

9 APRIL 2025

NEW FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 9 April 2025

* Cllr Christine Ward (Chairman)
Cllr Barry Rickman (Vice-Chairman)

Councillors:

* Jack Davies
Philip Dowd
* Richard Frampton
Matthew Hartmann
* David Hawkins
Dave Penny

Councillors:

* Joe Reilly
* Janet Richards
* John Sleep
* Malcolm Wade
* Phil Woods

*Present

In attendance:

Councillors:

Jacqui England

Councillors:

Officers Attending:

Stephen Belli, Tanya Coulter, John Fanning, Justina Hudson, Judith Garrity,
Sophie Tagg, Robert Thain, Joe Tyler and Mark Wyatt

Apologies

Apologies for absence were received from Cllrs Dowd, Hartmann, Penny and Rickman.

35 MINUTES

RESOLVED:

That the minutes of the meeting held on 12th March 2025 be agreed as a correct record and signed by the Chairman.

36 DECLARATIONS OF INTEREST

Cllr J Davies disclosed a non-pecuniary interest in application 22/11424 and explained that he had, as a member of the Lymington and Pennington Town Council Planning Committee, expressed a view on the matter and therefore would remove himself from the Committee for this item. Cllr Davies confirmed that he would be speaking as a Town Councillor on this item.

Cllr J Davies disclosed a non-pecuniary interest in applications 24/10590 and 25/10039 for transparency purposes as a Ward Member of Lymington and

Pennington Town Council. He had not passed comment nor given a view on either of the applications and therefore, concluded there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

Cllr Woods disclosed a non-pecuniary interest in application 24/10976 for transparency purposes as a Ward Member of Fordingbridge Town Council. He had not passed comment or given a view on the application or attended any town council meetings about the application. He concluded there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

37 PLANNING APPLICATIONS FOR COMMITTEE DECISION

a SS6 Land East of Lower Pennington Lane, Pennington, Lymington SO41 8AL (Application 22/11424)

Details:

Erection of up to 82 No. Dwellings, including Access, Highways Works, Public Open Space (POS), Alternative Natural Recreational Greenspace (ANRG), Landscaping and Drainage Attenuation (Outline Application with details of Access and Layout only)

Public Participants:

Mr Bennett Ken Parke Planning Consultants (Agent)

Mrs Susan Hood (Supporter)

Mr Bob Hull on behalf of PALLS (Objectors)

Mr Andrew Ryde (Objector)

Cllr Jack Davies - Pennington Ward Councillor

Cllr Jacqui England - Lymington Ward Councillor

Additional Representations:

One additional public representation received on highway safety.

Comment:

Cllr J Davies disclosed a non-pecuniary interest in application 22/11424 and explained that he had, as a member of the Lymington and Pennington Town Council Planning Committee, expressed a view on the matter and therefore would remove himself from the Committee for this item. Cllr Davies confirmed that he would be speaking as a Town Councillor on this item.

The Committee received the following updates –

New Forest National Park Authority (NFNPA) have published the 15 April 2025 NFNPA Committee Report for the associated application reference 22/01024. The NFNPA recommendation for 22/01024 is:

Subject to a positive recommendation from New Forest District Council in

relation to planning application 22/11424, the prior completion of a section 106 legal agreement in accordance with the above heads of terms and the conditions as set out in this report and as may be updated, the recommendation is the Head of Planning be authorised to grant planning permission subject to the following conditions, including delegated authority for the amendment/ adjustment of conditions where necessary.

HCC Highways has confirmed via email that Lower Pennington Lane was resurfaced in late 2024.

Nine further representations and emails received (as of 8 April 2025).

Oakhaven Hospice

One remaining concern is that the buffer strip and parking is proposed to come under management company control. Oakhaven are concerned about how effective the management of the buffer strip will be under the control of a management company. Concerned that the use of a management company means that there will be no guarantee that the privacy and tranquillity of the hospice is not impacted in any way.

Should this application be successful Oakhaven would ask that the Planning Committee include transfer of ownership of the land for both the buffer strip and car park to the hospice so the hospice can take responsibility for its future upkeep and maintenance as part of its existing estate.

Oakhaven are quite happy for a covenant to be placed on the gifted land preventing any other kind of development on that land.

Pennington and Lymington Lanes Society

In the event of a positive determination, urge NFDC to add a condition to prevent vehicular access through the site via the addition of a traffic control on the spine road. Further detailed highways comments received on 7 April 2025 on pedestrian and cycle access, and traffic impact. Additional comments on dormouse corridor, management of open spaces and the boundary on the northern edge of the application site.

The other seven representations received set out comments on highways, access, ecology, flooding, loss of tranquillity, impact on the hospice, site layout, management of open spaces, impact on character of the Lanes, and impact on residential amenity through new pedestrian access routes.

For reference, the application is Outline with Access and Layout and as such the siting of dwellings is to be determined in this application. The proposed detailed design comprising landscaping, appearance and scale will be determined in a potential later Reserved Matters application.

One additional planning condition on Nitrates: Water Efficiency

No dwelling hereby approved shall be occupied until a water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per

person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed wastewater efficiency calculation must be installed before first occupation and retained thereafter.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

The Committee were provided the following verbal updates at the meeting:

The addition of Plot 42 to Condition 20 (Removal of Permitted Development Rights).

Typo on page 98 of the published Committee Report was corrected to read April 2025 rather than March 2025.

One additional public representation received on highway safety.

Decision:

Refused.

The Committee were concerned, with reference to policy ENV3 points 1 and 2, that there could be potential negative impact on the local area and that the scheme would result in over development as well as an unacceptable density of housing. Members felt that the scheme did not positively affect the site's relationship with the adjoining buildings, spaces and landscape features of the local area and would in fact have an adverse impact on the character and local amenities.

Members commented on the absence of a completed S106 planning obligations to secure, among other things any affordable housing. The Committee were specifically concerned that there could potentially be a failure to provide affordable housing to address the substantial need for affordable housing in the District, conflicting with the New Forest District outside the New Forest National Park) Policy HOU2 (Affordable Housing).

As set out in the report, members cited the fact that there was no safe access to the site as a reason for refusal. Furthermore, members referred to the failure to demonstrate an appropriate means of sustainable drainage systems and as such 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 will not give rise to or exacerbate surface water flooding.

Reasons for Refusal:

1. The application fails to demonstrate that an appropriate means of vehicular access and cycle access can be provided from both Lower Pennington Lane and Ridgeway Lane to the detriment of the ease of use and safety of users of motorised vehicles. The proposal is therefore contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy CCC2 (Safe and sustainable travel) criteria (ii) and (vi), and Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criterion (ii)(e).

2. The application fails to demonstrate an appropriate means of sustainable drainage systems and as such 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 will not give rise to or exacerbate surface water flooding. The proposal is therefore contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy STR1 (Achieving sustainable development) criterion (v) and Policy CCC1 (Safe and Healthy Communities) and the advice set out in the National Planning Policy Framework (December 2024) and the Planning Practice Guidance on flood risk and development.

3. The recreational and Air Quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, the Solent Maritime Special Area of Conservation, and the Solent and Dorset Coast Special Protection Area would not be adequately mitigated in the absence of a completed s106 planning obligation and the proposed development would therefore be likely to unacceptably increase recreational pressures and erode air quality on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites" and the Bird Aware Solent Strategy 2017.

4. In the absence of a completed s106 planning obligation 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 New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy HOU2 (Affordable Housing).

5. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards the improvement and maintenance of Public Rights of Way, the proposed development would result in an unacceptable impact on existing Public Rights of Way that cannot be sufficiently mitigated. The proposal would therefore conflict with New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criteria (ii)(c) and (iii)(d) and Policy CCC2 (Safe and sustainable travel) criteria (i) and (vi).

6. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards off-site Formal Open Space provision, the proposed development would result in an unacceptable impact on existing Formal Open Space provision that cannot be sufficiently mitigated. The proposal would therefore conflict with Local Plan Part 1: Core Strategy 2009 Policy CS7 (Open spaces, sport and recreation).

7. In the absence of a completed s106 planning obligation to secure an appropriate management regime in perpetuity for vehicular parking areas within the application site, the proposal would therefore conflict with New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criterion (iii)(c) and Policy CCC2 (Safe and sustainable travel) criteria (iv).

8. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards off-site Arboricultural works and Pedestrian Access works provision, the proposed development would therefore be contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy CCC2 (Safe and sustainable travel) criterion (i) and Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington criterion (ii)(c) and (d).

9. In the absence of a completed s106 planning obligation to secure an appropriate contribution towards a Travel Plan and associated fees, a financial contribution towards off-site highways and pedestrian access works, footway works, crossing point, passing places and localised road surfacing/ widening, the proposed development would therefore be contrary to the requirements of New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (New Forest District outside the New Forest National Park) Policy CCC2 (Safe and sustainable travel) criterion and Policy Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington

10. By virtue of its built density the proposal would overdevelop the site and the proposal will fail to be sympathetic to the surrounding built form, spaces and landscape features of the area resulting in an adverse impact upon local character and residential amenity. The proposal is contrary to policy ENV3 of the Local Plan Part 1.

b SS17 Land East of Whitsbury Road, Tinkers Cross, Fordingbridge, SP6 1NQ (Application 24/10976)

Details:

68-bed care home (use class C2); 8no. dwellings (use class C3), public open space, provision of an extended residential curtilage for 'Fairmile', new access to Whitsbury Road; closure of the existing access to Whitsbury Road; parking, landscaping, sustainable drainage, and other associated works.

Public Participants:

Mr Martin Hawthorne - Planning Director, Highwood Group

Additional Representations:

None.

Comment:

Cllr Woods disclosed a non-pecuniary interest in application 24/10976 for transparency purposes as a Ward Member of Fordingbridge Town Council. He had not passed comment or given a view on the application or attended any town council meetings about the application. He concluded there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

The Committee received an update from the Case Officer. There was a consultation response from Nature Space (page 152) to change to No objections subject to condition.

Decision:

Delegated Authority was given to the Service Manager (Development Management) to:

- i. Take receipt of and have regard to any comments from Natural England in response to the Council's Appropriate Assessments
- ii. The prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:
 - Habitat Mitigation contribution towards infrastructure and non-infrastructure costs.
 - Air Quality monitoring contribution for both elements of the development.
 - Play space off site contribution arising from market dwellings.
 - Formal play off site contribution
 - Securing sustainable transport pedestrian link along southern boundary.
 - Submission of a full Travel Plan in respect of the Care Home element.
 - Section 278 Agreement for new junction onto Whitsbury Road.
 - Contribution towards connecting link to public footpath 83.

- Contribution towards improvements and maintenance of local rights of way.
- County Council preparation of agreement charge.

Then **GRANT PERMISSION** subject to the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the comments from Natural England and due to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

Reasons/Conditions:

As set out in the report.

c SS5 Land North of Milford Road, Pennington, Lymington (Application 24/10590)

Details:

54 residential dwellings including affordable housing; change of use of land for public open space including Alternative Natural Recreational Greenspace (ANRG); new vehicular access onto Milford Road, new pedestrian and cycle links & other infrastructure, including connection to the strategic foul network, surface water management and associated ground works.

Public Participants:

Mr Phillip Brannon – Director of Development, Colten

Additional Representations:

None.

Comment:

Cllr J Davies disclosed a non-pecuniary interest in application 24/10590 for transparency purposes as a Ward Member of Lymington and Pennington Town Council. He had not passed comment nor given a view on the application and therefore, concluded there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

Decision:

Delegated Authority be given to the Service Manager (Development Management) to reconsult Natural England on the Appropriate Assessment and have regard to their advice and to **GRANT PERMISSION** subject to:

- the prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the matters set out in the report; and
- the imposition of the conditions set out in the report and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the advice

from Natural England and the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

Conditions/Reasons:

Conditions as set out in the report.

d Woodbury, 2 Viney Road, Lymington, SO41 8FF (Application 25/10039)

Details:

Replacement dwelling.

Public Participants:

Mr Chris Meill on behalf of Mr & Mrs Thorne (Applicants)

Mr Jonathan Meeson (Objector)

Mrs Eirlys Jenkins (Objector)

Cllr Jacqueline England - Lymington Ward Councillor

Cllr Alan Penson – Lymington and Pennington Town Councillor

Additional Representations:

One further objection, one further letter of support – the number of representations remain the same as published in the officer report as both representees have already commented.

Comment:

Cllr J Davies disclosed a non-pecuniary interest in application 24/10039 for transparency purposes as a Ward Member of Lymington and Pennington Town Council. He had not passed comment nor given a view on the application and therefore, concluded there were no grounds under common law to prevent him from remaining in the meeting to speak and to vote.

The Case Officer provided an update to the Committee. There was an update to condition 2 – existing plans 210 2. The development permitted shall be carried out in accordance with the following approved plans: Supporting Statement Preliminary Roost Assessment by Arbtech dated June 2024 Bat Emergence and Re-entry Surveys by Arbtech dated September 2024 Air Quality Statement Climate Change Statement LP.01 REV F Location Plan EE.01 REV A Existing Elevations EP.01 REV A Existing Floor Plans PE.01 Proposed Elevations PE.02 REV A Proposed Elevations PP.01 REV A Proposed Ground Floor Plan PP.02 REV B Proposed First Floor Plan SS.01 Street Scene CP.01 Comparable Ground Floor Plan Reason: To ensure satisfactory provision of the development.

Decision:

Grant permission subject to conditions.

Conditions/Reasons:

As set out in the report.

e Avondale Lodge Care Home, Hythe Road, Marchwood, SO40 4WT (Application 24/10391)

Details:

Change of use from care home to house in multiple occupation (HMO).

Public Participants:

Mrs Wendy Osman, Avondale Care Home - (Applicant)

Mr Michael Sims (Objector)

Additional Representations:

None.

Comment:

Cllr J Davies was not present for this item.

Decision:

Refuse

Conditions/Reasons:

The proposed development would represent an overly intensive form of development which would fail to provide a suitable living environment for future residential occupants. It is considered that the reduction and overall poor quality of external amenity space exacerbates concerns about a poor-quality internal living environment and the cumulative impact would result in a poor quality living environment for proposed residential occupiers. The proposal would thereby constitute poor design which would be symptomatic of the overintensive nature of the proposed residential use. For these reasons, the proposal would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the provisions of Chapter 13 and paragraph 135 of the National Planning Policy Framework (2024).

The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Special Protection Area, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy

ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

f 2 Kings Ride, Langley, Fawley, SO45 1ZN (Application 25/10021)

Details:

Single-storey side extension to form porch & garage conversion; rear detached garage.

Public Participants:

Mrs Withey (Objector)

Additional Representations:

None.

Comment:

Cllr J Davies was not present for this item.

Decision:

Grant subject to conditions.

Conditions/Reasons:

As set out in the report.

g 9 New Road, Ringwood, BH24 3AU (Application 25/10035)

Details:

Use of existing office / outbuilding as holiday let.

Public Participants:

Mr Richard Crane, RCA Architecture (Agent)

Additional Representations:

None.

Comment:

Cllr J Davies was not present for this item.

Decision:

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i. the completion by of a planning obligation entered into by way of a Section 106 Agreement or Unilateral Undertaking to secure the matters set out in the report; and
- ii. the imposition of the conditions set out in the report.

Conditions/Reasons:

As set out in the report.

h 3 Hiltom Road, Ringwood, BH24 1PW (Application 25/10107)

The item was withdrawn from the agenda.

i 39 Northfield Road, Ringwood, BH24 1LT (Application 25/10116)

The item was withdrawn from the agenda.

CHAIRMAN