be made against her in respect of this action.***

CHAIRMAN