

**10 OCTOBER 2018**

**NEW FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in the Council Chamber, Appletree Court, Lyndhurst on Wednesday, 10 October 2018

\* Cllr W G Andrews (Chairman)

\* Cllr P J Armstrong (Vice-Chairman)

**Councillors:**

\* Mrs S M Bennison  
\* Mrs F Carpenter  
\* Ms K V Crisell  
\* A H G Davis  
R L Frampton  
\* A T Glass  
\* L E Harris  
\* D Harrison  
Mrs M D Holding

**Councillors:**

\* Mrs C Hopkins  
\* M Langdale  
\* J M Olliff-Cooper  
\* A K Penson  
\* Miss A Sevier  
\* Mrs B J Thorne  
\* Mrs C V Ward  
\* M L White  
\* Mrs P A Wyeth

\*Present

**In attendance:**

**Councillors:**

A A Gossage

**Officers Attending:**

Miss J Debnam, Mrs C Eyles, D Groom, A Kinghorn, Miss J Moles, S Belli, S Clothier, M Mortimer, R Natt, Mrs V Potter and I Rayner

**Apologies**

Apologies for absence were received from Cllrs Frampton and Holding.

**19 MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 12 September 2018 be signed by the Chairman as a correct record.

**20 DECLARATIONS OF INTEREST**

Mr Clothier, Area Planning Officer (Major Projects) disclosed a personal interest in application 18/10870. He was not present for the determination of this application.

Cllr Crisell disclosed a non-pecuniary interest in application 18/11018 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Davis disclosed a non-pecuniary interest in application 18/11018 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Glass disclosed a non-pecuniary interest in application 18/11145 as a member of Fawley Parish Council which had commented on the application.

Cllr Gossage disclosed a non-pecuniary interest in application 18/10870 as a member of Lymington and Pennington Town Council which had commented on the application.

Cllr L Harris disclosed a non-pecuniary interest in application 18/11018 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Harrison disclosed a non-pecuniary interest in application 18/11018 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Langdale disclosed a non-pecuniary interest in application 18/11145 as a member of Fawley Parish Council which had commented on the application.

Cllr Penson disclosed a non-pecuniary interest in application 18/10870 as a member of Lymington and Pennington Town Council which had commented on the application.

Cllr Thorne disclosed a non-pecuniary interest in application 18/11145 as a member of Fawley Parish Council which had commented on the application.

Cllr White disclosed a non-pecuniary interest in application 18/10870 as a member of Lymington and Pennington Town Council which had commented on the application.

## 21 PLANNING APPLICATIONS FOR COMMITTEE DECISION

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<b>a</b>	<b>The Yard, Main Road, Sandleheath (Application 18/10646)</b>
<b>Details:</b>	2 detached houses; detached garages and stables in paddock; demolish existing structures
<b>Public Participants:</b>	Parish Cllr Stockton – Sandleheath Parish Council
<b>Additional Representations:</b>	None
<b>Comment:</b>	Members were advised that some conditions had been omitted when the report had been printed and these were set out in full in the update circulated prior to the meeting. In addition an amended plan had been received that clarified the site boundary.

Members considered that an additional condition should be imposed to control foul water drainage.

**Decision:** Planning permission

**Conditions:** As per report (Item 3(a)), with the following additional conditions:

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

17. No development shall take place on site until full details of the method of construction of the means of access to the premises, including provision of a 3m tarmac strip adjoining the public vehicular highway to the development site have been submitted and approved by the Local Planning Authority. The approved access details, shall be constructed and fully implemented prior to occupation.

Reason: To ensure adequate access provision for the approved development in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

18. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

19. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details by KJF Consultancy Ltd Ref: EclA.12.08.18v1 dated 12-08-18 submitted with this planning application 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).

20. Before development commences, details of the means of disposal of foul waste water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks. Sufficient details relating to this matter have not been submitted as part of the planning application and need to be agreed before development commences.

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**b Land of 14, 16 & 18 Milford Road, Pennington, Lymington (Application 18/10870)**

**Details:** 1 block of 31 retirement flats; communal facilities; landscaping and car parking

**Public Participants:** Mr Davies – Objector  
Mr Sutton – Objector

**Additional Representations:** The Council's Valuer did not accept the applicant's case that they could not make any financial contribution towards affordable housing.

The applicant had confirmed that refuse collection could be carried out on site, with all service vehicles able to enter and leave the site in a forward gear. On this basis the Highway Authority had withdrawn their objection.

The applicant had confirmed that they wanted the application to be determined as set out, without deferral to allow them to respond to the concerns on viability or for an independent review of the viability case to be sought, as would normally be the case.

**Comment:** Cllrs Gossage, 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 in the case of Cllrs Penson and White, to vote. Cllr Gossage did not have a vote.

Mr Clothier, Area Planning Officer (Major Projects), disclosed a personal interest on the grounds that he was a personal friend of the applicant's agent. He was not present for the determination of this application.

The Committee was advised of amendments to the report, as set out in the update circulated prior to the meeting.

The officer's recommendation was amended by the deletion of the reason for refusal on highway safety grounds, and its replacement with a reason on the grounds of the failure to contribute towards addressing the need for affordable housing in the District, as set out in the update circulated prior to the meeting.

**Decision:** Refused.

**Refusal reasons:** As per report (Item 3(b)), with the deletion of original reason 3 and its substitution with:

The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy for the New Forest District outside the National Park (2009).

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**c Site of Fawley Power Station, Fawley Road, Fawley (Application 18/11145)**

**Details:** Use of land to provide open storage gravel (Use Class B8) and associated works including provision on containment bunds; drainage channels and excavation; temporary permission sought for 5 years

**Public Participants:** None

**Additional Representations:** The applicant's agent had responded to concerns raised by Fawley Parish Council.  
1 letter of objection from 2 local residents disputing the County Council's decisions in respect of the Environmental Impact Regulations, the EIA Regulations and Directive and the Habitats Regulations.

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

<b>Comment:</b>	Cllrs Glass, Langdale and Thorne disclosed non-pecuniary interests as members of Fawley 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 to vote.
<b>Decision:</b>	That no objection be raised.
<b>Conditions:</b>	As per report (Item 3(c)).

**d Land of Units A B D and E, Brokenford Lane, Totton (Application 18/11018)**

<b>Details:</b>	24 dwellings comprised 18 houses; 1 block of 6 flats; associated parking; access; landscaping
<b>Public Participants:</b>	Mr Moir – Applicant's Agent
<b>Additional Representations:</b>	Hampshire County Council Flood Risk Team – asked for an additional condition requiring further information on the drainage scheme
<b>Comment:</b>	<p>Cllrs Crisell, Davis, L Harris and Harrison 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.</p> <p>The Committee was advised of a number of amendments to the report and recommendation, as set out in the update circulated prior to the meeting.</p>
<b>Decision:</b>	Service Manager Planning Development Control authorised to grant permission
<b>Conditions/ agreements/ negotiations:</b>	<p>Subject to:</p> <ul style="list-style-type: none"> <li>i) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following: <ul style="list-style-type: none"> <li>a. A financial contribution towards off-site open space improvements inf the sum of £27,747.13</li> <li>b. A financial contribution towards the future maintenance of the on-site public open space in the sum of £2,900; and</li> </ul> </li> </ul>

- ii) The imposition of the conditions set out in the report (Item 3 (d)) as amended by the update circulated prior to the meeting.

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**e The Old Pine Stores; Salisbury Road, Breamore (Application 18/11019)**

<b>Details:</b>	Use as one dwelling; new windows to front and rear
<b>Public Participants:</b>	Mr Wood – Applicant's Agent Parish Cllr Turner – Breamore Parish Council
<b>Additional Representations:</b>	The Council's Valuer concurred with the recommendation to allow change of use.
<b>Comment:</b>	None
<b>Decision:</b>	Planning permission
<b>Conditions:</b>	As per report (Item 3(e)).

## **22 DELEGATION OF POWERS TO OFFICERS**

### **RESOLVED:**

That Delegations PLG 28 and 61 be amended as follows (the amendments are set out in bold type):

PLG 28	Town and Country Planning Act 1990 (s.191-193)	To determine applications for a Certificate of Lawful Use or Certificate of Lawful Development <b>Existing and Proposed Development (non-householder)</b>	Executive Head, or Service Manager, or Solicitor in consultation with Executive Head, or Service Manager, or Development Control Team Leader, or Principal Planning Officer, or Senior Planning Officer
PLG 61	Town and Country Planning Act 1990 (s.191-193)	To determine applications for lawfulness of proposed use or development in respect of householder applications	Executive Head, or Service Manager, or Development Control Team Leader, <b>or Principal Planning Officer, or Senior Planning Officer</b>

CHAIRMAN