

REPORT OF CABINET

(Meeting held on 5 January 2005)

1. NEW FOREST DISTRICT LOCAL PLAN FIRST ALTERATION – PROPOSED MODIFICATIONS (REPORT C – 3 NOVEMBER 2004)

The Cabinet has considered proposed modifications to the deposited Plan in response to the Inspector's recommendations, following consideration of this matter at a joint meeting of the Economy and Planning Review Panel and Planning Development Control Committee on 14 December 2004.

In a national context, 98% of Inspectors' recommendations are accepted by Councils. As Councils are normally expected to accept Inspectors' recommendations, changes should only be made after careful consideration of the recommendations, with an open mind, and giving clear reasons based on sound planning grounds. Failure to act in this way could lead to objectors taking legal action against the Council.

The Cabinet considered that the Panel and the Committee had worked well together to arrive at their recommendations to the Cabinet, and that meeting's recommendations should be agreed. The report to the Cabinet from the joint meeting is attached at Appendix 1 to this report.

RECOMMENDED:

- (i) That, having considered the Inspector's recommendations, the responses set out in Report A and in Appendix 1, and the modifications to the deposited New Forest District Local Plan First Alteration set out in Appendix 2, be agreed;**
- (ii) That the Head of Policy, Design and Information be authorised to make any necessary consequential changes and further editing changes in preparing for publication the proposed modifications and the Council's response to all of the Inspector's recommendations;**
- (iii) That the matters set out in recommendations (i) and (ii) be put on deposit for a 6 week period for public consultation; and**
- (iv) That the following changes to be made to the officers' report:**

Revisions to Appendix 1: Inspector's Recommendations and Proposed Responses

- (a) Appendix 1, Page 3, Policy H-1A (Release of sites for Housing Development)**

Revise Proposed NFDC response to: Accept in part – see paras. 3.25 to 3.37 of Main Report. Also add additional text to clarify phasing considerations relating to housing reserve site provision.

- (b) **Appendix 1, Pages 8-9, Paragraph C1.1C relating to Policy DW-E1A: Density and Mix of Housing Development**

Revise Proposed NFDC response to: Reject proposed definition of sites close to town centres as “those within 400m” and retain as “those within about 100m”. 400m is too wide in terms of closeness and accessibility to the town centres given the relative small size of the District’s towns and town centres, and would have an adverse impact on the character of towns in the District.

- (c) **Appendix 1, Pages 10-11, Paragraph C3.9 relating to Strategic Gaps**

Revise Proposed NFDC response to: Accept with revisions to wording of final 2 sentences clarifying relationship between Dibden Bay and Strategic Gap policies.

Revisions to Appendix 2: Proposed Modifications

- (d) **Appendix 2, Page 10, Modification B3A/Mod 5:**

- (i) **Add to the end of Policy H-1A (Release of sites for Housing Development), the following wording:**

Before a reserve site is released for development, the local planning authority will produce a Supplementary Planning Document including guidance on the phasing of development having regard to the overall land supply position. If a reserve site is required it may be necessary to release only part of the identified land during the Plan period.

- (ii) **Add to the end of Reason for Policy H1-A change:**

To clarify phasing considerations relating to housing reserve site provision.

- (e) **Appendix 2, Page 23, Modification C1/Mod2,**

- (i) **Delete proposed modification to para C1.1C (i.e. retain 100m as definition of “close to town centres” rather than 400m)**

- (ii) **Amend Reason to refer only to para. 3.2.33.**

(f) Appendix 2, Pages 30-31, Modification C3/Mod3,

- (i) Delete last 2 sentences of paragraph C3.9 (Strategic Gaps) and replace with:**

Structure Plan Review Policy EC6 states that port development may be permitted within this area at Dibden Bay provided that the need for the development outweighs its impact on: (i) areas of importance to nature conservation, (ii) the conservation, landscape and ecology of the New Forest and (iii) local communities. If port proposals on this site meeting the requirements of Structure Plan Review Policy EC6 are granted planning permission and are carried out, then that part of the Strategic Gap would be over-ridden, but the amount of land taken for development should be minimised to retain as much of the Strategic Gap as possible.

- (ii) Add to Reason for change:**

Clarification of relationship of Strategic Gap policy to Dibden Bay policy.

(g) Appendix 2, Page 43

- (i) Add modification deleting policy DW-T3A (A326/ A35 junction, Colbury) and associated text in paragraphs C9.25A and C9.26A.**

- (ii) Add to Reason for change:**

Updating – the proposal has been implemented.

Cllr M J Kendal
CHAIRMAN

CABINET – 5 JANUARY 2005

**NEW FOREST DISTRICT LOCAL PLAN FIRST ALTERATION –
PROPOSED MODIFICATIONS – RECOMMENDATIONS FROM
MEETING OF ECONOMY AND PLANNING REVIEW
PANEL/PLANNING DEVELOPMENT CONTROL COMMITTEE –
14 DECEMBER 2004**

1. INTRODUCTION

- 1.1 On Tuesday, 14 December 2004, the Economy and Planning Review Panel and Planning Development Control Committee held a meeting to consider proposed modifications to the deposited Plan in response to the Inspector's recommendations.

2. PANEL/COMMITTEE COMMENTS

- 2.1 The Panel/Committee's comments and recommendations to Cabinet are set out below:
- 2.2 Members were reminded that in a national context, 98% of Inspectors' recommendations were accepted by Councils. As Councils were normally expected to accept Inspectors' recommendations, changes should only be made after careful consideration of the recommendations, with an open mind, and giving clear reasons based on sound planning grounds. Failure to act in this way could lead to objectors taking legal action against the Council.
- 2.3 Members referred to page 59 of Appendix 2, in particular the references to access to/ ability to use/ backup grazing land. Some members felt that there was insufficient clarity in the wording "have the ability to use land ..." that had replaced "have access to". Officers pointed out that there was an existing policy in the Local Plan concerning backup grazing land, and the Inspector's recommendation represented supplementary wording. Officers advised that at this stage in the Local Plan Review, it was not possible to introduce new policy, but that the issue of protection of off-Forest grazing land was an important issue for consideration in the Local Development Framework.
- 2.4 Members discussed housing requirements and provision figures, including the baseline and reserve requirements for the additional number of dwellings in the District. The current indication was that it was unlikely that any reserve sites would need to be released before 2011, but this might change.
- 2.5 Members also considered the Inspector's recommendations on the reserve employment land policy, particularly in respect of Crow Lane, Ringwood.
- 2.6 Members referred to paragraph 3.35 of Report A, which illustrated the total identified reserve provision of 620 dwellings, which exceeded the Structure Plan requirement of 500 dwellings. Members felt that this may not be the most prudent approach in terms of protecting the District as far as possible against development. It was felt the reserve provision needed to be closer to the Structure Plan requirement. It was pointed out that there needed to be some contingency to ensure that the Structure Plan requirements were met, in case certain developments did not come forward. Nonetheless, members wished to

see some additional restriction, and it was agreed to recommend an addition to the Local Plan Review stating that the release of reserve sites should be phased so as to minimise the possibility of exceeding the Structure Plan requirement of 500 dwellings.

- 2.7 Members discussed the principle of protecting green belt sites that were surrounded by development, for example Pinetops Nursery, but did not propose any changes to the officers' report.
- 2.8 Members considered the issues arising from the Inspector's recommendations concerning affordable housing site thresholds, particularly in relation to Bransgore. Members agreed that Bransgore should be subject to the lower site threshold and Policy AH-2.
- 2.9 In respect of the Inspector's recommendations on Calshot (policies CA-2 and CA-3) members noted that the Inspector had recommended that the regeneration policies for Calshot Village, including the housing allocation on the Top Camp/Flying Boat Inn site, be deleted from the Plan. Members were disappointed with this outcome, but did not feel there was any prospect of overturning the decision given the strength of opposition from various organisations. The matter would be reviewed at some point, as there were long term aspirations which needed to be addressed. In the meantime, there did not appear to be any justification for rejecting the Inspector's recommendation.
- 2.10 In respect of page 21 of Report A, paragraph 3.63, Dibden Bay, members felt an amendment was necessary to the fourth bullet point. Members requested that the final sentence should be revised to the effect that the strategic gap between Hythe and Marchwood should be protected as far as possible, notwithstanding whether any future port proposals on the site met the requirements of the Structure Plan review policy EC6. Officers undertook to review the wording in such a way that would retain the members' view of the importance of the strategic gap, whilst retaining the Inspector's intention.
- 2.11 Members considered page 23 of Report A, paragraph 3.69 to 3.73, on density of housing development. Concern was expressed about the guidance relating to the definition of "close to town centres" for the purposes of density of new development. The District Council's proposal was for a 100 metre distance. The Inspector was recommending that the distance should be 400 metres. Members felt the 400 metre figure excessive in relation to the relatively small size of the District's towns and town centres. For example in New Milton, the 400 metre mark could stretch as far as Barton-on-Sea. It was felt that this 400 metre zone was too wide in terms of closeness and accessibility to the town centres, that it would lead to over development and would spoil the character of the District's towns. It appeared to go against SEEDA objectives and market town initiatives. There was a related discussion about the point from which the 400 metre distance might be measured.

- 2.12 After a detailed debate, which included full consideration of the Inspector's conclusions and recommendations, the Chairman asked for informal views and the majority of members present objected to the 400 metre distance, and preferred the 100 metre distance for the reasons already stated in the previous paragraph.
- 2.13 Members noted the replacement pages for Appendix 2 which had been circulated some days prior to the meeting. Officers explained that these had been circulated because it was felt that they were clearer maps than those already provided and they included some changes. It was noted that the black lines denoted "other shop frontages".
- 2.14 Officers undertook to update the plan in respect of the Colbury A35 junction, which had now been implemented.

3. RECOMMENDATIONS:

- 3.1 The Economy and Planning Review Panel and the Planning Development Control Committee recommend as follows:-

That subject to the revisions set out in (iv) below,

- (i) Having considered the Inspector's recommendations, the responses set out in Report A and in Appendix 1, and the modifications to the deposited New Forest District Local Plan First Alteration set out in Appendix 2, be agreed;
- (ii) The Head of Policy, Design and Information be authorised to make any necessary consequential changes and further editing changes in preparing for publication the proposed modifications and the Council's response to all of the Inspector's recommendations;
- (iii) The matters set out in recommendations (i) and (ii) be put on deposit for a 6 week period for public consultation;
- (iv) That the members of Planning Development Control Committee and the Economy and Planning Review Panel wish the following changes to be made to the officers' report:

Revisions to Appendix 1: Inspector's Recommendations and Proposed Responses

- (a) Appendix 1, Page 3, Policy H-1A (Release of sites for Housing Development

Revise Proposed NFDC response to: **Accept in part – see paras. 3.25 to 3.37 of Main Report. Also add additional text to clarify phasing considerations relating to housing reserve site provision.**

- (b) Appendix 1, Pages 8-9, Paragraph C1.1C relating to Policy DW-E1A: Density and Mix of Housing Development

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Revise Proposed NFDC response to: **Accept with revisions to wording of final 2 sentences clarifying relationship between Dibden Bay and Strategic Gap policies.**

Revisions to Appendix 2: Proposed Modifications

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Background Papers:

Published Documents