

11 SEPTEMBER 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, 11 September 2019

* Cllr Christine Ward (Chairman)

* Cllr Christine Hopkins (Vice-Chairman)

Councillors:

* Sue Bennison
* Hilary Brand
* Fran Carpenter
* Rebecca Clark
* Anne Corbridge
* Kate Crisell
* Arthur Davis
Jan Duke
* Barry Dunning

Councillors:

* Allan Glass
* David Hawkins
Maureen Holding
Mahmoud Kangarani
* Joe Reilly
* Tony Ring
* Ann Sevier
* Beverley Thorne
* Malcolm Wade

*Present

Officers Attending:

Vivienne Baxter, Jim Bennett, Jacky Dawe, Lynette Fawkes, Arran Harmer, Rachel Higgins, Richard Natt, Ian Rayner, Claire Upton-Brown, Karen Wardle and Amanda Wilson

Apologies:

Apologies for absence were received from Cllrs Duke, Holding and Kangarani.

16 MINUTES

RESOLVED:

That the minutes of the meeting held on 14 August 2019 be agreed as a correct record and signed by the Chairman.

17 DECLARATIONS OF INTEREST

Cllr R Clark disclosed a non-pecuniary interest in application 19/10690 as a member of Hythe and Dibden Parish Council. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

Cllrs Crisell and Davis disclosed a non-pecuniary interest in application 18/11666 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.

Cllr Crisell disclosed a non-pecuniary interest in application 19/10720 as a member of Totton and Eling Town Council which had commented on the application. She

concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

Cllr Davis disclosed a non-pecuniary interest in application 19/10720 as a member of Totton and Eling Town Council which had commented on the application. He also declared that a friend was related to the applicant and therefore he did not vote on application. He remained present during the consideration of this item.

Cllrs Glass and Thorne disclosed a non-pecuniary interest in application 19/10476 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.

Cllrs Hawkins disclosed a non-pecuniary interest in application 19/10264 as a member of the Planning Committee of New Milton Town Council which had commented on the application. Cllr Hawkins did not vote on the application but was present during the consideration of this item.

Cllr Sevier disclosed a non-pecuniary interest in application 19/10476 on the grounds that a family member worked at Fawley Refinery. She concluded that there could be a perception of bias and therefore did not participate in the debate or vote on this application. She remained present during the consideration of this item.

Cllr C Ward disclosed a non-pecuniary interest in application 19/10264 as a member of New Milton Town Council which had commented on the application. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

Cllr M Wade disclosed a non-pecuniary interest in application 19/10690 a member of the Planning Committee of Hythe and Dibden Parish Council. He concluded that as he had not voted on the application there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

18 PLANNING APPLICATIONS FOR COMMITTEE DECISION

a Land of the Old Cinema in Junction Road, Maynard Road, Totton (Application 18/11666)

Details:

Two storey building to comprise 4 flats; associated landscaping; cycle store; fenestration alterations to The Old Cinema building

Public Participants:

Graham Lees, Simpson Hilder Associates (Agent)
Alan Jones (Objector)

Additional Representations:

A further letter of objection had been received from the planning consultant on behalf of Asda, as per update note circulated prior to the meeting.

Comment:

Cllrs Crisell and Davis disclosed a non-pecuniary interest 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 Case Officer reported that two additional conditions be included regarding the provision of car parking spaces (as per update note) and the other on nitrates. The wording of this condition was not provided to the Committee and therefore, if the Committee resolved to grant permission it would be necessary to delegate authority to the Chief Planning Officer to add this condition.

The Committee considered whether to add a condition relating to the windows on the side elevation adjacent to the service yard so that they would be non opening. This would reduce the potential for noise disturbance from the service yard for residents. It was however, concluded that residents of the proposed flats should be able to choose whether to open the windows or not. The Committee noted that a ventilation system had been proposed as part of the application as an alternative to opening the windows to mitigate any noise impact from the adjoining service yard.

Decision:

Grant subject to conditions, with delegated authority to the Chief Planning Officer to add an additional condition on nitrates.

Conditions / Reasons:

As per report (Item 3a) and two additional conditions regarding car parking and nitrates.

b Abbeyfield House, 17 Herbert Road, New Milton (Application 19/10264)**Details:**

2 blocks of 5 flats (10 in total); associated carports; bin stores; demolition of existing sheltered accommodation

Public Participants:

Matt Holmes (Agent)
Dr Alan Bailey (Objector)

Additional Representations:

Two additional representations had been received objecting to the application, as per update note circulated prior to the meeting.

Comment:

Cllrs Hawkins disclosed a non-pecuniary interest as a member of the Planning Committee of New Milton Town Council which had commented on

the application. Cllr Hawkins did not vote on the application but was present during the consideration of this item.

Cllr C Ward disclosed a non-pecuniary interest as a member of New Milton Town Council which had commented on the application. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

The Case Officer reported that the final sentence of section 1 could be deleted as an affordable housing contribution was not required and that the waste section had confirmed that the collection of refuse in bags was acceptable. An additional condition on nitrates was also proposed, as per update note circulated prior to the meeting. The specific wording was not presented to the Committee and therefore authority would be delegated to the Chief Planning Officer to add this condition if the Committee resolved to grant planning permission.

Decision:

Grant subject to conditions, with delegated authority to the Chief Planning Officer to add an additional condition on nitrates.

Conditions / Reasons:

As per report (Item 3b) and an additional condition regarding nitrates.

c Fawley Refinery, Block 36B, Marsh Lane, Fawley (Application 19/10476)

Details:

Two re-fueling units consisting of Hydrogen unit & Hydrotreater including 2 stacks about 50 metres high (Block 36B); Automotive diesel oil storage tank (Block 13)

Public Participants:

Simon Downing, Exxon Mobil Chemical Limited (Applicant)
Dr Sara Pascoe (Objector)

Additional Representations:

One additional representation had been received which raised concerns in respect of the impact on air quality and health, as per update note circulated prior to the meeting.

Comment:

Cllrs Glass 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.

Cllr Sevier disclosed a non-pecuniary interest in application 19/10476 on the grounds that a family member worked at Fawley Refinery. She concluded

that there could be a perception of bias and therefore did not vote on this application. She remained present during the consideration of this item.

The Case Officer reported that conditions 5-8 had been amended, as per update note circulated prior to the meeting.

Decision:

Grant subject to conditions.

Conditions / Reasons:

As per report (Item 3c) and updated conditions 5-8.

d 21 St Johns Street, Hythe (Application 19/10690)

Details:

Display internally illuminated wall mounted sign; display non-illuminated post mounted sign (Application for Advertisement Consent)

Public Participants:

Martin Deadman (Applicant)

Additional Representations:

The Case Officer reported that an additional representation had been circulated by the applicant to members of the Planning Committee.

Comment:

Cllr R Clark disclosed a non-pecuniary interest as a member of Hythe and Dibden Parish Council. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

Cllr M Wade disclosed a non-pecuniary interest a member of the Planning Committee of Hythe and Dibden Parish Council. He concluded that as he had not voted on the application there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

The Committee noted that the proposed signage was located in a Conservation Area and that there were concerns in relation to the size and height of the proposed signs as well as use of non-traditional materials. Members asked the applicant whether he would consider amending the proposals, to reduce the size of the sign, or possibly to only have one sign rather than two. The applicant advised the Committee that he would consider amending the proposal. It was therefore agreed the application should be deferred in order for a revised scheme to be submitted.

Decision:

Defer

Conditions / Reasons:

The Committee agreed that it should defer the decision in order for a revised scheme to be proposed to address the concerns raised in the report.

e 7 Charnwood Close, Totton (Application 19/10720)**Details:**

Use as residential garden land and erect fence (Retrospective)

Public Participants:

None.

Additional Representations:

None.

Comment:

Cllr Crisell disclosed a non-pecuniary interest as a member of Totton and Eling Town Council which had commented on the application. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

Cllr Davis disclosed a non-pecuniary interest as a member of Totton and Eling Town Council which had commented on the application. He also declared that a friend was related to the applicant and therefore did not vote on application. He remained present during the consideration of this item.

The Chief Planning Officer reported a change in recommendation to defer the application on the basis that a review be carried out of the entire estate which would look at where fences have been erected to enclose front gardens, the loss of any strips of land a result of the construction of the fences and whether the original condition that sought to protect the open plan character of the estate was still valid. The Committee felt this was a sensible approach and it was noted that a delay in any decision would not have a detrimental impact on the applicant, due to the application seeking retrospective planning permission.

Decision:

Defer

Conditions / Reasons:

In order for a review of all the fences on the estate to be carried out.

f Land of Orchard House, New Valley Road, Milford-on-Sea (Application 19/10889)

Details:

Detached dwelling with integral garage; hard surfacing; detached garage

Public Participants:

Mr Sherlock, Sherlock Architecture (Agent)
David Prior (Objector)

Additional Representations:

A further representation had been received from a local resident including photographs. Comments had also been received from Southern Water requesting Informatives. These were included in the update note circulated prior to the meeting.

Comment:

The Case Officer reported an amendment to condition 6. and an additional condition relating to nitrates. These were included in the update note circulated prior to the meeting, however the specific wording on the nitrates condition was not presented to the Committee. Authority would therefore be delegated to the Chief Planning Officer to add this condition if the Committee resolved to approve the application.

The Committee considered the impact of the proposal on the adjoining occupiers. It was noted the removal of vegetation on the boundary with the adjoining dwelling could have a detrimental impact resulting in loss of privacy, overlooking and impacting on the enjoyment of the garden of the nearby residents. The Committee agreed that conditions relating to landscaping could be amended or added to address the landscaping on the boundaries of the property to ensure existing vegetation is retained to provide screening between the development and nearby residents.

Decision:

Grant subject to conditions, with delegated authority to the Chief Planning Officer to add an additional condition on nitrates.

Conditions / Reasons:

As per report (Item 3f) and one amended / additional condition relating to landscaping and an additional condition on nitrates.

Amended Condition 5:

Before development commences a scheme of landscaping of the site with specific reference to the boundaries and access drive/frontage to the proposed dwelling shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location) with specific reference to the access drive/frontage area and boundaries of the site;
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) any ecological enhancements as recommended in the Ecological Appraisal and Phase 1 Bat Survey dated July 2019

No development shall take place unless these details have been approved and then only in accordance with those details.

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).

Additional Condition 6 (due to the maintenance being taken out of the condition above):

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

19 DELEGATION OF POWERS TO OFFICERS

RESOLVED:

That the addition to the Scheme of Delegation, PLG 39 and 40, detailed below be approved:

PLG 39	Town and Country Planning Act 1990 (s.198 and s.211) and Planning (Listed Buildings and Conservation Areas) Act 1990, (s.69)	To determine applications to do works to trees that are subject to protection by a Tree Preservation Order, and to impose such conditions on any consent as he or she deems appropriate	Executive Head, or Chief Planning Officer, or Environmental Design Team Leader, or Development Management Team Leader, or Policy and Plans Team Leader or Senior Tree Officer
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PLG 40	Town and Country Planning Act 1990 (s.211) Planning (Listed Buildings and Conservation Areas) Act 1990, (s.69)	To determine whether or not to object to prior notification of an intention to do works to a tree within a conservation area	Executive Head, or Chief Planning Officer, or Service Manager, or Environmental Design Team Leader, or Development Management Team Leader, or Policy and Plans Team Leader or Senior Tree Officer
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20 DATES OF MEETINGS

RESOLVED:

That the following dates of meetings for the Planning Committee (Wednesdays at 9.00 am be approved:

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| 10 June 2020 | 9 December 2020 |
| 8 July 2020 | 13 January 2021 |
| 12 August 2020 | 10 February 2021 |
| 9 September 2020 | 10 March 2021 |
| 14 October 2020 | 14 April 2021 |
| 11 November 2020 | 12 May 2021 |

CHAIRMAN