

13 FEBRUARY 2019

NEW FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, Appletree Court, Lyndhurst on Wednesday, 13 February 2019

- * 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

Officers Attending:

Mrs C Upton-Brown, Miss J Debnam, Mrs J Garrity, D Groom, Mrs K Wardle, Mrs A Wilson, Mrs V Baxter, J Bennett, Ms J Dawe, A Harmer and R Natt

Apologies:

Apologies for absence were received from Cllr Frampton.

34 MINUTES

RESOLVED:

That the minutes of the meeting held on 9 January 2019 be signed by the Chairman as a correct record.

35 DECLARATIONS OF INTEREST

Cllr W G Andrews disclosed a pecuniary interest in Minute 38 and left the meeting for the consideration and voting.

Cllr Crisell disclosed a non-pecuniary interest in application 18/11344 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Davis disclosed a non-pecuniary interest in application 18/11344 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Glass disclosed a non-pecuniary interest in application 18/11341 as a member of Fawley Parish Council which had commented on the application.

Cllr L Harris disclosed a non-pecuniary interest in application 18/11344 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Harrison disclosed a non-pecuniary interest in application 18/11344 as a member of Totton and Eling Town Council which had commented on the application.

Cllr Langdale disclosed a non-pecuniary interest in application 18/11341 as a member of Fawley Parish Council which had commented on the application.

Cllr Penson disclosed a non-pecuniary interest in application 18/11521 as a member of Lymington and Pennington Town Council which had commented on the application.

Cllr Thorne disclosed a non-pecuniary interest in application 18/11341 as a member of Fawley Parish Council which had commented on the application.

Cllr White disclosed a non-pecuniary interest in application 18/11521 as a member of Lymington and Pennington Town Council which had commented on the application.

36 PLANNING APPLICATIONS FOR COMMITTEE DECISION

a 23A Sheldrake Gardens, Hordle (Application 18/11554)

Details:

2 storey side extension; single-storey side extension

Public Participants:

Mr Skinner - Applicant

Additional Representations:

1 additional letter from the applicant as set out in the update published prior to the meeting.

Comment:

None

Decision:

Refused

Reasons:

As per report (Item 3(a))

b Hounslow School, Jacobs Gutter Lane, Totton (Application 18/11344)

Details:

Single-storey teaching block; demolition of existing; reinstate soft play area

Public Participants:

Mrs Turvey – Applicant's representative

Additional Representations:

None

Comment:

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.

The Committee was advised of revised wording for condition 4 relating to landscaping, in particular to agree a revised route for the footpath.

Decision:

Service Manager Planning Development Control authorised to grant planning permission

Conditions/Agreements/ Negotiations:

As per report (Item 3 (b)), with condition 4 amended to read:

4. Notwithstanding the submitted plans, within one month of commencement of the development and prior to the demolition of the existing history/learning support facility block details of the landscaping of the area of the existing history/learning support facility, adjacent land together with land around the new teaching block have been submitted to and approved in writing by the local planning authority. This scheme shall include details of a specification for:

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting, to include replacement trees as required (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) other means of enclosure;
- e) a method and programme for its implementation and the means to provide for its future maintenance.

The development shall be implemented in accordance with the approved details and thereafter retained.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

c Land of 9 Shackleton Square, Bransgore (Application 18/11588)

Details:

House; access; parking

Public Participants:

Mr White – Applicant

Additional Representations:

None

Comment:

None

Decision:

Planning permission

Conditions:

As per report (Item 3(c))

d Sammy Miller Museum, Bashley Cross Road, New Milton (Application 18/11411)

Details:

Two-storey extension for museum use (Class D1)

Public Participants:

None

Additional Representations:

None

Comment:

The Committee was advised of revised wording for condition 3, as set out in the update published prior to the meeting.

Decision:

Service Manager Planning Development Control authorised to grant planning permission

Conditions/ Agreements/Negotiations:

As per report (Item 3(d)), with condition 3 amended to read:

3. The development hereby approved shall be constructed from the following materials, unless otherwise agreed by the Local Planning Authority:

External walls: TATA Trisomet composite panels in RAL – Colour finish Van Dyke Brown

Roofing: TATA Trisomet composite panels in RAL – Colour finish slate grey

The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

e Land rear of 51 & 53 Ramley Road, Pennington, Lymington (Application 18/11521)

Details:

Chalet bungalow; access and parking

Public Participants:

None

Additional Representations:

Lymington and Pennington Town Council recommended refusal.

The Applicant had circulated a further statement in support of his application

Further details were set out in the update published prior to the meeting.

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.

Decision:

Service Manager Planning Development Control authorised to grant planning permission

Conditions/Agreements/Negotiations:

As per report (Item 3(e))

**f Land rear of 9 Uplands Avenue, Barton-on-Sea, New Milton
(Application 18/11592)**

Details:

House; access; parking and landscaping; single-storey side extension to existing dwelling

Public Participants:

Mr Gargaro – Objector

Additional Representations:

A representation from a neighbour containing photographs of the oak tree on the site.

Comment:

Members shared the objector's concerns about the impact of the proposed development on the site and the character of the surrounding area but were required to take account of the Appeal Inspector's comments in granting consent for the development to the rear of 11 and 15 Uplands Avenue. While agreeing that the Inspector's decision was flawed it was nonetheless a material consideration that must be accorded some weight.

The Committee deplored the pruning that had been carried out to the oak tree on the site which it was suggested had been done to prevent it being worthy of protection through a Tree Preservation Order. It was noted that this tree had been subject to significant pruning in the past and had regrown successfully, and should therefore be commended to the Tree Officer for consideration for protection in light of its future amenity value. The Committee considered that it was also important that the beech tree in the neighbour's garden, which was close to the development, was protected during construction, and in the longer term through a Tree Preservation Order.

Decision:

- (a) That planning permission be granted;
- (b) That the Tree Officer be requested to review, as a matter of urgency, the protection of the oak tree on the site and the beech tree on the adjoining site to protect their future amenity value; and
- (c) That a letter be sent to the Planning Inspectorate to draw their attention to the undesirable consequences of the Appeal Inspector's decision in respect of land to the rear of 11 and 15 Uplands Avenue, which had established the principle of the development of this site.

Conditions:

As per report (Item 3(f)), with the following additional condition:

11. Before development commences in relation to the dwelling hereby approved (including site clearance, demolition and any other preparatory works) a scheme for the protection of the oak tree to the eastern boundary and off-site beech tree to the north shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

g Old Forge, Salisbury Road, Breamore (Application 18/11633)

Details:

Timber staircase (Application for Listed Building Consent)

Public Participants:

Mrs Eden – Breamore Parish Council

Additional Representations:

None

Comment:

The Committee noted the comments made by the Parish Council in respect of alleged unauthorised works to the listed building and requested that these be referred to the Enforcement officers and Building Control for investigation.

Decision:

- (a) That Listed Building Consent be granted; and
- (b) That the comments made by the Parish Council in respect of alleged unauthorised works to the listed building be referred to the Enforcement officers and Building Control for investigation.

Conditions:

As per report (Item 3(g))

h Penlowarth, 7 Thornbury Avenue, Blackfield, Fawley (Application 18/11341)

Details:

Flue on outbuilding

Public Participants:

Mr Butcher – Objector

Additional Representations:

A further letter of objection from the neighbour, as set out in the update published prior to the meeting.

Comment:

Cllrs Glass, Langdale and Thorne disclosed a non-pecuniary interest 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.

The Committee noted the neighbouring objector's reports about the smoke nuisance caused by the wood burning stove when it was lit and considered that further investigation and information was essential before this application could be determined.

Decision:

That consideration of this application be deferred for one month (unless arrangements cannot be made to visit the site and make this assessment within the timescale required to get this item back to the next meeting) to allow further investigation and evaluation, in particular viewing the effect of the wood burning stove when lit in different ambient conditions; and also investigation of the requirements on the flues for such installations to ensure that they operate to the stated air quality standards.

37 EXCLUSION OF THE PUBLIC AND 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 paragraph 5 of Part I of Schedule 12A of the Act and the public interest in maintaining the exception outweighs the public interest in disclosing it.

38 AUTHORITY TO PROCEED WITH AND INDEMNIFY IN RELATION TO A LEGAL ACTION

Cllr W G Andrews disclosed a pecuniary interest as he was directly affected by the matter under consideration. Having left the meeting he took no part in the consideration and voting.

The Vice-Chairman of the Committee (Cllr Armstrong) in the Chair.

The Planning Committee considered a confidential report which set out the options available to safeguard the Council's position following the issue, in error, of a planning permission, under delegated powers, when the Council's scheme dictated that the application should have been referred to the Planning Committee for determination.

The Committee was advised that the applicant and owner of the site had declined to enter into a Unilateral Undertaking to the effect that the permission issued in error would not be implemented. The only other course of action open to the Council was to institute a judicial review, the effect of which would be to quash the permission.

RECOMMENDED:

- (a) That a claim for judicial review be brought, with Councillor W G Andrews as Claimant, effectively on the Council's behalf; and***
- (b) That Councillor W G Andrews be indemnified in respect of any costs order that might be made against him.***

CHAIRMAN