

**PLANNING DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 12 AUGUST  
2015**

**UPDATES FOR COMMITTEE**

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## PLANNING DEVELOPMENT CONTROL COMMITTEE - 12 AUGUST 2015

### UPDATES FOR COMMITTEE

#### **Item 3(a) - Land at Embankment Way, Ringwood (Application 14/11763)**

Following publication of the report further comments have been received from Environmental Health (Pollution) that do not raise objection to the application and state that, in the absence of details about the potential impact on the local air quality from vehicles accessing and exiting the site, a condition should be imposed to require the submission of an air quality assessment. A condition is also required to secure a scheme to control noise from the development (condition nos. 13 and 12 respectively in the recommendation).

In addition the footway/cycleway which is proposed and would be secured by condition no. 5, would also need to be the subject of a Section 38 Agreement with Hampshire County Council.

Revise the wording of condition No. 5 to read as follows:

Details of the width, alignment, gradient and type of construction proposed for the footway/cycleway to be to an adoptable standard shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. The development shall not be occupied until the proposed footway/cycleway has been constructed and made available to the public and thereafter maintained and retained in perpetuity.

Reason as printed in the report.

#### **Item 3(b) - Land adjacent 13 New Street, Ringwood (Application 15/10483)**

The Applicant has confirmed that they maintain their position that the affordable housing contribution would make their scheme unviable, however, the Council's Valuer is of a contrary view, as set out in the report.

In addition, Members' attention is drawn to the following message that was sent to them by the Head of Planning and Transportation in respect of affordable housing which is self-explanatory:

"Dear Councillor,

It is very likely that you will be aware of this issue from lobbying by applicants and public participation at the Planning Development Control Committee. In essence, back in November 2014, the then Secretary of State for Communities and Local Government issued written guidance telling planning authorities that they should not seek affordable housing contributions on developments of 10 or less houses. This was then written into national planning practice guidance. The reasoning was that this put an unfair burden on small builders who the Government were trying to encourage to build more houses.

New Forest District Council were unhappy with this because we had only just adopted our Local Plan Part 2 which required all residential developments to contribute to affordable

housing supply. We had conducted extensive viability studies to justify this policy and these showed that the majority of such developments were viable if these contributions were paid. We also said that any developer could submit a case on the basis of a specific scheme to show that it wasn't viable and that if we agreed we would waive some or all of the contributions. As a result of these concerns we decided not to follow the ministerial guidance but to assert that our Local Plan policy took precedence over it unless an individual viability case was submitted and agreed. This has resulted in much criticism from developers and their agents that we were not following government policy and that appeals would be allowed and we would have to pay substantial costs awards if we maintained our stance. Two local authorities who held the same view as ourselves, Reading and West Berkshire, challenged the SoS guidance via a judicial review. The decision on this has just been announced. It was that the SoS guidance was unlawful and was quashed. The planning practice guidance was also withdrawn as a result of the decision which upheld the primacy of the Councils own planning policies over ministerial statements where they were not properly substantiated or introduced by legislation. I am very pleased by this decision as it means that we can continue to apply our own policies on small scale developments seeking to achieve affordable housing or contributions where it will not compromise the viability of any individual scheme. We have not had any costs awarded against us as a result of the stance we have taken and I hope that a number of outstanding appeals will now be withdrawn. We will continue to monitor the position carefully as the Government may appeal or seek to reintroduce their approach using a different mechanism."

**Item 3(f) - 1 Butts Ash Avenue, Hythe (Application 15/10758)**

The Applicant has raised concerns that the changes that have been made to the scheme following the previous refusal of planning permission have not been referred to in the report. However, paragraph 14.3 of the report alludes to the changes that have been made and paragraph 14.4 refers to Officer's concerns with the scheme. The Applicant's comments in support of the application are available on the website, as are the plans of both the current proposal and the previously refused scheme (these plans will also be available at the meeting).