

9 JUNE 2021

NEW FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 9 June 2021

* Cllr Christine Ward (Chairman)
Cllr Christine Hopkins (Vice-Chairman)

Councillors:

* Ann Bellows
* Sue Bennison
* Hilary Brand
* Rebecca Clark
* Anne Corbridge
* Kate Crisell
* Arthur Davis
* Barry Dunning
* Allan Glass

Councillors:

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

*Present

In attendance:

Councillors:

Jeremy Heron

Officers Attending:

Stephen Belli, Kate Cattermole, Nigel Hewitson, Richard Natt, David Norris,
Karen Wardle and Claire Upton-Brown

Apologies

Apologies for absence were received from Cllrs Hopkins, Reilly, Sevier and Thorne.

4 MINUTES

RESOLVED:

That the minutes of the meetings held on 14 April, 4 May and 5 May 2021 be agreed as correct records and signed by the Chairman.

5 DECLARATIONS OF INTEREST

Cllr Glass disclosed a non-pecuniary interest in application 21/10443 as he had been in contact with an objector of the application. He therefore concluded that there were grounds under common law not to participate in the debate or vote on the application but he was present during the consideration of this item and made a statement on the matter.

Cllr Hawkins disclosed a non-pecuniary interest in applications 21/10214 and 21/10649 as a member of the Planning Committee of New Milton Town Council which had

commented on the applications. Cllr Hawkins did not participate in the debate or vote on the applications but was present during the consideration of the items.

Cllr Ring disclosed a non-pecuniary interest in application 18/11606 as a member of the Planning Committee of Ringwood Town Council which had commented on the application. He concluded that as he had not expressed a view or voted on the application there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

Cllr Ward disclosed a non-pecuniary interest in applications 21/10214 and 21/10649 as a member of New Milton Town Council which had commented on the applications. She concluded that there were no grounds under common law to prevent her from remaining in the meeting to speak and to vote.

6 PLANNING APPLICATIONS FOR COMMITTEE DECISION

a Land off, Snails Lane Blashford, Ellingham, Harbridge & Ibsley (Application 18/11606)

Details:

Outline planning application for the demolition of existing outbuildings and the erection of up to 143 dwellings (including 50% affordable housing), public open space, recreation mitigation land, landscaping, sustainable drainage systems (Suds) and two vehicular access points from Snails Lane and Salisbury Road (Environmental Impact Application Development and effects a Public Right of Way). All matters reserved except for means of access. (AMENDED PLANS RESUBMISSION)

Public Participants:

Helen Ball, Gladman Developments (Applicant)
Jim Spark, representing the views of Blashford Meadows Environmental Protection Group and David Orme, Chairman of Christchurch Bicycle Group (Objector)
Cllr Roly Errington, Ellingham, Harbridge & Ibsley Parish Council

Additional Representations:

Statements were read out on behalf of Cllrs Emma Lane, Forest North West Ward and Michael Thierry, Ringwood North Ward.

The case officer reported that an additional seven objections had been received since the report had been published, which included impact on the public highway, ecology and the environment. There were also concerns in relation to the lack of infrastructure and a question regarding the surfacing on Snails Lane. This had been included in the update note circulated prior to the meeting.

Comment:

Cllr Ring disclosed a non-pecuniary interest in application 18/11606 as a member of the Planning Committee of Ringwood Town Council which had commented on the application. He concluded that as he had not expressed a view or 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 in the debate raised a number of concerns on the outline application which included:

- The principle of the development of Parcel A, located outside of the allocated site. Members felt the proposal would result in loss of the countryside, vegetation and be harmful to the character of the area;
- Overdevelopment of Parcel B of the Strategic site. Members felt that the level of proposed development, being up to 143 homes in Parcel B would not result in a sustainable form of development in terms of density, form and scale. It was also felt that it would be out of character to the rural character of the area. Members acknowledged that the proposed number of houses on the strategic site far exceeded that proposed in the Local Plan;
- Flooding – Members noted that surface water was currently an issue on the site and felt that the applicant had not demonstrated that the site can be developed in a way to address potential flooding, both within the site and that it could result in further flooding outside of the site, impacting on the wider community.

The Chief Planning Officer advised that should the Committee be minded to refuse the application, two additional reasons for refusal be included in relation to the failure to secure the Section 106 agreement, to deliver for example; affordable housing, air quality, monitoring contributions, etc and that the applicant had not demonstrated nitrate neutrality.

Decision:

Refuse

Conditions / Reasons:

1. The proposed development comprising the residential area within 'Parcel A' is considered to be a significant departure from the adopted Development Plan involving new housing development outside the established limits of the settlement boundary and within an area of countryside contrary to the Council's strategy for locating new housing development. As such, the proposed residential development would result in the inappropriate and unjustified urbanisation and encroachment into this countryside area and would result in the loss of trees, vegetation and an open gap which would be out of context with and harmful to this sensitive area. Consequently, the proposed development is contrary to New Forest Local Plan 2016-2036 policies ENV3, ENV4, STR1, STR3 and STR4, Strategic site 15 and saved Local Plan Part 2 policy DM20, as well as government advice on sustainable development principles set out in the National Planning Policy Framework paras 7-11.
2. Whilst the application submitted is an outline application with all matters except for access reserved, it has not been demonstrated that the proposed quantum of development of up to 143 dwellings, can be accommodated on the site in a way that would not result in a density, form and scale of development that would be inappropriate and harmful to the landscape character of this rural edge site. The

proposal is considered to be contrary to New Forest Local Plan 2016-2036 Policies ENV3, ENV 4 and the objectives set out for SS15 Snails Lane as well as with advice set out in Section 12 of the National Planning Policy Framework.

3. There are significant areas of existing surface and standing water, within the area of the application site identified on the submitted plans as 'Parcel B' together with local areas that are susceptible to flooding. It is considered that the proposal provides insufficient information and evidence to fully demonstrate that the proposed development could be developed in a way that will be safe for the lifetime of the development, appropriately flood resistant and resilient from surface water and other flood risk on the site and will not give rise or exacerbate flooding the proposal is considered to be contrary to New Forest Local Plan 2016-2036 policies STR1 and CCC1 and the advice set out in the National Planning Policy Framework and Planning Practice Guidance on flood risk and development.
4. It has not been demonstrated how the proposed development can be delivered without having an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), the Avon Valley Special Protection Area and the River Avon Ramsar site. An Appropriate Assessment has been carried out, with it not being possible to rule out likely significant effects on the integrity of the SAC, SPA and Ramsar site. No mitigation for or control mechanism to ensure likely significant effects would not occur has been or can be secured, as such it would not be possible for the Council, as Competent Authority, to conclude that adverse effects on the integrity of protected habitats would not occur. As such, the proposal does not accord with Regulation 75/77 of the Conservation of Species and Habitats Regulations 2017. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District (outside of the National Park).
5. Lack of securement for Air Quality
In the absence of a completed Section 106 legal agreement to secure a contribution towards air quality monitoring, the proposed development would fail to provide any contribution towards monitoring the impacts of the development on international nature conservation sites. The proposal would therefore be in conflict with Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy.

Lack of securement for recreational mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to

the recreational impacts on European sites, but that the adverse impacts would be avoided if the planning permission were to be accompanied either by a Unilateral Undertaking or if a Section 106 Agreement were to be entered into prior to any decision being made, the effect of which would be that sufficient mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect could be achieved. In the absence of either a Unilateral Undertaking or Agreement, the precautionary principle must be engaged, and the proposal must be considered to result in an adverse impact on protected areas and species, contrary to Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy.

Lack of securement for affordable housing

In the absence of a completed Section 106 agreement to secure any affordable housing, the proposed development would fail to provide affordable housing to address the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the New Forest Local Plan 2016-2036 policies HOU2 and IMPL1.

b Postgates, 25 Barrs Avenue, New Milton (Application 21/10214)

Details:

1.8m to 1.9m boundary fence; 1.9m side gate and fence (next to the public Post Box); new double 1.9m driveway gates on the left hand side of the property (Retrospective)

Public Participants:

None

Additional Representations:

None

Comment:

Cllr 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 participate in the debate or vote on the application but was present during the consideration of the item.

Cllr 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 reference to policy NM13 should be deleted in pages 94 and 95 of the agenda papers. It was also noted that the third paragraph under the design sub heading of page 95 was an officer comment and therefore not be in italics. This had been included in the update note

circulated prior to the meeting.

Cllr Dunning was not present for this item.

Decision:

Grant subject to conditions

Conditions / Reasons:

As per report (Item 3b)

c 270A Christchurch Road, Ringwood (Application 21/10315)

Details:

Replacement of hedge with fence

Public Participants:

Cllr Jeremy Heron, Ringwood South Ward Cllr

Additional Representations:

None

Comment:

It was noted that the majority of the proposed fence was 2 metres in height and therefore Members expressed the view that the fence would detract from the streetscene and the local distinctiveness of the area, which was contrary to the Ringwood Local Distinctiveness Supplementary Planning Document.

Cllr Dunning was not present for this item.

Decision:

Refuse

Conditions / Reasons:

The proposed fence, by reason of its length and height, would detract from the street scene and local distinctiveness of the area. As such it would be contrary to Policy ENV3 of the Local Plan Part One: Planning Strategy and the Ringwood Local Distinctiveness Supplementary Planning Document.

d 2 Brookside Road, Bransgore (Application 21/10333)

Details:

1.9m high boundary fence (Retrospective)

Public Participants:

None

Additional Representations:

A statement was read out on behalf of Jasmine Lockyer (Objector).

Comment:

The case officer reported that the report should state there were three letters of objection and that additional grounds for objection which had not been referred to in the report were that two appeal decisions in the vicinity for fencing had been dismissed and that there was no mention of the wooden building to the front which was out of keeping. These points had been included in the update note circulated prior to the meeting.

Members expressed the view that the fence was detrimental to the character and quality of the area, that it was out of keeping of the area, and had an unacceptable impact on the setting of the New Forest National Park.

Cllrs Davis and Dunning were not present for this item.

Decision:

Refuse

Conditions / Reasons:

The proposed fence as erected is considered to be visually harmful to the character and appearance of this part of Bransgore, which lies in a sensitive semi-rural location adjacent to the New Forest National Park. The fence as erected creates a harsh discordant urbanising element and is considered to be contrary to New Forest Local Plan Policy ENV3 which requires development to contribute positively to local distinctiveness and which should enhance the character and identity of the locality and be appropriate and sympathetic to the environment and context of the site. In addition the location of the fence close to the New Forest National Park has an unacceptable impact on the special qualities and purposes of the National Park and its setting contrary to New Forest Local Plan Policy STR2.

e 7 Ivor Close, Holbury, Fawley (Application 21/10443)**Details:**

Garage in rear of garden (Retrospective)

Public Participants:

Cllr Glass, Holbury & North Blackfield Ward Cllr

Additional Representations:

None

Comment:

Cllr Glass disclosed a non-pecuniary interest as he had been in contact with an objector of the application. He therefore concluded that there were grounds under common law not to participate in the debate or vote on the application but he was present during the consideration of this item and made a statement on the matter.

The case officer clarified that first paragraph of section 9 of the officer report should refer to seven letters of support rather than six. This had been included in the update note circulated prior to the meeting.

Members noted that a concern had been raised that the garage would be used for commercial purposes. It was acknowledged that this would require planning permission. In response to a member question the case officer confirmed that an information note could be included with any planning permission to remind the applicant that the garage could only be used personal use and that if it was used for commercial purposes it would require planning permission.

Cllrs Davis, Dunning and Holding were not present for this item.

Decision:

Grant subject to conditions

Conditions / Reasons:

As per report (Item 3e) and the information note set out below:

The applicant is reminded that the garage hereby approved shall only be used for purposes incidental to the enjoyment of the dwelling, and for no commercial use such as a car repair workshop without a further grant of planning permission.

f Site of Rockdene, 42 Lyminster Road, New Milton (Application 21/10649)

Details:

Variation of condition 2 & 4 of planning permission 19/11409 to allow raised decking area in rear garden of plots 1 and 2 to cover open drainage channel, with amended details of fencing along common boundary with Orchard Grove

Public Participants:

None

Additional Representations:

Since the report had been published, New Milton Town Council had recommended refusal due to overlooking, particularly to the neighbour at 39

Orchard Road contrary to Article 8 of the Human Rights Act. This had been included in the update note circulated prior to the meeting.

Comment:

Cllr 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 participate in the debate or vote on the application but was present during the consideration of the item.

Cllr 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.

Cllrs Davis, Dunning and Holding were not present for this item.

Decision:

Grant the variation of condition

Conditions / Reasons:

As per report (Item 3f)

CHAIRMAN